

**Table of Contents**  
**Technical Requirements**

---

<b>1450.0000</b>	<b>Child In Care .....</b>	<b>1</b>
1450.0004	Technical Factors (CIC) .....	1
<b>1450.0100</b>	<b>CITIZENSHIP/NONCITIZEN STATUS (CIC) .....</b>	<b>1</b>
1450.0101	Declaration of Citizenship/Noncitizen Status (CIC).....	2
1450.0102	Definition of U.S. Citizenship (CIC).....	2
1450.0103	Verification Sources for U.S. Citizens (CIC) .....	3
1450.0104	Noncitizens (CIC) .....	3
1450.0105	Qualified Noncitizens (CIC).....	3
1450.0106	Lawful Permanent Resident (CIC) .....	4
1450.0106.01	Noncitizens Serving in the United States Armed Forces (CIC) .....	4
1450.0106.02	Amerasians (CIC) .....	5
1450.0107	Asylees (CIC) .....	5
1450.0108	Refugees (CIC) .....	6
1450.0109	Victims of Human Trafficking (CIC).....	6
1450.0110	Parolees (CIC).....	7
1450.0111	Deportation Withheld (CIC) .....	7
1450.0112	Cuban/Haitian Entrants (CIC) .....	7
1450.0113	Battered (CIC) .....	8
1450.0114	Verification Requirements for Noncitizens (CIC) .....	9
1450.0115	VIS-CPS (CIC) .....	10
1450.0116	Lawfully Residing Noncitizen Children up to age 19 (CIC) .....	10
1450.0117	Assistance for Ineligible Noncitizens (CIC) .....	11
1450.0118	Noncitizens not Eligible for Assistance (CIC).....	11
<b>1450.0200</b>	<b>SOCIAL SECURITY NUMBER (CIC).....</b>	<b>11</b>
1450.0203	Special Procedures for Children Pending Adoption (CIC) .....	12
1450.0204	When SSN is Not Provided/Refusal to Apply (CIC) .....	12
1450.0205	Suspected and Confirmed Multiple SSNs (CIC) .....	12
1450.0206	SSN Application Follow-Up (CIC) .....	12
1450.0207	SSNs Not Validated Through Data Exchange (CIC).....	12
<b>1450.0300</b>	<b>RESIDENCY (CIC) .....</b>	<b>12</b>
1450.0303.01	Residency Requirements (CIC) .....	13
1450.0303.02	Residents of Florida (CIC) .....	13
1450.0304.01	Interstate Placements (CIC) .....	13
1450.0304.02	Delinquent Youth in Residential Facilities (CIC).....	14
1450.0309	Residency Verification (CIC) .....	14
1450.0310	Temporary Absence from the State (CIC) .....	14
<b>1450.0500</b>	<b>AGE (CIC).....</b>	<b>14</b>
1450.0502	Age Requirements for Children (CIC) .....	14
1450.0504	Definition of a Child (CIC) .....	14
1450.0505	Verification of Age (CIC) .....	14
<b>1450.0700</b>	<b>DEPRIVATION (CIC).....</b>	<b>15</b>
1450.0701	Who is considered a Parent (CIC) .....	15
1450.0702	Definition of Biological Father (CIC).....	15
1450.0703	Definition of a Legal Father (CIC) .....	15
1450.0704	When an Individual Becomes a Parent (CIC) .....	16
1450.0705	Ceremonial Marriage (CIC) .....	16
1450.0706	Biological Parents (CIC).....	16
1450.0707	Common-Law Marriage (CIC).....	16
1450.0708	Establishment of Paternity (CIC).....	16

## Table of Contents Technical Requirements

1450.0709	Adoption (CIC).....	17
1450.0712	Reasons for Deprivation (CIC).....	17
1450.0713	Deprivation Due to Death (CIC).....	17
1450.0714	Deprivation Due to Single Parent Adoption (CIC).....	18
1450.0715.01	Continued Absence of One or Both Parents (CIC).....	18
1450.0715.02	Reasons for Continued Absence (CIC).....	18
1450.0716	Marital Separation (CIC).....	18
1450.0717.01	Incarceration (CIC).....	18
1450.0717.02	Incarceration Ends (CIC).....	19
1450.0718	Determination of Desertion (CIC).....	19
1450.0719	Divorce (CIC).....	19
1450.0720.01	Prohibition against Living with Child (CIC).....	20
1450.0720.02	Temporary Removal of Custody (CIC).....	20
1450.0720.03	Deportation of a Parent (CIC).....	20
1450.0720.04	Resident Citizen of a Foreign Country (CIC).....	20
1450.0721.01	Other Continued Absences (CIC).....	20
1450.0721.02	Verification - Other Continued Absences (CIC).....	21
1450.0722	Incapacity (CIC).....	21
1450.0722.01	Definition of Incapacity (CIC).....	21
1450.0722.02	Verification of Incapacity (CIC).....	21
1450.0722.03	Gathering Incapacity Information Applications (CIC).....	21
1450.0722.04	Gather Incapacity Information Ongoing (CIC).....	21
1450.0722.05	Resuming Level of Employment/Care (CIC).....	22
1450.0724.01	Unemployment/Underemployment (CIC).....	22
1450.0724.05	Verification of Unemployment/Underemployment (CIC).....	22
<b>1450.0800</b>	<b>LIVING IN THE HOME (CIC).....</b>	<b>22</b>
1450.0801	Living in the Home of a Specified Relative (CIC).....	22
1450.0802	Definition of Parent/Specified Relative (CIC).....	22
1450.0803	Verifying Parenthood/Specified Relationship (CIC).....	23
1450.0804	Sources of Verification (CIC).....	23
1450.0805	Definition of Living in the Home (CIC).....	24
1450.0806	Verification/Documentation (CIC).....	24
1450.0807	Temporary Absence from the Home (CIC).....	25
1450.0808	Children Who Remain Hospitalized (CIC).....	25
<b>1450.1400</b>	<b>REQUIREMENT TO FILE FOR OTHER BENEFITS (CIC).....</b>	<b>25</b>
<b>1450.1500</b>	<b>RECEIPT OF OTHER BENEFITS (CIC).....</b>	<b>26</b>
1450.1501	Receipt of Title IV-E Foster Care Benefits (CIC).....	26
1450.1502	Receipt/Eligibility of Title IV-E (CIC).....	26
<b>1450.1700</b>	<b>CHILD SUPPORT COOPERATION (CIC).....</b>	<b>26</b>
1450.1703	Child Support Cooperation Requirement (CIC).....	26
1450.1704	Definition of Cooperation (CIC).....	26
1450.1705.01	Definition of Non-custodial Parent (CIC).....	27
1450.1705.02	Legal Father and Natural Father (CIC).....	27
1450.1707	Good Cause for Failure to Cooperate (CIC).....	27
1450.1708	Reasons for Good Cause (CIC).....	27
<b>1460.0000</b>	<b>Refugee Assistance Program .....</b>	<b>28</b>
<b>1460.0100</b>	<b>CITIZENSHIP/NONCITIZEN STATUS (RAP).....</b>	<b>28</b>
1460.0101	Declaration of Citizenship/Noncitizen Status (RAP).....	28
1460.0102	Definition of U.S. Citizenship (RAP).....	29

## Table of Contents

### Technical Requirements

---

1460.0103	Verification Sources for U.S. Citizens (RAP) .....	30
1460.0104	Noncitizens (RAP) .....	30
1460.0105	Qualified Noncitizens (RAP).....	30
1460.0106	Lawful Permanent Resident (RAP) .....	30
1460.0106.02	Amerasians (RAP) .....	31
1460.0107	Asylees (RAP) .....	31
1460.0108	Refugees (RAP) .....	31
1460.0109	Victims of Human Trafficking (RAP).....	32
1460.0110	Cuban/ Haitian Parolees (RAP) .....	33
1460.0111	Cuban/ Haitian Deportation Withheld (RAP) .....	33
1460.0112	Cuban/Haitian Entrants (RAP) .....	33
1460.0114	Verification Requirements for Noncitizens (RAP) .....	34
1460.0115	VIS-CPS (RAP) .....	35
1460.0117	Noncitizens not Eligible for Assistance (RAP) .....	35
<b>1460.0300</b>	<b>RESIDENCY (RAP).....</b>	<b>35</b>
1460.0301	Residency of Homeless Individuals (RAP).....	35
1460.0303.01	Residency Requirements (RAP).....	35
1460.0303.02	Residents of Florida (RAP) .....	36
1460.0303.03	Residency for Employment (RAP) .....	36
1460.0309	Residency Verification (RAP).....	36
1460.0310	Temporary Absence from the State (RAP) .....	36
<b>1460.0506</b>	<b>Verification of Student Status (RAP) .....</b>	<b>36</b>
<b>1460.0900</b>	<b>SPONSOR VERIF./CONTACT WITH RESETTLEMENT AGENCY (RAP).....</b>	<b>37</b>
1460.0901	Contact with Resettlement Agency (RAP) .....	37
1460.0902	Responsibilities for Contact (RAP).....	37
1460.0903	Verification of Sponsor/Resettlement Agency (RAP).....	37
<b>1460.1400</b>	<b>REQUIREMENT TO FILE FOR OTHER BENEFITS (RAP) .....</b>	<b>38</b>
<b>1460.1900</b>	<b>EMPLOYMENT AND TRAINING (RAP) .....</b>	<b>38</b>
1460.1902	Explanation of Benefits (RAP).....	38
1460.1903	Notification of Changes (RAP) .....	39
1460.1904	Determination of Participation Status (RAP) .....	39
1460.1906	Exemptions from Employment & Training (RAP).....	40
1460.1906.01	Individuals under 16 (RAP).....	40
1460.1906.02	Age 65 or Older (RAP).....	40
1460.1906.03	Full-Time Students (RAP).....	40
1460.1906.04	Permanent Impairment or Incapacity (RAP).....	40
1460.1906.05	Required Presence in the Home (RAP).....	41
1460.1906.06	Temporary Illness or Injury (RAP) .....	41
1460.1906.07	Child Under Three Years (RAP) .....	42
1460.1906.12	Individuals Employed 30 Hours per Week (RAP).....	42
1460.1906.14	Pregnancy in Second Trimester (RAP).....	43
1460.1906.15	Residents in Counties Not Served by RAP E&T (RAP).....	43
1460.1917	Length of Penalty Periods (RAP) .....	43
1460.1919	Penalties for Failure of FS Individual to Comply (RAP) .....	43
1460.1924	Participation Following Penalties (RAP).....	43

## 1450.0000 Child In Care

Each program has technical (nonfinancial) factors that must be considered to determine eligibility. In addition, a number of additional technical factors must be considered dependent upon the type of assistance an individual is applying for.

The eligibility specialist must determine if each individual meets the appropriate requirements for the type of assistance requested. If the individual does not meet the applicable requirements, the individual is technically ineligible. The eligibility specialist must keep in mind that these factors will not always apply to all types of assistance.

### 1450.0004 Technical Factors (CIC)

For Title IV-E Foster Care, the technical factors that may be considered are:

1. citizenship/noncitizen status,
2. Social Security number,
3. residency,
4. age,
5. deprivation,
6. living in the home of a specified relative,
7. receipt of other benefits,
8. cooperation with child support, and
9. assignment of support rights for third party liability.

For Title IV-E and non-Title IV-E Emergency Shelter Care, non-Title IV-E Foster Care, and Title IV-E and non-Title IV-E Adoption Assistance, the technical requirements to be considered are:

1. citizenship/noncitizen status,
2. Social Security number,
3. residency,
4. age,
5. cooperation with child support, and
6. assignment of support rights for third party liability.

For Delinquency (non-Title IV-E) and Independent Living (non-Title IV-E), the technical requirements to be considered are:

1. citizenship/noncitizen status,
2. Social Security number,
3. residency,
4. age,
5. cooperation with child support, and
6. assignment of support rights for third party liability.

### 1450.0100 CITIZENSHIP/NONCITIZEN STATUS (CIC)

The eligibility specialist must evaluate the citizenship/noncitizen status for each individual as a condition of eligibility for public assistance. Citizenship information on 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 BCIS status. Citizenship/noncitizen requirements must be met in order to establish eligibility.

**1450.0101 Declaration of Citizenship/Noncitizen Status (CIC)**

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 each individual 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 on behalf of children under age 21.

**1450.0102 Definition of U.S. Citizenship (CIC)**

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.

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

A child acquires citizenship 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 alien status.

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 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. Counsel are considered U.S. citizens.

A child born abroad to unmarried parents 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 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 is 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.

#### **1450.0103 Verification Sources for U.S. Citizens (CIC)**

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.

For all programs, the individual's verbal statement attesting to U.S. citizenship and the signature of one adult household member on the Declaration of Citizenship form must be accepted, unless questioned. This policy applies to all individuals claiming U.S. citizenship, including those who are naturalized and those born abroad to U.S. citizens. Staff must not use a voided Puerto Rican birth certificate for proof of citizenship after September 30, 2010.

**Note:** Only one signature from an adult household member is needed on the Declaration of Citizenship form.

#### **1450.0104 Noncitizens (CIC)**

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

A North American Indian born outside the United States, who is residing in the U.S. is eligible for Medicaid benefits, based on the factor of noncitizen 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 temporary I-551 stamp in a Canadian passport,
3. I-94 with code S-13, or
4. 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.

#### **1450.0105 Qualified Noncitizens (CIC)**

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

**1450.0106 Lawful Permanent Resident (CIC)**

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 Medicaid 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.

Proof of this status includes:

1. resident alien card, (I-551) (commonly referred to as a "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 entered after 8/22/96 are subject to the five-year ban, except lawfully residing children up to age 19.

LPRs who are in the five-year ban may be eligible for Emergency Medicaid for Aliens, (EMA).

**1450.0106.01 Noncitizens Serving in the United States Armed Forces (CIC)**

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 Medicaid 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 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.

#### **1450.0106.02 Amerasians (CIC)**

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 Medicaid, 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.

#### **1450.0107 Asylees (CIC)**

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 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 indicating this status is granted,
5. 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.

**1450.0108 Refugees (CIC)**

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.

**1450.0109 Victims of Human Trafficking (CIC)**

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 ORR will verify whether or not the individual is a trafficking victim.

Certain family members of victims of human trafficking are now potentially eligible for Medicaid. 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 90th day falls.

**1450.0110 Parolees (CIC)**

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 for 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.

**Note:** These individuals are subject to the five-year ban if the entry date is after 8/22/96 except lawfully residing children up to age 19.

**1450.0111 Deportation Withheld (CIC)**

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 Medicaid on the factor of noncitizen status.

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.

**1450.0112 Cuban/Haitian Entrants (CIC)**

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;
  - 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; or
  - d. has special immigrant juvenile status.

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, or
5. other conclusive documentation of this status.

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

**1450.0113 Battered (CIC)**

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 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.

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; 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:** These individuals are subject to the five-year ban if entry is after 8/22/96 except lawfully residing children up to age 19.

**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 noncitizen's advantage such as sponsored noncitizens.

#### **1450.0114 Verification Requirements for Noncitizens (CIC)**

The eligibility specialist must verify the immigration status of all non-U.S. citizens applying for or receiving public assistance benefits through the U.S. Citizenship and Immigration Service (USCIS). Automated verification by telephone is performed first in most cases using the Systematic Alien Verification for Entitlement System (SAVE). If automated verification is not available or further verification is required, manual verification must be used by requesting the information directly from USCIS using USCIS Form G-845 and G845S supplemental form.

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 SAVE 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 sign the "Declaration of Citizenship" 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 SAVE system. If the number is verified, and SAVE indicates the individual has an immigration status, this is acceptable documentation of the noncitizen's immigration status for all programs. 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 SAVE system. When the SAVE 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.

#### **1450.0115 VIS-CPS (CIC)**

VIS-CPS must be completed for noncitizens:

1. at application,
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.

#### **1450.0116 Lawfully Residing Noncitizen Children up to age 19 (CIC)**

Lawfully residing children, up to age 19, are potentially Medicaid eligible, regardless of their date of entry as long as they are in an immigration status considered “lawfully residing”. All technical and financial eligibility requirements must be met, including residency, prior to providing Medicaid (including Medically Needy) coverage.

A child, up to age 19, is considered lawfully residing if the verified immigration status is a:

1. Qualified Noncitizen
  - a. Lawful Permanent Resident (LPR)
  - b. Asylee
  - c. Refugee
  - d. Parolee (more than 1 year)
  - e. Deportation Withheld
  - f. Cuban and Haitian Entrants
  - g. Battered or Abused Child or Child of a Battered Person
  - h. Victim of Human Trafficking
2. Noncitizens with a valid Nonimmigrant Status (visa holders)
3. Paroled for less than 1 year
4. Other:
  - a. Temporary Resident
  - b. Temporary Protected Status (TPS)
  - c. Employment Authorization
  - d. Family Unity Beneficiaries
  - e. Deferred Enforced Departure (DED)
  - f. Deferred Action Status (not including Deferred Action for Childhood Arrivals (DACA))
  - g. Administrative Stay of Removal
  - h. Approved Visa Petition with a Pending Application for Adjustment of Status
5. Pending Application for Asylum, Withholding of Removal or Convention Against Torture who has also been Granted Employment Authorization or is under age 14 and their application has been pending for at least 180 days
6. Withholding of Removal under the Convention Against Torture
7. Pending Application for Special Immigrant Juvenile Status

**1450.0117 Assistance for Ineligible Noncitizens (CIC)**

Any noncitizen who does not have an eligible qualified noncitizen status is not eligible for Medicaid on the factor of citizenship. These noncitizens may be eligible for Medicaid through Emergency Medical Assistance for Aliens (EMA), if they meet all other eligibility criteria.

Note: Lawfully residing children, up to age 19, are potentially eligible for Medicaid provided all other eligibility requirements are met.

**1450.0118 Noncitizens not Eligible for Assistance (CIC)**

The following individuals are not eligible for Medicaid 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; and
9. members of foreign press, radio, film, or other information media and their families.

Verification of these statuses is usually the I-94, Arrival-Departure Record, Annotated with the letters "A" through "L" (A-2, B-1, etc.).

Note: Lawfully residing children, up to age 19, are potentially eligible for Medicaid provided all other eligibility requirements are met.

**1450.0200 SOCIAL SECURITY NUMBER (CIC)**

The eligibility specialist must obtain a Social Security number (SSN) for each individual or verify that the individual has applied for an SSN as a condition of eligibility. This requirement does not apply for the Emergency Medical Assistance for Noncitizens Program. The purpose of the SSN is to identify income and assets held by an individual.

A verbal statement providing the SSN is sufficient as the SSN is validated through data exchange. If the SSN is unknown or has never been obtained, the individual must:

1. apply for an SSN through the welfare enumeration system at the local DCF office. (Original evidence of age, identification and citizenship or noncitizen status must be sent by the eligibility specialist to the local Social Security Administration (SSA) office with the completed SS-5.); or
2. apply for an SSN through the local SSA office (The SSA filing receipt for application must be presented to the eligibility specialist as evidence that the individual has applied.); or
3. apply for an SSN through the Florida enumeration at birth process. Evidence that the individual has applied includes:
  - a. an SSA 2853 indicating that an SSN was requested at the hospital,
  - b. the child's birth certificate with "yes" annotated in Section 11d, or
  - c. a screen print from BVS with a "y" indicator in the child issue field.

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. These individuals are not required to comply with this request.

Refer to the FLORIDA Desk Guide for procedures for routing the SS-5.

**1450.0203 Special Procedures for Children Pending Adoption (CIC)**

The individual must meet the enumeration requirement if the birth certificate reads "baby boy \_\_\_\_\_." The application for the SSN must be submitted with the best documentation available.

**1450.0204 When SSN is Not Provided/Refusal to Apply (CIC)**

If an individual fails to provide or apply for an SSN on his own behalf or on the behalf of 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.

**1450.0205 Suspected and Confirmed Multiple SSNs (CIC)**

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.

One of the following actions must be taken if either of these situations arises:

1. the individual must be asked to clarify the problem with the SSA office, or
2. the eligibility specialist must copy the SS cards, complete an SS-5 for each SSN and send the forms to the SSA office.

**1450.0206 SSN Application Follow-Up (CIC)**

The eligibility specialist must request an SSN at each future contact, once the application for an SSN has been made.

After 90 days, if an individual who has applied for an SSN has not received an SSN, the eligibility specialist must determine if another SS-5 should be submitted.

**1450.0207 SSNs Not Validated Through Data Exchange (CIC)**

If validation does not occur through data exchange, the eligibility specialist must obtain verification of the individual's SSN to ensure the correct number is being submitted for verification. The following documentation is acceptable:

1. SS card;
2. 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);
3. a Social Security check issued on the individual's own account number;
4. a Medicare card issued on the individual's own account number (if there is an A, J, M or T suffix, this is the SSN); or
5. an SSA certificate of award which will contain a claim number (if there is an A, J, M or T suffix, this is the SSN).

The eligibility specialist must establish that coverage is provided under the individual's own account number and not as a beneficiary under another's account number.

**1450.0300 RESIDENCY (CIC)**

In order to receive public assistance, all individuals must be eligible on the factor of residency.

**1450.0303.01 Residency Requirements (CIC)**

An individual must satisfy one of the following residency requirements:

1. Reside in the State of Florida with the intent to remain.
2. Be living in the State of Florida for employment purposes. or
3. Some individuals in the U.S. with a valid 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. Lawfully residing children, up to age 19, are potentially eligible for Medicaid provided all other eligibility requirements, including residency, are met. Examples of verification of residency include:
  - a. employment or school records,
  - b. bank statements,
  - c. lease agreements,
  - d. utility bills,
  - e. Florida driver's license or state ID card, and
  - f. other reliable information.

**1450.0303.02 Residents of Florida (CIC)**

Residency exists when the intent of the individual is to remain in the state. Residency is not dependent upon the duration of the stay. 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.

**Note:** 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. Lawfully residing children, up to age 19, are potentially eligible for Medicaid provided all other eligibility requirements, including residency, are met.

**1450.0304.01 Interstate Placements (CIC)**

Placements under the Interstate Compact on Adoption and Medical Assistance (ICAMA) ensure the interests of children receiving adoption subsidy are protected when the adopting parents move to or are residents of another state. Florida is a member state of the ICAMA.

A Title IV-E child who receives adoption assistance and is placed in Florida by another state is automatically eligible for Florida Medicaid. A Title IV-E child who receives adoption assistance and is placed by Florida into another state is automatically eligible for Medicaid in the state in which the child lives. Title IV-E eligibility is determined by the sending state according to their eligibility requirements. The receiving state makes no independent determination of Medicaid eligibility, as the child is automatically eligible.

A non-Title IV-E child who receives adoption assistance, placed out of state by Florida in an ICAMA member state, is eligible for Medicaid in the state in which the child lives. A non-Title IV-E child who receives adoption assistance, placed in Florida by an ICAMA member state, is considered a resident of Florida and is eligible for Florida.

A non-Title IV-E child, who receives adoption assistance, moving to Florida from a non-ICAMA member state, is not considered a resident of Florida and is not eligible for Florida Medicaid. A

non-Title IV-E child, who receives adoption assistance, moving to a non-ICAMA member state from Florida, shall retain Florida Medicaid.

**1450.0304.02 Delinquent Youth in Residential Facilities (CIC)**

This policy applies only to CIC cases, specifically delinquent youth in residential facilities.

Only delinquent youth who are committed to the Department and who reside in a residential facility that meets the following criteria are potentially eligible for Medicaid. The facility must be a nonprofit nonsecure and privately owned facility; or a state operated nonsecure facility and has 16 beds or less.

**1450.0309 Residency Verification (CIC)**

If residency is established by intent to remain in the state, verification is only necessary when the residency statement is questionable.

Residency due to employment purposes must be verified. Verification includes but is not limited to the following:

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

**1450.0310 Temporary Absence from the State (CIC)**

An individual may be temporarily absent from the state if the person intends to return when the purpose of the absence has been accomplished, unless another state has determined the individual is a resident there for purposes of Medicaid.

**1450.0500 AGE (CIC)**

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

**1450.0502 Age Requirements for Children (CIC)**

A child must be under age 18 in the Title IV-E Foster Care Program to be eligible for Title IV-E benefits. A Title IV-E foster child that exits foster care at age 18 may continue to be Medicaid eligible on the factor of age until the age of 21.

A non Title IV-E child that exits foster care at age 18 may remain Medicaid eligible on the factor of age until 21 years of age.

**1450.0504 Definition of a Child (CIC)**

A child is unmarried when the child has never been married or was married and the marriage was annulled.

A child is eligible to receive assistance on the factor of age 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.

**1450.0505 Verification of Age (CIC)**

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.

Sources of acceptable documentation when verification is needed include:

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.

**1450.0700 DEPRIVATION (CIC)**

Each child in the assistance group must be deprived of the support or care of one or both parents except for PMA related Medicaid.

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).

For Child in Care, deprivation requirements must be met for the Title IV-E FC Program only. Refer to Chapter 800, Ongoing Case Processing, for additional information.

**1450.0701 Who is considered a Parent (CIC)**

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 1450.0702 and 1450.0703 for definitions of natural biological fathers and legal fathers.

**1450.0702 Definition of Biological Father (CIC)**

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 nonjudicial 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 "nonjudicial" determination of paternity. Refer to passage 1450.0803.

**1450.0703 Definition of a Legal Father (CIC)**

An individual is considered the legal father if:

1. 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.

#### **1450.0704 When an Individual Becomes a Parent (CIC)**

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.

#### **1450.0705 Ceremonial Marriage (CIC)**

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.

#### **1450.0706 Biological Parents (CIC)**

Biological parents, the birth mother and the natural biological father are considered parents of the child, except as noted in passage 1450.0705. When a mother and natural father both reside in the home, the eligibility specialist must make a nonjudicial determination of paternity in order to establish if deprivation exists.

#### **1450.0707 Common-Law Marriage (CIC)**

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.

#### **1450.0708 Establishment of Paternity (CIC)**

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.

#### **1450.0709 Adoption (CIC)**

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.

#### **1450.0712 Reasons for Deprivation (CIC)**

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 as paternity is established.

#### **1450.0713 Deprivation Due to Death (CIC)**

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.

#### **1450.0714 Deprivation Due to Single Parent Adoption (CIC)**

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 absent parent in these cases.

#### **1450.0715.01 Continued Absence of One or Both Parents (CIC)**

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.

#### **1450.0715.02 Reasons for Continued Absence (CIC)**

There are six general reasons for continued absence. They are:

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

#### **1450.0716 Marital Separation (CIC)**

Separation exists when there is a break in the marital ties; however, the absent 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 absent parent's address and the contacts he maintains with the family, the date the separation occurred, and the frequency of contact. Contact with the absent parent must be made to confirm separation information and verify child support. The contact with the absent parent must be recorded. If a contact is not possible, this fact must also be recorded.

#### **1450.0717.01 Incarceration (CIC)**

Incarceration is confinement of a parent by court action in a jail, prison, halfway house, or Work Release Program. If a convicted offender is permitted to live at home and perform unpaid work while serving a court imposed sentence, deprivation exists due to incarceration during this time frame. Information given by the parent or caretaker relative concerning the date and place of confinement and the anticipated date of release or parole is sufficient to verify incarceration. If incarceration is questioned, the eligibility specialist must secure additional facts from such sources as court, police, jail, prison or parole records.

**Note:** Individuals confined due to "house arrest" are not considered to be incarcerated. In this situation, if both parents reside in the home, the child is not considered deprived due to continued absence.

A partial eligibility review must be scheduled for the anticipated month of release from incarceration.

#### **1450.0717.02 Incarceration Ends (CIC)**

When the parent who was incarcerated returns to the home, deprivation is evaluated based on incapacity or unemployment/underemployment for two-parent families. The eligibility specialist will ex parte the Medicaid to other Medicaid coverage groups as appropriate.

#### **1450.0718 Determination of Desertion (CIC)**

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 absent 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 for IV-E benefits.

#### **1450.0719 Divorce (CIC)**

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.

#### **1450.0720.01 Prohibition against Living with Child (CIC)**

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.

#### **1450.0720.02 Temporary Removal of Custody (CIC)**

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:

1. current court orders,
2. custody papers, or
3. 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.

#### **1450.0720.03 Deportation of a Parent (CIC)**

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.

#### **1450.0720.04 Resident Citizen of a Foreign Country (CIC)**

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.

#### **1450.0721.01 Other Continued Absences (CIC)**

Deprivation due to continued absence is considered to exist when:

1. the nonlegal father is not living in the home with the mother and child or pregnant woman;  
or

2. the mother or legal father lives apart from the child.

**1450.0721.02 Verification - Other Continued Absences (CIC)**

Information must be obtained from the primary information person concerning the circumstances of the continued absences.

**1450.0722 Incapacity (CIC)**

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.

**1450.0722.01 Definition of Incapacity (CIC)**

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.

**1450.0722.02 Verification of Incapacity (CIC)**

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.

**1450.0722.03 Gathering Incapacity Information Applications (CIC)**

Since incapacity is not a factor in determining family Medicaid eligibility, applicants will not be pended for incapacity verification. Applicants will only be pended for disability information when necessary to establish SSI-Related Medicaid eligibility.

**1450.0722.04 Gather Incapacity Information Ongoing (CIC)**

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.

**1450.0722.05 Resuming Level of Employment/Care (CIC)**

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

**1450.0724.01 Unemployment/Underemployment (CIC)**

Deprivation exists due to unemployment/underemployment when both parents (the mother and legal or non-legal father on whom a non-judicial determination of paternity has been made) lived with the child at time of removal, and one parent is determined to be the primary earner and meets special unemployed criteria.

**1450.0724.05 Verification of Unemployment/Underemployment (CIC)**

Unemployment is verified by one of the following:

1. If the PE claims no current employment, the eligibility specialist must verify any loss of employment that occurred within the prior 60 days.
2. If the PE is employed, the eligibility specialist must verify the number of hours worked during each month for which benefits are authorized at the time of application disposition.
3. If the PE is employed intermittently 100 hours or more per month, the eligibility specialist must also verify the number of hours worked during the two months prior to the month of approval and the anticipated number of hours to be worked the month following month of approval.

**Note:** If neither the assistance group nor the eligibility specialist can obtain required verification, a policy exception must be requested from the Region or Circuit Program Office.

**1450.0800 LIVING IN THE HOME (CIC)**

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

**1450.0801 Living in the Home of a Specified Relative (CIC)**

Eligibility for Title IV-E matching funds for Adoption Assistance exists when the minor child would have been eligible if an application for cash assistance had been made and all other Title IV-E requirements are met. The child must also have been removed from the home of a parent or specified relative.

**Note:** Remember CIC is based on the cash assistance state plan in effect as of July 16, 1996.

Eligibility for Title IV-E matching funds for Foster Care exists when the minor child would have been eligible if an application for cash assistance had been made and all other Title IV-E requirements are met. The child may be removed via a court order from a parent or specified relative. If the child is being voluntarily placed, the removal home must be either a parent or legal guardian and that guardian must also be a specified relative in order for the state to claim IV-E reimbursement for the child.

**1450.0802 Definition of Parent/Specified Relative (CIC)**

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

1. mother;
2. father, legal or biological;
3. 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 1450.0803 for information about nonjudicial determinations of paternal relationship.
4. 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;
5. stepfather, stepmother, stepbrother, and stepsister (The parent of the stepparent does not meet this degree of relationship.);
6. 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
7. 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 AFDC/TCA policy. However, the parents of the child are considered specified relatives, not parents, and therefore have their needs, income, and assets treated accordingly.

#### **1450.0803 Verifying Parenthood/Specified Relationship (CIC)**

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.

#### **1450.0804 Sources of Verification (CIC)**

The following sources of verification may be used when the information is insufficient to explain the relationship or if a nonjudicial 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 and Medicaid case records are 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.

#### **1450.0805 Definition of Living in the Home (CIC)**

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 1450.0719 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.

For Title-IV-E foster care, a child must have resided in the home of a parent or specified relative at the time of the voluntary placement, and the relative must be the legal guardian.

#### **1450.0806 Verification/Documentation (CIC)**

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.

#### **1450.0807 Temporary Absence from the Home (CIC)**

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 1450.0805.

If the temporary absence is due to out of home residential care, refer to passage 1450.0808 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.

#### **1450.0808 Children Who Remain Hospitalized (CIC)**

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

#### **1450.1400 REQUIREMENT TO FILE FOR OTHER BENEFITS (CIC)**

Individuals must apply for and diligently pursue to conclusion an application for all other benefits for which they may be eligible as a condition of eligibility. Need cannot be established nor eligibility determined upon failure to do so. 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.

Individuals applying for SSI-Related Medicaid, HCDA, Temporary Cash Assistance, or Family-Related Medicaid are not required to apply for SSI as a condition of eligibility.

Individuals who apply for OSS and are potentially eligible for SSI must apply for SSI as a condition of eligibility.

In some cases, individuals who are already receiving benefits may be eligible for increased benefits due to a change in their circumstances. Individuals are required to apply for all increased benefits for which they might qualify.

**1450.1500 RECEIPT OF OTHER BENEFITS (CIC)**

Individuals must receive or be eligible for benefits from other programs as a condition of eligibility for specific types of assistance.

**1450.1501 Receipt of Title IV-E Foster Care Benefits (CIC)**

As a condition of eligibility for Title IV-E Foster Care, the family from which the child has been removed must have been eligible for or received TCA prior to removal of the child from the home.

**1450.1502 Receipt/Eligibility of Title IV-E (CIC)**

When a Title IV-E Foster Care child is placed in Florida by another state, the eligibility specialist must verify that the placing state determined IV-E Foster Care eligibility prior to placement of the child.

**1450.1700 CHILD SUPPORT COOPERATION (CIC)**

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 and Medicaid (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.

**Exceptions:** Emergency Medicaid for Aliens (EMA), transitional Medicaid, and Child Only Medicaid cases.

Under federal law, a parent's cooperation in establishing paternity, assigning rights to medical support and payments, and providing information about liable third parties cannot be required as a condition of a child's eligibility for Medicaid. Therefore, states are not required to ask about paternity or to seek cooperation in pursuing medical support and third party payments when an application is filed, or a redetermination is done, only on behalf of the child.

**1450.1703 Child Support Cooperation Requirement (CIC)**

Information about the absent parent(s) must be provided to Child Support Enforcement (CSE) by the CIC eligibility specialist for all children in care approved for Medicaid. Non-custodial parent information must be provided to the CIC eligibility specialist by the Children and Families, Juvenile Justice (JJ) or private agency representing the child.

**1450.1704 Definition of Cooperation (CIC)**

Cooperation includes the following:

1. providing complete information required to obtain child support (if information about the non-custodial parent is known by the applicant/recipient but is withheld, the applicant/recipient 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.

#### **1450.1705.01 Definition of Non-custodial Parent (CIC)**

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

#### **1450.1705.02 Legal Father and Natural Father (CIC)**

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.

#### **1450.1707 Good Cause for Failure to Cooperate (CIC)**

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.

#### **1450.1708 Reasons for Good Cause (CIC)**

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).

## 1460.0000 Refugee Assistance Program

Refugee cash and medical assistance programs provide cash assistance to those meeting income but not other requirements for Temporary Cash Assistance (TCA), and medical assistance to those meeting income but not other requirements for Medicaid. Single refugee adults, as well as intact families may apply, as deprivation is not a factor in determining eligibility for assistance, and benefits may be approved on the basis of need for single individuals and families.

Individuals are eligible for the Refugee Assistance Program only if determined ineligible for TCA and all other factors of eligibility are met.

Assistance under this coverage group is limited to the first 12 months refugees are in the United States if the date of entry/status was on or after 10/1/21. If the date of entry/status is prior to 10/1/21 assistance is limited to the first 8 months of entry. The 12-month or 8-month period begins with the date of entry/status into the United States.

The following noncitizens are eligible to receive refugee assistance based on their date of entry into the U.S. and if all other factors of eligibility are met:

1. Refugees admitted under Section 207 of the Immigration and Nationality Act (INA);
2. Cubans/Haitians paroled under Section 212(d)5 of the INA;
3. Cuban/Haitian asylum applicant;
4. Cubans/Haitians whose deportation is withheld or granted indefinite stay of Deportation under Section 243(h) or 241(b)3 of the INA as long as a final order of deportation has not been issued;
5. Cuban/Haitian entrants under Section 501(e) of the Refugee Assistance Act of 1980;
6. Amerasians from Vietnam;
7. Victims of Human Trafficking; and
8. Lawful permanent residents who were initially admitted in one of the categories listed above.

Asylees admitted under Section 208 of the INA are eligible to receive refugee assistance if they are within the 12-month or 8-month period of the date they obtained their asylee status.

Refugees eligible for refugee cash assistance are automatically eligible for Medicaid. However, the individuals may "opt not to receive" refugee cash assistance, but may continue to receive Medicaid for a period not to exceed the 12-month or 8-month limit depending on the date of arrival or entry as defined above.

### 1460.0100 CITIZENSHIP/NONCITIZEN STATUS (RAP)

The eligibility specialist must evaluate the citizenship/noncitizen status for each individual as a condition of eligibility for public assistance. Citizenship information on 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 USCIS status. Citizenship/noncitizen requirements must be met in order to establish eligibility.

### 1460.0101 Declaration of Citizenship/Noncitizen Status (RAP)

Each applicant applying for public assistance must declare in writing whether each individual in the assistance group 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.

#### 1460.0102 Definition of U.S. Citizenship (RAP)

U.S. citizens are not eligible for the Refugee Assistance Program (RAP) except U.S. born children of refugees/entrants. Refer to Chapter 2200 on standard filing unit for eligibility of RAP-American born children.

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 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 birth either through individual naturalization, or derived from a naturalized parent.
3. be adopted by, a U.S. citizen.

A child acquires citizenship 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.

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 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. Counsel are considered U.S. citizens.

A child born abroad to unmarried parents 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 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 is 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.

#### **1460.0103 Verification Sources for U.S. Citizens (RAP)**

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.

#### **1460.0104 Noncitizens (RAP)**

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

#### **1460.0105 Qualified Noncitizens (RAP)**

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

#### **1460.0106 Lawful Permanent Resident (RAP)**

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. Most LPR's entering after 8/22/96 are subject to the 5 year ban. However, certain LPR's may be eligible for the Refugee Assistance Program based on their noncitizen status without a 5 year ban if they entered the U.S. based upon a prior status as:

1. Refugee status under section 207 of the Immigration and Nationality Act (INA). Eligible for eight months beginning with their date of entry into the U.S.
2. Asylee status under section 208 of the INA. Eligible if within first eight months from the date asylum was granted.
3. Amerasian. Eligible if from Vietnam and within eight months from date of entry.
4. Cuban/ Haitian Deportation Withheld status or granted an Indefinite Stay of Deportation. Eligible for eight months from date Cuban/ Haitian status was granted.

5. Cuban/ Haitian Entrant status. Eligible for eight months from date of entry.
6. Victim of Human Trafficking. Eligible for eight months from the date of the certification letter.

**1460.0106.02 Amerasians (RAP)**

Individuals born in Vietnam between January 1, 1962 and before January 1, 1976 fathered by a U.S. citizen, or a spouse, child, parent, or guardian accompanying or following an Amerasian admitted under this program admitted to the U.S. as immigrants under Section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988.

Verification of status includes:

1. Vietnamese exit visa with DHS stamp code AM1, AM2, or AM3,
2. unexpired temporary I-551 stamp in a foreign passport with code AM1, AM2, or AM3,
3. unexpired temporary I-551 stamp on I-94 with code AM1, AM2, or AM3, or
4. foreign passport, with code A11, A16, A41, A46, AM1, AM2, AM3, or ARI.

These individuals are eligible for the Refugee Assistance Program for eight months from date of entry.

**1460.0107 Asylees (RAP)**

Noncitizens granted asylum under Section 208, who 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, unlike a refugee who applies from abroad.

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 the Immigration and Naturalization Service indicating this status is granted,
5. an order of an immigration judge granting asylum, or
6. other conclusive documentation of this status.

When determining eligibility for the Refugee Assistance Program (RAP), the asylee's status date is used. Asylees whose date of application is within eight months of their status date and are ineligible for Temporary Cash Assistance are eligible for RAP on the factor of noncitizen status.

To determine eligibility for RAP, the eligibility specialist may only use for verification the USCIS Form I-94, USCIS Form I-551 coded AS1, AS2, AS3, AS6, AS7, or AS8, an order of an immigration judge, or letter from USCIS indicating this status has been granted.

**1460.0108 Refugees (RAP)**

Refugees are defined as those noncitizens given permission to enter the U.S. under Section 207 of the Immigration and Nationality Act. 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.

Noncitizens admitted as refugees under this section are qualified noncitizens. Refugees within eight months of their entry date are also eligible for the Refugee Assistance Program if ineligible for Temporary Cash Assistance and all other factors of eligibility are met.

Verification required for this status includes USCIS Form I-94 or I-551 bearing Section 207, USCIS Form I-571 or USCIS Form I-551 annotated with the following codes: CNP, CU0, CUP, C7P, RE1, RE2, RE3, RE6, RE7, RE8, R86 and Y64.

#### **1460.0109 Victims of Human Trafficking (RAP)**

Victims of severe forms of human trafficking are eligible for benefits to the same extent as an alien who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act. The only exception is that 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 now potentially eligible for refugee assistance payments. 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. Trafficking victims and certain family members are potentially eligible for refugee assistance payments for eight months from the date of the trafficking certification letter.

**Note:** Do not use 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 90th day falls.

Proof of this status includes:

1. ORR certification letter,
2. T-2, T-3, T-4, or T-5 visa, also called a "Derivative T Visa",
3. telephone call to verification line at (202) 401-5510, or
4. victims that are minors are eligible on the basis of a similar ORR letter of eligibility, which is not a certification letter.

**1460.0110 Cuban/ Haitian Parolees (RAP)**

Nationals of Cuba or Haiti paroled under Section 212(d)(5); Nationals of Cuba or Haiti granted parole status by the Attorney General under Section 212(d)(5) of the Immigration and Nationality Act are eligible for refugee assistance on the factor of noncitizen status if they are within eight months of attaining their Cuban or Haitian Entrant status, and have been determined ineligible for Temporary Cash Assistance. Cuban/Haitian parolees are also defined as Cuban/Haitian Entrants.

**Note:** Only parolees from Cuba or Haiti are eligible for refugee assistance benefits based on their noncitizen status.

**1460.0111 Cuban/ Haitian Deportation Withheld (RAP)**

Nationals of Cuba or Haiti, within eight months of their date of entry, whose deportation is being withheld or granted indefinite stay of deportation pursuant to Section 243(h) or 241(b) of the Immigration and Nationality Act are eligible Refugee Assistance Program (RAP) services as Cuban/Haitian Entrants. If they are ineligible for Temporary Cash Assistance, they can be eligible to receive benefits from RAP on the factor of noncitizen status.

Proof of this status includes:

1. an order from an immigration judge showing deportation has been withheld pursuant to Section 243(h) or 241 of the INA, or other USCIS documentation.
2. USCIS Form I-766 (Employment Authorization Card) annotated A-10. or
3. USCIS Form I-688B (Employment Authorization Card) annotated (a)(10).

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

These individuals are not subject to the five-year ban and may be eligible for RAP for eight months from the date Cuban/ Haitian Status obtained.

Cubans and Haitians whose deportation is withheld or granted an indefinite stay of deportation are also defined as Cuban/Haitian Entrants.

**Note:** Only nationals from Cuba or Haiti whose deportation is withheld or who are granted an indefinite stay of deportation are eligible for RAP benefits based on their noncitizen status.

**1460.0112 Cuban/Haitian Entrants (RAP)**

Cuban/Haitian Entrants under Section 501(e) of the Refugee Education Assistance Act of 1980 are defined 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 U.S. Citizenship and Immigration Service (USCIS), and with respect to whom a final, nonappealable, and legally enforceable order of deportation or exclusion has not been entered.

Cuban/Haitian Entrants are considered qualified noncitizens. Refer to specific program criteria to determine if they qualify for benefits.

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. other conclusive documentation of this status. Those persons with application for asylum pending will have "Form I-589 filed" or official USCIS receipt of USCIS Form I-589 along with an USCIS Form I-94 with this status.

Cuban/Haitian Entrants under this section who are ineligible for Temporary Cash Assistance are eligible to receive benefits from the Refugee Assistance Program on the factor of noncitizen status if their date of status is eight months or less from the date of application.

#### **1460.0114 Verification Requirements for Noncitizens (RAP)**

The eligibility specialist must verify the immigration status of all noncitizens applying for or receiving refugee assistance 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.

#### **1460.0115 VIS-CPS (RAP)**

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.

#### **1460.0117 Noncitizens not Eligible for Assistance (RAP)**

The following individuals are not eligible for public 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; and
9. members of foreign press, radio, film, or other information media and their families.

Verification of these statuses is usually the I-94, Arrival-Departure Record, Annotated with the letters "A" through "L" (A-2, B-1, etc.).

#### **1460.0300 RESIDENCY (RAP)**

In order to receive public assistance, all individuals must be eligible on the factor of residency.

#### **1460.0301 Residency of Homeless Individuals (RAP)**

Homeless individuals and residents of public or private nonprofit shelters for the homeless are considered residents. An otherwise eligible individual must not be required to reside in a permanent dwelling or have a fixed mailing address.

#### **1460.0303.01 Residency Requirements (RAP)**

An individual must satisfy one of the following residence requirements:

1. must reside in the State of Florida with the intent to remain, or
2. must be living in the State of Florida for employment purposes as described in passage 1460.0303.03.

For individuals institutionalized in Title XIX facilities, refer to passage 1440.0307.

#### **1460.0303.02 Residents of Florida (RAP)**

Residency exists when the intent of the individual is to remain in the state. Residency is not dependent upon the duration of the stay. 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.

**Note:** 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.

#### **1460.0303.03 Residency for Employment (RAP)**

An individual is considered a resident if he is living in the state for purposes of employment without intent to remain and meets the following conditions:

1. the individual or caretaker relative is living in Florida without intent to remain and is not receiving assistance from another state, and
2. the individual or caretaker relative came to Florida with a job commitment or is actively seeking employment during the stay in the state.

#### **1460.0309 Residency Verification (RAP)**

If residency is established by intent to remain in the state, verification is only necessary when the residency statement is questionable.

Residency due to employment purposes must be verified. Verification includes but is not limited to the following:

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

#### **1460.0310 Temporary Absence from the State (RAP)**

An individual may be temporarily absent from the state if the person intends to return when the purpose of the absence has been accomplished, unless another state has determined the individual is a resident there for purposes of Medicaid.

#### **1460.0506 Verification of Student Status (RAP)**

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.

#### **1460.0900 SPONSOR VERIF./CONTACT WITH RESETTLEMENT AGENCY (RAP)**

Certain individuals must meet the requirement for sponsor verification or contact with the resettlement agency as a condition of eligibility.

This section describes requirements related to verification of sponsors for RAP assistance groups.

#### **1460.0901 Contact with Resettlement Agency (RAP)**

Refugees were resettled in communities by a national voluntary agency in cooperation with a local sponsor. The local sponsor may be an individual, a church, a civic organization, local government, or other local group or organization.

In resettling a refugee, the resettlement agency and the sponsor undertake certain responsibilities as a moral commitment. These include receiving the refugee and his family; providing shelter, food, clothing, and pocket money; providing assistance in finding employment and in school enrollment for children; and covering ordinary medical costs. Once employment is obtained, the sponsor should assist the refugee to locate permanent housing, acquire minimal furniture, and arrange for utilities.

Instances will inevitably occur in which a sponsor will have discontinued all contact with a refugee or in which the refugee has discontinued contact with the sponsor.

#### **1460.0902 Responsibilities for Contact (RAP)**

As part of each application and eligibility review the eligibility specialist must contact the refugee's sponsor or voluntary resettlement agency and inquire as to:

1. what assistance the sponsor resettlement agency is providing the refugee, and
2. whether the refugee has refused an offer of employment or has voluntarily quit a job without good cause within 30 consecutive days prior to the date of application.

In many instances, the local representative of the voluntary resettlement agency is the sponsor. However, if they are different, both the sponsor and the voluntary resettlement agency must be contacted.

#### **1460.0903 Verification of Sponsor/Resettlement Agency (RAP)**

The information obtained from the sponsor or resettlement agency must be recorded. The recorded verification must also contain the name and address of the sponsor or resettlement agency.

A telephone contact with the sponsor or resettlement agency by the eligibility specialist is sufficient to fulfill the verification requirement. The date verbal verification was received and the source or individual providing verification must be recorded. A written statement by the sponsor or resettlement agency is not required but is acceptable and must be made a part of the case record if provided.

If the sponsor/voluntary resettlement agency cannot be contacted or refuses to give the required information, the Region or Circuit Program Office may authorize cash benefits as an exception to policy.

#### **1460.1400 REQUIREMENT TO FILE FOR OTHER BENEFITS (RAP)**

Individuals must apply for and diligently pursue to conclusion 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.

Individuals applying for SSI-Related Medicaid, HCDA, Temporary Cash Assistance, or Family-Related Medicaid are not required to apply for SSI as a condition of eligibility.

Individuals who apply for OSS and are potentially eligible for SSI must apply for SSI as a condition of eligibility.

In some cases, individuals who are already receiving benefits may be eligible for increased benefits due to a change in their circumstances. Individuals are required to apply for all increased benefits for which they might qualify.

#### **1460.1900 EMPLOYMENT AND TRAINING (RAP)**

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 with the work requirements. Applicants must work register and complete an overview of the basic options and services of the program as a condition of eligibility. This must be completed prior to authorization of benefits. Employment and training services are provided by local Regional Workforce Boards/designee.

Employment and training services for RAP E&T individuals are provided through the agencies funded by the Refugee Resettlement Program (RRP). Agencies funded by the Refugee Resettlement Program do not exist in all Regions or Circuits. In these Regions or Circuits, RAP E&T individuals may be provided employment and training services through the Agency for Workforce Innovation.

#### **1460.1902 Explanation of Benefits (RAP)**

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.

#### **1460.1903 Notification of Changes (RAP)**

Within five working days the eligibility specialist must notify the Regional Workforce Board/designee of all changes to TCA and Refugee Assistance Program (RAP) 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.

#### **1460.1904 Determination of Participation Status (RAP)**

A nonexempt refugee must, except for good cause, participate in RAP E&T.

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. Exempt individuals are not required to participate.

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:

RAP E&T mandatory participants must participate prior to application approval or the application for the individual cannot be approved. Participation includes registration with an appropriate agency providing employment services under the Refugee Resettlement Program (RRP) if available in their county of residence.

RAP E&T volunteers are not formally referred to RWB/designee. However, the eligibility specialist may encourage the RAP volunteer to contact the RWB/designee for assistance in obtaining employment.

#### Recipients:

Participation requirements for recipients are the same as for applicants. When an exempt member becomes a mandatory participant, the redetermination cannot be completed until the requirement is met.

**1460.1906 Exemptions from Employment & Training (RAP)**

This section discusses exemptions from participation in the applicable Employment and Training Programs.

**1460.1906.01 Individuals under 16 (RAP)**

Individuals under 16 are exempt from participation.

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

**Note:** When the other parent is a teen (under 20 years of age), they are subject to the teen participation requirements.

**1460.1906.02 Age 65 or Older (RAP)**

RAP individuals age 65 or older are exempt.

Age must be documented only once for this exemption.

**1460.1906.03 Full-Time Students (RAP)**

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.

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.

Verification of student status must be obtained to qualify for this exemption. Acceptable verification includes the following:

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.

**1460.1906.04 Permanent Impairment or Incapacity (RAP)**

An individual experiencing an illness (physical or mental) or injury which is expected to last six months or more and is severe enough to prevent the individual from engaging in employment or participating in the program is exempt.

A written statement is required from a doctor, hospital, or clinic that includes:

1. a substantiated diagnosis of the impairment preventing employment or participation;
2. how the impairment prevents employment or participation; and
3. duration and permanence of the condition.

Whenever possible, documentation of the permanent impairment or incapacity should be obtained by the individual, although the eligibility specialist may act on the individual's behalf to request such documentation. A basic medical examination may be authorized at DCF's expense no more than twice per year. The eligibility specialist, with the supervisor's assistance when necessary, decides on the presence of an incapacitating condition for E&T purposes.

A decision by the agency of incapacity for deprivation purposes or the Social Security Administration determination of disability for OASDI is acceptable. Proof of such a determination must be filed in the case record. A determination of incapacity should not be completed solely for the purpose of determining an E&T exemption.

Individuals with conditions diagnosed as "permanent" must provide documentation only once unless a question later arises as to improvement made in the condition. Individuals whose diagnosis indicates that improvement in the condition may be expected must have the exemption documented at every complete eligibility review. A partial eligibility review must be scheduled when the incapacity period is anticipated to end before the next scheduled complete eligibility review. When an individual is determined exempt under this status, a referral to Vocational Rehabilitation (VR) must be completed. VR will notify the eligibility specialist whether a referred individual has been selected or rejected for rehabilitation. The VR counselor and the eligibility specialist must cooperate to assure that the individual is referred to Regional Workforce Board (RWB) /contract provider when ready for employment.

#### **1460.1906.05 Required Presence in the Home (RAP)**

Individuals are exempt if the individual's presence is required in the home due to a physical or mental impairment of another person living in the home. There must be no other person available to provide this care.

A written statement is required from a doctor, hospital, or clinic indicating:

1. the nature of the illness of the person,
2. the need for someone's presence in the home, and
3. the duration of anticipated need.

The exemption must be documented at each complete eligibility review when the illness or condition of the individual is a temporary one, or when any question arises in the interim concerning the need for the individual's presence in the home.

#### **1460.1906.06 Temporary Illness or Injury (RAP)**

Individuals experiencing temporary illness or injury of less than six months duration, which is of sufficient severity to prevent participation in RAP E&T are exempt.

Verification of the illness or inquiry must be obtained. A written statement is necessary from a doctor, hospital, or clinic and must include:

1. a substantiated diagnosis of the illness or injury (physical or mental) preventing employment or training;
2. a brief explanation of how the illness or injury prevents employment or training; and
3. the anticipated duration of the illness or injury.

Thirty days are allowed for the individual to provide medical information. If the individual is unable to obtain a medical statement, a basic medical examination may be authorized at DCF's expense. Medical examinations can be authorized no more than twice a year.

Temporary illness or injury must be documented at the time of the initial claim and every 90 days thereafter. If the illness or injury is expected to last less than 90 days, documentation must be obtained at the end of duration of the illness or injury if the exemption is to continue. Whenever possible, documentation of temporary illness should be obtained by the individual, although the eligibility specialist may act on the individual's behalf to request such documentation.

#### **1460.1906.07 Child Under Three Years (RAP)**

One custodial parent of a child under three years old personally providing full-time care for the child is exempt.

Documentation of the child's age must be obtained. When there is more than one child in the home who meets this criterion, the age of the youngest child should be documented for this exemption.

When the child attends preschool, Head Start, or day-care on a full-time basis, the individual is not exempt for caring for a child under three years. When the child is absent due to part-time attendance in preschool, Head Start, or day-care, written proof from the educational institution or day-care provider that the child is registered and/or attending part-time and not full-time (as defined by the educational institution or day-care provider) is required in order for the individual to be exempt.

Absences of the parent to attend school full-time, including college, high school, vocational, or technical schools, does not constitute brief and infrequent absences. Written proof from an official of the educational institution that the parent is registered and attending part-time and not full-time (as defined by the educational institution) is required in order for the individual to be exempt.

#### **1460.1906.12 Individuals Employed 30 Hours per Week (RAP)**

Individuals working 30 hours or more per week and earning at least minimum wage in an unsubsidized job which is expected to last at least 30 days are exempt. Temporary breaks in employment of 10 days or less are not considered an interruption.

Documentation of employment for eligibility and budgeting purposes will verify this exemption. If hours vary above or below 30 per week from one month to the next, use a representative average of the last eight weeks, if available, to make this determination.

When an individual has signed a contract with a prospective employer to either begin or continue employment, but has a temporary break in employment, the individual may be exempt from participating due to full-time employment of 30 or more hours. The job must provide full-time employment (30 hours or more per week for at least eight months per year). For example, a teacher or teacher's aide who is unemployed during summer vacation but has signed a contract to work the following school term is considered job attached.

In the case of noncontract employees (school lunchroom workers), a statement must be obtained from the employer of his intent to hire or rehire the individual. The eligibility specialist must

contact the individual in the anticipated month of return to work, to confirm the return to employment and verify the amount of earnings.

**1460.1906.14 Pregnancy in Second Trimester (RAP)**

Women beginning their fourth month of pregnancy are exempt. A written and signed medical statement by a licensed physician or registered nurse which establishes that pregnancy exists and states the anticipated date of delivery is required. The physician or nurse must be in private practice or acting as an associate of a hospital, clinic, or health facility.

**1460.1906.15 Residents in Counties Not Served by RAP E&T (RAP)**

If there is no RAP employment agency providing RAP E&T in the county in which the refugee resides, the individual will be exempted from the RAP work registration and participation requirement based upon their residing in a remote area (county).

**1460.1917 Length of Penalty Periods (RAP)**

A RAP participant will be penalized a minimum of three months for failure to comply with program requirements. Penalties will continue if the employment/training requirement is not met.

Penalties for individuals who fail to meet the employment registration requirement without good cause are as follows:

1. First occurrence, the needs of the individual will be excluded from the assistance grant for three months.
2. Second occurrence, the needs of the individual will be excluded from the assistance grant for six months.

The effective date of penalty is the first month for which 10 days of advance notice can be given. The 10 days begins with the date the eligibility specialist receives notice that the individual failed to meet the employment/training requirements.

**1460.1919 Penalties for Failure of FS Individual to Comply (RAP)**

RAP individuals who receive food stamps will be penalized for both programs if they fail to complete a work activity comparable to an activity offered by the Food Stamp Employment and Training Program (FSET). The eligibility specialist is responsible for determining whether work activities for RAP individuals are comparable to activities offered under the FSET. A contact with the Regional Workforce Board/designee may be necessary to determine the activity with which the participant failed to comply without good cause so that the eligibility specialist can determine whether the activity was comparable.

**1460.1924 Participation Following Penalties (RAP)**

Individuals must be notified that penalties are imposed and that they must reapply. If the individual indicates to the eligibility specialist that he is willing to participate in TANF work activities or RAP E&T, the eligibility specialist is to refer the individual to the Regional Workforce Board (RWB)/designee or RAP E&T provider.

Once notified by the RWB/designee that the penalty period has ended, the eligibility specialist must provide the payee with a request for additional assistance and schedule an appointment for a face-to-face interview.

If the payee fails to keep the appointment and ongoing eligibility cannot be established, a 10 days advance notice must be given and the case canceled, unless the child or payee is not part of the standard filing unit. When the payee keeps the appointment, policy regarding Employment and Training screening, referral, and participation is to be followed.

The individual's RAP benefits are restored back to the date the individual requests to cooperate with work activities. The RWB/designee will notify the eligibility specialist of that date.