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2210.0000 Food Stamps

This chapter presents policy for the following topics:

1. Standard Filing Unit,
2. Assistance Group, and
3. Food Stamp Standard Filing Unit.

The program specific sections will discuss policy on mandatory and optional members of the SFU, whose needs must (or may) be included or excluded, whose income and assets must be included, and participation status codes used in FLORIDA.

2210.0100 STANDARD FILING UNIT (FS)

The Standard Filing Unit (SFU) is the single individual or group of individuals whose income, assets, or needs are considered in the eligibility determination and benefit, income, and asset levels of the assistance group, because they share a legal or blood relationship and/or live together. Eligibility of the assistance group is based on a review of the total income and assets of all individuals in the SFU.

2210.0200 ASSISTANCE GROUPS (FS)

The assistance group is the individual(s) who meets the financial and technical eligibility requirements of the program for which they are applying. An assistance group member will always be an SFU member; however, an SFU member is not always a member of the assistance group.

2210.0300 FOOD STAMP STANDARD FILING UNIT (FS)

The following topics will be discussed in this section:

SFU composition, which will include:

1. a discussion of mandatory members and verification requirements for those members,
2. members whose needs must be included or excluded from consideration, and
3. members whose income and assets must be included or excluded, and
4. participation status codes for FLORIDA.

2210.0301 Standard Filing Unit (FS)

The standard filing unit (SFU) may be one individual or a group of individuals who reside together and customarily purchase and prepare their food together. Consider same-sex married couples as members of the same SFU. It is not necessary that the group of individuals share other nonfood SFU expenses. Also, there is no requirement that the SFU have cooking facilities or use common storage of food. Parents and children are generally mandatory members of the SFU because of relationship. Exceptions to this can be found in passages 2210.0304 through 2210.0315.04.

It is possible for more than one food stamp SFU to live under one roof. If they do not customarily purchase and prepare food in common, each group may apply as a separate SFU provided they are not mandatory members of the same SFU due to their relationships. The eligibility specialist must annotate on FLORIDA screen CLRC, the name, relationship and reason anyone living in the household is not listed on FLORIDA screen AIID. The purchase and prepare status of those members not on AIID must also be addressed in CLRC.

2210.0302 Verification of SFU/AG Size and Composition (FS)

Assistance group size and the composition of the SFU must be verified if questionable. However, due to the difficulty in verifying whether or not a group of individuals customarily purchases and prepares meals together and, therefore, constitutes an SFU, the eligibility specialist will generally accept the SFU's statement regarding food preparation and purchasing.

2210.0303 Needs Included (FS)

The persons described in the following passages (2210.0304 - 2210.0306) who reside together must be included in the SFU unless they meet an exclusion or exception. All mandatory individuals must be considered in the SFU even if they do not purchase food and prepare meals together.

2210.0304 Parents and Children Included (FS)

Parents and their children as defined below are included in the same standard filing unit.

Children under age 22 living in a household with a parent must be included in the same food stamp assistance group as their parent whether or not they purchase and prepare food together.

Natural, adopted, and stepchildren under 22 who are living with a parent must now be included as a member of the parent's standard filing unit even if they are living with a child or a spouse and purchase and prepare meals separately.

Stepparent and stepchild relationships continue as long as they live together (even if the natural parent leaves, gets a divorce, or dies).

Children under 18, other than foster children, who are under the parental control of a household member must be included as a member of the food stamp assistance group of the household member who is acting as the parent or is exercising parental control of the child, even if they purchase and prepare meals separately.

2210.0304.01 Joint Custody (FS)

If parents are awarded joint custody of the child and visitation provides for partial residence with each parent, the eligibility specialist must establish where the child is living the majority of the time. A child can only receive food assistance in one assistance group (AG) during a given month. If a child stays with one parent and the parents do not live together, determine where the child lives based on the actual living arrangements:

- If only one parent applies for benefits, the child is included in that household no matter which parent has parental control and financial responsibility; or
- If both parents apply and the eligibility specialist determines which parent provides more than 50% of the child's meals; or
- If both parents apply for benefits for a child and have equal custody, and the parents cannot agree on who should receive the benefits on behalf of the child, benefits will be issued to the parent who applies first.

2210.0305 Spouses Included (FS)

Spouses must be included in the same food stamp SFU. Consider same-sex married couples as members of the same SFU.

A spouse (defined in Section 741.212(3) of the 2001 Florida Statutes) is a member of a marriage or legal union between one man and one woman as husband and wife.

Spouses who usually reside together must be included in one SFU, except that separate SFU status may be granted if one of the individuals has established a separate residence outside the home.

Example: A truck driver who is away from the home for 10 days and returns for two days at the end of each trip has not established a residence separate and apart, and therefore must be considered an SFU member. However, if the spouse is in the armed forces, the spouse may be considered a non-SFU member, if the spouse is away on assignment for a month or longer.

2210.0306 Children Under 18 (FS)

Children under 18 must be included in the AG of the individual who is the parent or acting as a parent to those children, with the following exception, the child is a foster child.

2210.0307 Foster Children (FS)

The needs, income and assets of a foster child may be excluded from the food stamp AG of the foster family if the foster family chooses to exclude the child. When the foster family excludes the needs of the child, the child is not included when determining the size of the food stamp AG, nor are the foster child's income and assets considered. The child's income is excluded even if it is paid to a member of the foster family. If the foster parent chooses to include the foster child in their food stamp AG, the child's income and assets, as well as his needs, are considered in the eligibility determination. The foster child, including a child or spouse of the foster child, may not apply for benefits separately from the foster family.

2210.0308 Elderly and Disabled Individuals Living with Others (FS)

A group of individuals living together and who purchase and prepare meals together generally constitute a single SFU. The exception to this policy involves an individual who is age 60 or older, disabled, and unable to purchase and prepare his/her own meals. In such a case, the individual eats with others because he is unable to purchase and prepare meals for himself. If this occurs, the individual must verify that he is unable to purchase and prepare meals himself. This may be accomplished with a doctor's statement. If visibly obvious to the eligibility specialist, no written statement is required. The eligibility specialist will document CLRC with evidence of this determination.

If the income of the others with whom the individual resides, excluding the income of the spouse of the elderly and disabled individual, does not exceed 165% of the gross monthly income standard, then the individual, along with their spouse, qualifies as a separate food stamp assistance group. When applying the 165% limit test, the elderly and disabled person and spouse are not to be considered SFU members. Refer to Chapter 2600 for policy on the 165% limit test.

2210.0309 Definition of Inability to Purchase and Prepare Meals (FS)

The key factor in determining whether or not disability would qualify an SFU for separate status is the inability to purchase and prepare meals. If it is obvious to the eligibility specialist that the individual could not purchase and prepare meals, separate SFU status should be granted. However, when the inability to purchase and prepare meals is not obvious, the eligibility specialist should request a doctor's statement.

Disability under SSA, as well as other disability programs, is based on inability to work. Therefore, receipt of a disability benefit does not automatically mean an inability to purchase and prepare meals.

2210.0310.01 Definition of Elderly and/or Disabled (FS)

Elderly or disabled means an individual who:

1. is age 60 or older or will be age 60 by the last day in the month of application;
2. receives SSI benefits;
3. is a veteran with a service connected or non-service connected disability rated by the Veterans Administration (VA) as total or paid as total by the VA;
4. is a veteran considered by the VA to be in need of regular aid and attendance or permanently housebound;
5. receives disability and blindness payments under Title I, II, X, XIV or XVI of the Social Security Act;
6. is a surviving spouse of a veteran and considered by the VA to be in need of regular aid and attendance, or is permanently housebound or a surviving child of a veteran and considered by the VA to be permanently incapable of self-support;
7. is a surviving spouse or surviving child of a veteran and considered by the VA to be entitled to compensation for a service connected death or pension benefits for a non-service connected death and has a disability considered permanent under Section 221(i) of the Social Security Act;
8. receives federally or state administered supplemental benefits under Section 1616(a) of the Social Security Act provided that the eligibility to receive benefits is based upon the disability or blindness criteria used under Title XVI of the Social Security Act;
9. receives federally or state administered supplemental benefits under Section 212(a) of Public Law 93-66;
10. receives disability retirement benefits from a governmental agency because of a disability considered permanent under Section 221(i) of the Social Security Act;
11. receives an annuity payment under Section 2(a)(l)(iv) of the Railroad Retirement Act of 1974 and is determined to be eligible to receive Medicare by the Railroad Retirement Board, or Section 2(a)(i)(v) of the Railroad Retirement Act of 1974, and is determined to be disabled upon the criteria used under Title XVI of the Social Security Act;
12. receives interim assistance pending receipt of SSI, receives medical assistance based on disability under Title XIX of the Social Security Act, receives disability based state general assistance (these individuals are considered disabled provided the disability criteria are as stringent as those under Title XVI of the Social Security Act); or
13. receives disability retirement under the Federal Employee Compensation Act (FECA) which is due to the individual opting to receive FECA benefits because they are higher than Civil Service Retirement benefits (the disability must be considered permanent under Section 221(i) of the Social Security Act).

“Entitled” refers to those veterans’ surviving spouses and surviving children who are receiving the compensation or pension benefits stated, or have been approved for such payments, but are not yet receiving them.

2210.0310.02 Verification of Disability (FS)

The eligibility specialist must verify disability as defined in passage 2210.0310.01. Acceptable verification is discussed in passages 2210.0310.03 through 2210.0310.07.

2210.0310.03 Verification of Veteran's Disability (FS)

For an individual to be considered disabled due to a service connected or non-service connected disability, he must present a statement from the Veterans Administration (VA) which clearly indicates that the disabled individual is receiving VA disability benefits for a service connected disability or that the disability is rated as total or paid at the total rate by VA.

2210.0310.04 Verification of Aid and Attendance (FS)

For an individual to be considered disabled due to need of aid and attendance by the VA, documentation that the disabled individual is receiving VA disability benefits must be obtained.

2210.0310.05 Verification of Surviving Spouse or Child (FS)

For an individual to be considered disabled as a surviving spouse or child of a deceased veteran or due to a permanent disability under Section 221(i) of the Social Security Act, the eligibility specialist must use SSA's most current list of disabilities considered permanent under the Social Security Act for verifying disability. If it is obvious to the eligibility specialist that the individual has one of the disabilities listed in passage 2210.0310.06, then the individual is considered to have a disability. If the disability is not obvious to the eligibility specialist, the individual must provide a statement from a physician or licensed or certified psychologist certifying that the individual has one of the non-obvious disabilities listed by the SSA.

2210.0310.06 Permanent Disability (FS)

The SSA has developed a listing of conditions/impairments that constitute permanent disabilities. This same list is also used to determine VA disabilities. The following list of conditions/impairments was extracted from the SSA listing. These conditions/impairments are those that might be obvious. There are many other conditions/impairments included in the complete SSA listing. If an individual claims permanent disability and the disability is not obvious to the eligibility specialist, appropriate verification must be requested. Potentially obvious disabling conditions/impairments are as follows:

1. permanent loss of use of both hands, both feet, or one hand and one foot;
2. amputation of leg at hip;
3. amputation of leg or foot because of diabetes mellitus or peripheral vascular diseases;
4. total deafness, not correctable by surgery or hearing aid;
5. statutory blindness, except if due to cataracts or detached retina;
6. IQ of 59 or less, established after attaining age 16;
7. spinal cord or nerve root lesions resulting in paraplegia or quadriplegia;
8. multiple sclerosis in which there is damage of the nervous system because of scattered areas of recurring inflammation that has progressed to varied interference with the function of the nervous system, including severe muscle weakness, paralysis, and vision and speech defects;
9. muscular dystrophy with irreversible wasting of the muscles with a significant effect on the ability to use the arms and/or legs;

10. impaired renal function due to chronic renal disease, documented by persistent adverse objective findings, resulting in severely reduced function which may require dialysis or kidney transplant; and
11. amputation of a limb, current age 55 or older.

2210.0310.07 Verification of Railroad Retirement Annuity (FS)

For an individual to be considered disabled due to receipt of a railroad retirement annuity payment, he must provide documentation that the individual receives a railroad retirement disability annuity from the Railroad Retirement Board and has been determined to qualify for Medicare.

2210.0311 Needs Excluded (FS)

There are individuals in the SFU whose needs are not always counted. Passages 2210.0312 through 2210.0321 will discuss these individuals.

2210.0312 Disqualified Individuals (FS)

The needs of the following disqualified individuals must be excluded:

1. individuals who do not meet citizenship or eligible noncitizen requirements;
2. individuals who fail to comply with citizenship/noncitizen declaration and/or verification requirements;
3. individuals disqualified due to intentional program violation;
4. individuals who fail to comply with welfare enumeration requirements; or
5. individuals who fail to comply with food stamp employment and training requirements.

Although their needs are excluded, their income and assets are considered. Refer to passage 2210.0323 for a discussion of the treatment of the income and assets for disqualified individuals.

2210.0313 Roomers (FS)

Roomers are individuals who pay the SFU for lodging, but not for meals and who do not eat with the SFU. They may participate as separate SFUs.

2210.0314 Live-In Attendants (FS)

Live-in attendants are individuals who reside with an AG for the purpose of providing medical, housekeeping, childcare, or other similar personal services. The caretaker is not included in the AG of the applicant/recipient unless they are mandatory members of the AG such as spouse, child, sibling, etc., even though they may eat together (Refer to 2210.0303 for mandatory members of a filing unit). If the needs of the live-in attendant are not included then the income and assets of the live-in attendant are not included in the eligibility determination. For information regarding treatment of the live-in attendant as a medical expense refer to Chapter 2400.

Note: The live-in attendant may participate as a separate food stamp household, unless they are mandatory members of the AG as described above.

2210.0315.01 Boarders (FS)

Boarders are individuals or groups of individuals residing with others and paying reasonable compensation to the others for lodging and meals (excluding residents of a commercial boarding house). They are ineligible to participate in the program independent of the SFU providing the board. They may participate as eligible members of the SFU if the SFU providing the service requests it or if it is determined that they are not providing reasonable compensation.

2210.0315.02 Determination of Boarder Status (FS)

If the payee claims that an individual in the SFU is a boarder, the individual must be determined to be paying the SFU a reasonable amount of compensation for room and board. If the individual does not pay a reasonable amount of compensation or is a mandatory SFU member, then he is not considered a boarder. The payment for room and board must be in cash and not an in-kind benefit. Refer to passage 2210.0315.03 for an explanation of how to determine if a payment is reasonable.

2210.0315.03 Reasonable Compensation (FS)

A reasonable amount of compensation is a monthly payment equaling one of the following:

1. boarders whose board arrangement is for more than two meals a day must pay an amount equal to or exceeding the maximum benefits for the appropriate number of boarders and the family group; or
2. boarders whose board arrangement is for two meals or less per day must pay an amount equal to or exceeding two-thirds of the maximum food stamp benefit for the appropriate number of the boarders and the family group.

If the amount a boarder pays for meals can be separated from the amount paid for room, the amount paid for meals is all that is compared to the maximum benefit. If, however, the amount a boarder pays for meals cannot be separated from the amount he pays for room, the total amount paid for room and board is compared to the maximum benefit. Refer to Appendix A-1 for the maximum benefit table.

2210.0315.04 Who cannot be Classified as Boarders (FS)

The following persons cannot be classified as boarders because they must be mandatory members of the assistance group:

1. children under 18 under the parental control of an SFU member (unless they are foster care children);
2. children under age 22, living with parents;
3. parents living with children under age 22;
4. a spouse of an SFU member; and
5. persons paying less than reasonable compensation for meals.

Refer to passage 2210.0303 for policy on mandatory SFU members.

2210.0316 Residents of Institutions (FS)

Most residents of institutions are not eligible for food stamps. Individuals are residents of an institution when the institution provides them with the majority of their meals (fifty percent of three meals a day) as part of the institution's normal services and the institution has not been authorized to accept Electronic Benefits Transfer (EBT) access. In a few cases, some individuals living in institutions are eligible to be a food stamp SFU. The following are eligible as a food stamp SFU:

1. residents of federally subsidized housing for the elderly, built under Section 222 of the Housing Act of 1959;
2. narcotic addicts or alcoholics and their children who live with them at a facility or treatment center for the purpose of participation in a drug or alcoholic treatment and rehabilitation program unless the individual of any age is under detention or custody of a Federal, State, or local penal, correctional, or other detention facility or institution for more than 30 days;

Note: The requirement that 50% of the child's meals are provided by the institution in order to be considered eligible in a public institution does not apply to families and children in which the parent is a resident of a drug and/or alcohol treatment center.

3. disabled or blind individuals who are residents of private nonprofit group living arrangements that serve no more than 16 residents. These individuals are residents of the facility based on their disability, not their age, and receive benefits under Title II or XVI of the Social Security Act;
4. individuals or individuals with children temporarily residing in a shelter for battered persons may be considered as a separate SFU; and
5. residents of public or private nonprofit shelters for homeless persons.

2210.0317.01 Residents of Drug and Alcohol Treatment Facilities (FS)

Narcotic addicts or alcoholics who regularly participate in publicly operated or private nonprofit drug or alcoholic treatment and rehabilitation programs on a resident basis may voluntarily apply for food stamps. Residents who are receiving non-residential outpatient drug or alcohol treatment and rehabilitation services do not qualify under this provision. Residents have the same rights to notices of adverse action, fair hearings, and entitlement to lost benefits, as do all other food stamp recipients. In addition, they have the right to an application and same day filing.

Residents of drug and alcohol treatment facilities are certified using the same provisions that apply to all other applicant households, except that they must apply through the facility's authorized representative. The interview, verification and other application procedures must be accomplished through the authorized representative.

Residents of drug and alcohol treatment facilities and their children, who live in the treatment center with them, will have their eligibility determined as one assistance group.

Individuals of any age who are prisoners, inmates, detainees, or convicts placed under detention or custody of a Federal, State, or local penal, correctional, or other detention facility or institution for more than 30 days are not eligible for food stamp benefits even if they are participating in a drug or alcohol treatment and rehabilitation program on a resident basis.

2210.0317.02 Licensing Requirements - Drug/Alcohol Treatment Programs (FS)

For food stamp purposes, a drug and alcohol treatment facility must be either a licensed facility, or if unlicensed, meet the licensing criteria of the Substance Abuse and Mental Health Program. This Food Stamp Program requirement applies even if the facility is a religious organization.

If the facility fails to meet this criterion, the facility is ineligible to receive food stamps for their residents. Individuals residing in an ineligible drug and alcohol treatment facility are ineligible for food stamps.

If a facility loses its license or no longer meets the licensing criteria of the Substance Abuse and Mental Health Program, the residents of the facility are ineligible for food stamps. Written notice will be issued to the residents concerning the change in eligibility status. No notice of adverse action is required because the loss of certification is not controlled by or appealable under the Food Stamp Program.

If an alcohol treatment and rehabilitation program is located on an Indian reservation and the state does not certify or license reservation based centers, approval to participate may be granted if the program either is funded by the National Institute on Alcohol Abuse and Alcoholism pursuant to P.L. 91-616 or was so funded and had subsequently been transferred to Indian Health Service funding.

2210.0317.03 Residents of Drug and Alcohol Treatment Facilities (FS)

Drug and alcohol treatment facilities applying for food stamps for residents will be required to provide verification they are authorized by FNS as a retailer or are licensed by the Substance Abuse and Mental Health Program, or if unlicensed meet the licensing criteria. They may either provide a copy of their license granted by the Substance Abuse and Mental Health Program, or a letter from the Substance Abuse and Mental Health Program (on ADM letterhead) stating the facility meets the criteria to obtain a license and funding, even though they choose not to be licensed or receive funding.

The eligibility specialist must verify the treatment program is a publicly operated or a private non-profit program. If the nonprofit status was established during the licensing process, the statement of the licensing agency can be considered proof of nonprofit status. If the licensing agency has not made a nonprofit determination for the treatment program, IRS proof of nonprofit status will be required unless the treatment program is operated by a religious group or organization. Since religious groups and organizations are assumed to be nonprofit, a statement from the minister or a member of the board of the organization is sufficient proof of nonprofit status.

By the seventh of each calendar month each treatment and rehabilitation center shall provide DCF with a copy of the residential treatment facility food stamp certification form (CF-ES 2318), listing current residents who are receiving substance abuse services. When a resident leaves the facility, each treatment and rehabilitation center must notify DCF within 5 days by sending a completed change report form informing the agency of the resident's change in address, new address if available, and that the facility is no longer the authorized representative. In addition, the facility must provide the resident with a change report form to be returned to DCF within 10 days noting any changes the resident is required to report. The certification form must be signed by the facility director. To ensure the accuracy of the reporting, each Region or Circuit will conduct an on-site review annually. If any discrepancies are discovered, a follow-up review must be conducted within three months.

For simplified reporting AGs, consider information from the facility as verified upon receipt when the Department is notified that a resident no longer resides there. Close the AG if the new address is not known. If the address is known, change the address, remove the authorized representative and keep the case open.

2210.0318.01 Blind and Disabled Group Living Arrangements (FS)

Certain blind or disabled individuals who reside in small, freestanding, community based living units licensed for 16 residents or less are eligible to participate in the Food Stamp Program. These facilities are not considered institutions. Group living arrangements do not include residents of facilities on the grounds adjacent to institutions as this is considered an institutional setting. The individual and the group living arrangement must meet the following provisions:

1. The group living arrangement must be a public or private nonprofit facility, licensed for 16 residents or less and be certified by DCF or other state agency as a group home for the blind or disabled. Organizations/facilities that may be licensed under regulations issued under 1616(e) of the Social Security Act under this provision include assisted living facilities (ALFs), group homes or residential rehabilitation centers. ALFs are licensed by the Agency for Health Care Administration (AHCA).
2. When DCF or AHCA has licensed the facility as nonprofit, the Department statement is proof of nonprofit status. If the state licensing agency has not determined nonprofit status, then proof of the IRS determination of nonprofit status is required. All facilities operated by a religious organization are nonprofit. A letter from a responsible member of the clergy stating the facility is part of a religious organization is all that is required.

3. The resident in the facility must be blind or disabled as defined in passage 2210.0310.01, paragraphs 2-13. The first paragraph of passage 2210.0310.01 pertains to individuals age 60 or over. In order for individuals age 60 or over to be eligible for food stamps in the group living arrangement, they must be determined blind or disabled as described in the following paragraph.
4. Elderly persons who receive benefits listed above may also reside in group living arrangements. However, these elderly residents must be determined to be blind or disabled in order to be eligible in a group facility. In making this determination, the eligibility specialist may request a doctor's statement, verify the resident previously received a disability benefit, or use the group living arrangement's determination of disability, if these conditions are prerequisite for residing in the facility.

2210.0318.02 Certification of Residents (FS)

Eligible residents of authorized group living arrangements for the blind or the disabled may apply and be certified by any one of the following methods:

1. An appointed staff member of the group living arrangement may act as the authorized representative, in which case the residents apply as one individual household. When the resident applies through the facility as authorized representative, the interview, verification, and other procedures must be accomplished through the authorized representative. As an authorized representative, the facility must be knowledgeable about the residents' circumstances and should carefully review those circumstances with residents prior to applying on their behalf.
2. An individual resident may apply on his own behalf or through his authorized representative. The staff of the facility is primarily responsible for determining if an individual is physically and mentally capable of applying on his own behalf.
3. If a group of individuals within a facility function as a household, they may be considered one SFU. The staff of the facility is primarily responsible for determining if a group of residents should apply on their own behalf, based on the physical and mental capabilities of the residents applying.
4. The children in nonprofit foster homes for the blind or the disabled are considered SFUs of one. It is mandatory that an employee of the foster home facility be the authorized representative for the child (who is under 18). The child is not to sign any forms. The authorized representative is liable for any misinformation on the application form.

2210.0318.03 Residents of Group Living Arrangements (FS)

Department of Children and Family (DCF) responsibilities include the following:

1. Prior to approving any residents, DCF will verify that the group living arrangement is a nonprofit organization and is certified by DCF. It is not required that the facility be authorized by FNS. However, if authorization as a retailer has been granted by FNS, this is sufficient evidence of certification and non-profit status.
2. DCF will approve the SFU in accordance with ongoing policy, with only the exceptions outlined in this subsection.
3. Group living facilities are to provide DCF with a list of all current residents by the seventh of each month. This list will include a statement signed by a responsible center official attesting to the validity of the list. When a resident leaves the facility, each treatment and rehabilitation center must notify DCF within 5 days by sending a completed change report form informing the agency of the resident's change in address, new address if available,

and that the facility is no longer the authorized representative. In addition, the facility must provide the resident with a change report form to be returned to DCF within 10 days noting any changes the resident is required to report.

For simplified reporting AGs, consider information from the facility as verified upon receipt when the Department is notified that a resident no longer resides there. Close the AG if the new address is not known. If the address is known, change the address, remove the authorized representative and keep the case open.

4. Each Region or Circuit will conduct annual on-site visits to the center to assure the accuracy of the listings and that the local office's records are consistent and up-to-date. If any discrepancies are discovered, a follow-up review must be conducted within three months.

2210.0318.04 Determining Shelter Costs – Blind or Disabled Living Arrangement (FS)

A resident of a blind or disabled group home can only receive a shelter deduction for the portion of the shelter payment that they pay from their own funds. Any portion of a payment for shelter or meals paid by vendor payment, or from funds that do not belong to the resident, cannot be an allowable food stamp deduction. Special budgeting procedures are required to determine what portion of the resident's own income is used for room and meals.

Three methods are used to determine the allowable shelter costs that may be deducted for a resident. One calculation is used when a resident is billed only one fee that includes meals and room. The second calculation is used when the resident is billed separately for meals and room. Use the third method when the group home does not provide a specific amount for the Personal Needs Allowance (PNA) but considers any money that exceeds the room and board rate to use for the resident's personal needs. The PNA for food stamp purposes does not have to be one of the standard amounts from the SSI-Related Programs. Examples of these calculations are as follows:

1. If the resident is charged for room and meals in one amount, and the charges cannot be separately identified, the following example will be used:

$\$674$ SSI resident income - $\$54$ PNA (allowance will vary) = $\$620$ remainder of income - $\$200$ one-person maximum food stamp benefit (meals portion) = $\$420$ total rent expense (room portion).

2. If the resident is charged for room and meals separately and these expenses are identified separately, then the amount actually paid for meals will be deducted from the remaining income as the meals portion. The actual amount the resident pays for rent is determined as follows:

$\$674$ SSI resident income - $\$54$ PNA (allowance will vary) = $\$620$ remainder of income - $\$100$ meals charge (meals portion) = $\$520$ total rent expense (shelter portion).

3. If the group home considers any money that exceeds the room and board rate to use for the resident's personal needs, then this is the PNA.

$\$1048$ Social Security income - $\$543.42$ room and board rate = $\$504.58$ PNA. $\$1048$ Social Security income - $\$507.58$ (PNA) = $\$543.42$ - $\$200$ one-person maximum food stamp benefit = $\$343.42$ shelter deduction.

The three examples cited above will assist the eligibility specialist in determining the amount of the rent expenses to be included for a resident of a blind or disabled group home.

Note: If none of the individual's own income is used to pay for room and meals, then a shelter deduction cannot be allowed. If the room and board is more than the income, only use the amount of income as the room and board amount.

Room and medical costs that can be separately identified are allowable shelter and medical expenses. However, if the amount the resident pays for room and medical care cannot be separately identified, no deduction is allowed for either shelter or medical expenses.

The portion of income used for the cost of nursing care, medical treatment, etc., cannot be used as a shelter expense. When determining the amount the resident pays for shelter, the cost of care would be deducted as shown in the following example:

\$563 SSA resident income + \$68 OSS resident income = \$631 total income - \$54 PNA (allowance will vary) = \$577 remainder of income - \$200 one-person maximum benefit (medical portion) = \$377 net income - \$250 cost of care (medical expense) = \$127 total rent expense (shelter portion).

2210.0318.05 Rights of Resident Households (FS)

Resident households have the same rights to notices of adverse action, fair hearings, and entitlement to lost benefits as all other food stamp households. A resident of a treatment center has the right to complete an application and has the right to same day filing. However, if the resident applies through the facility as the authorized representative, the interview, verification, and other procedures must be accomplished through the authorized representative. Under certain conditions, residents are entitled to all or a portion of the food stamps when they leave the center.

2210.0318.06 Loss of Certification from Mental Health (FS)

When the group living arrangement loses its basic certification from the Mental Health or Substance Abuse Program Office(s), the residents of the facility are ineligible. Written notice will be issued via letter to the residents concerning the change in eligibility status. No notice of adverse action is required because the loss of the facility's certification is not controlled or appealable under the Food Stamp Program.

2210.0319.01 Residents of Shelters for Battered Persons (FS)

A shelter for battered persons is a public or private nonprofit residential facility that serves battered individuals. If such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered individuals.

2210.0319.02 Department Responsibilities (FS)

Prior to approving any residents, the Department must complete the following.

Determine if the shelter meets the definition of shelter for battered persons given above. Shelters having FNS authorization to redeem food stamps through wholesalers are considered to meet the definition. Therefore, no further determination is necessary for these shelters. The eligibility specialist must record the basis for this determination.

Possible methods of determining nonprofit status of a shelter include, but are not limited to:

1. Internal Revenue Service (IRS) tax-exempt status,
2. State tax-exempt status, and
3. Articles of Incorporation filed with the Secretary of State's Office as a nonprofit corporation.

If the Department is unable to determine nonprofit status using one of the methods listed above, pertinent information should be submitted to the Headquarters for a determination.

2210.0319.03 Certification of Residents (FS)

Residents of shelters for battered persons who wish to participate in the Food Stamp Program are subject to the same policy and procedures that apply to other households with certain exceptions. Shelter residents may apply on their own behalf; however, they are free to designate a shelter staff member or volunteer or some other individual as an authorized representative. The eligibility specialist should consider the possibility that shelter residents could be endangered should they leave the shelter and waive the office interview on a case-by-case basis. Individuals and individuals with children temporarily residing in a shelter for battered persons will be considered individual SFUs for the purpose of applying for and participating in the program.

2210.0319.04 Certification Based on Current Circumstances (FS)

Shelter residents are certified based on their current circumstances in the shelter. Only the income, assets, and expenses of the current SFU will be considered in the eligibility determination while the income, assets, and expenses of their former living arrangement are not considered. Assets owned jointly by shelter residents and any individual in the former household are considered inaccessible to the resident if access to the value of the asset is dependent on the agreement of a joint owner who still resides in the former household.

2210.0319.05 Residents Who Leave SFUs to Enter Shelter (FS)

Many shelter residents have recently left an assistance group containing the individual who has abused them. Their former assistance group may be participating in the Food Stamp Program, and its entitlement may be based on an SFU size that includes the individuals who have just left. Shelter residents who are included in such SFUs may, if otherwise eligible, be approved and participate as separate SFUs if their former SFU contains the individual who subjected them to abuse. In other words, shelter residents who are included in such SFUs may receive food stamps beginning with the month they enter the shelter even though they were included in the allotment for the former assistance group. However, residents may receive additional food stamps only once a month.

2210.0320.01 Student Eligibility (FS)

Individuals enrolled at least half-time in institutions of higher education are not eligible to participate in the food stamp assistance group or standard filing unit unless they meet at least one student exemption even if they live with parents or siblings.

2210.0320.02 Student Eligibility Test (FS)

Complete the student eligibility test for students in institutions of higher education to determine if they meet a student exemption. Testing for student eligibility does not apply to individuals attending high school, individuals not attending school at least half-time, or individuals enrolled full-time in schools and training programs that are not institutions of higher education. Individuals pass the student eligibility test and are eligible to participate in the Food Stamp Program if they are:

1. Age 17 or under or 50 or older;
2. Physically or mentally unfit. Individuals are physically or mentally unfit if they are receiving temporary or permanent disability benefits from government or private sources or are obviously physically or mentally unfit. Individuals meet the obviously unfit criteria if the impairment is so severe that they are not only unable to do their previous work but cannot, considering their education and experience, hold any other kind of job in the national, state, or local economy. If the unfitness is not obvious, get written or verbal verification from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, licensed or certified psychologist, social worker, or other medical personnel. Assist the individual in providing the verification;

3. Responsible for the care of a dependent standard filing unit (SFU) member under age six;
4. Households with parent(s) or members acting as the parents responsible for the care of a dependent SFU member age six but under the age of 12, for whom adequate child care is not available to allow the student to attend class and comply with the requirements of working an average number of work hours that total 80 hours per month or attend class and participate in a state or federally financed work study;
5. Receiving Temporary Cash Assistance benefits;
6. Assigned to or placed in an institution of higher learning through the Job Training Partnership Act, the Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T) program, Regional Workforce Board coalition/contract provider, the Trade Act, or state or local government employment and training program where components are the same as required components in the SNAP E&T Program. Independent Living Programs (Postsecondary Educational Services and Support, Extended Foster Care, or Aftercare Services) meet this criteria;
7. Participating in an on-the-job training program. The exemption applies only while the employer is training the individual;
8. Enrolled in the school because of participation in the JOBS Program or its successor programs through the Department of Economic Opportunity under Title IV of the Social Security Act;
9. Single parents enrolled in school full-time and responsible for care of a dependent child under age 12 when there is only one natural, adoptive, or step-parent in the same food stamp SFU;
10. Working average work hours that total 80 hours per month and be paid for the work (with no allowance for substitution of wages equal to 80 times the federal minimum wage), or self-employed average work hours that total 80 hours per month and receiving payment for the work at least equal to the federal minimum wage multiplied by 80 hours per month;
11. Participating in a state or federally financed work-study program during the regular school term. The student must have approval for the work-study when they apply for food stamp benefits and anticipate actually participating in work-study during the school term. This exemption does not apply to students working in hospitals or as student teachers who must get actual experience as part of their course work or cooperative education students who attend classes full-time one semester and work at curriculum related jobs full-time the next semester. This work-study exemption does not continue during term breaks of more than a full month unless the student participates in work-study during the break.

2210.0320.03 Duration of Student Status (FS)

Once the student enrolls in an institution of higher education, such enrollment is considered to continue through normal periods of class attendance, vacation and recess, unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term. Students not eligible during the school year will remain ineligible during vacation and recess periods unless they obtain work and/or otherwise meet the criteria applied to determine student eligibility.

2210.0320.04 Continuous Enrollment (FS)

Students who fail to maintain continuous enrollment status or who do not intend to register for the next normal school session will lose their student status and be treated as any other individual. Continuous enrollment by a student is determined according to the school's definition of a normal school term and the student's attendance or intent to attend. For example, the school is on the semester system and considers the two semesters encompassing September through May as the normal school year.

A student in this setting maintains student status during the summer months regardless of whether he attends summer school, provided the student intends to register for the fall semester. However, if he attends summer school but plans to skip the fall semester and register again in January, the student will not be considered a student during the fall semester.

2210.0321 Other Household Members (FS)

Other individuals who share living quarters with the SFU but who do not customarily purchase food and prepare meals with the SFU are excluded from the SFU. For example, if the applicant household shares living quarters with another family to save on rent, but does not purchase and prepare food together with that family, the members of the other family are not members of the applicant SFU. Siblings or parents may meet the definition of separate SFU members if they meet the exception in passages 2210.0308 - 2210.0310.01.

2210.0322 Income and Assets Included (FS)

All income and assets of SFU members must be included.

The income and assets of individuals that have been disqualified from the assistance group as per passage 2210.0312 must be included. Passage 2210.0323 will discuss the treatment of income and assets of these individuals.

2210.0323 Income/Assets of Ineligible/Disqualified Members (FS)**Disqualified Individuals**

The disqualified individual may not be included in the household size when benefit amounts are determined. Treat the income, assets and expenses of the disqualified individual as follows:

1. The income will continue to count in its entirety but the 20% earned income deduction is allowed;
2. The assets will count in their entirety; and
3. The medical expenses, if appropriate, the dependent care deduction, child support deduction and the excess shelter deduction continue to be allowed in full in the household's budget even if paid by or billed to the disqualified member.

Technically Ineligible Individuals

Technically ineligible individuals fail a technical factor of eligibility. The technically ineligible individual may not be included in the household when food stamp benefits are determined. Treat the income, assets and expenses of technically ineligible individuals as follows:

1. Prorate the income of the ineligible individual and count all but the ineligible members share toward the eligibility of the remaining household members for individuals who fail to meet SSN requirements, are ineligible noncitizens, are serving child support sanctions, or have received all time limited months as an ABAWD. Exclude the income of the ineligible student;
2. Count the assets in their entirety for all technically ineligible individuals except the ineligible student. Exclude the assets of the ineligible student;
3. The 20% earned income deduction is allowed; and

4. Expenses billed to the technically ineligible member but paid entirely with the eligible member's income because the ineligible member has no income, count in full in the budget. If the expense is billed to the technically ineligible member, but paid for with the eligible member's income and the ineligible member's income, prorate the expense in the budget. If the expense is billed to and paid entirely by the technically ineligible member, prorate the expense in the budget; and
5. When the SFU contains a technically ineligible member, do not prorate the appropriate utility standard in the budget. Allow the full SUA, BUA, or Phone Standard if the dwelling is eligible for a standard.

Refer to passage 2610.0410 for an explanation of what constitutes disqualification and technical ineligibility.

2210.0324 Income and Assets Excluded (FS)

The income and assets of excluded individuals such as roomers, live-in attendants, boarders, students, and individuals who do not purchase and prepare meals together are not considered available to the SFU.

2210.0325 Participation Status Codes (FS)

When the SFU composition has been determined, a participation code is assigned to each individual. This code determines how each individual's needs, income, and assets are counted in FLORIDA and whether or not the individual is eligible to receive food stamps.

The participation status codes that will be used in the Food Stamp Program are described as follows:

- EA** - Eligible or Potentially Eligible Adult - The income, assets, and needs are included. The individual is entitled to appropriate disregards and receives benefits.
- EC** - Eligible or Potentially Eligible Child - The income, assets, and needs are included. The individual is entitled to appropriate disregards and receives benefits.
- RA** - Removed Adult - An optional member who has been removed. As this individual is no longer part of the SFU, their income, assets, and needs are not included.
- RC** - Removed Child - An optional member who has been removed. As this individual is no longer part of the SFU, their income, assets, and needs are not included.
- FA** - Financial Adult - The income and assets are counted but disregards are not given. The individual's needs are excluded, and they are not part of the assistance group. This situation occurs when an adult is ineligible due to IPV or Food Stamp E&T penalties or RWB work requirement penalty.
- FC** - Financial Child - The income and assets are counted but disregards are not given. The child's needs are excluded, and they are not part of the assistance group. This situation occurs when a child is ineligible due to IPV or Food Stamp E&T penalty or RWB work requirement penalty.
- PA** - Prorated Adult - The income is prorated and the assets are counted in their entirety. This individual's needs are excluded and they are not part of the assistance group. This situation occurs when the individual is ineligible due to welfare enumeration, noncitizen status, or citizenship requirements.
- PC** - Prorated Child - The income is prorated and the assets are counted in their entirety. This individual's needs are excluded and they are not part of the assistance group. This

situation occurs when the child is ineligible due to welfare enumeration, noncitizen status, or citizenship requirements.

2210.0326 Disqualified Individuals (FS)

The needs of the following disqualified individuals must be excluded:

1. individuals disqualified due to intentional program violation;
2. individuals who fail to comply with Jobs and Benefits Food Stamp Employment and Training (FSET) requirements; and
3. assistance groups (AGs) containing an individual who is penalized for a RWB work activity requirements.

Note: Children under age 16 may have their needs included.

Although an individual's needs are excluded, their income and assets are considered. Refer to passage 2210.0323 for a discussion of the treatment of the income and assets for disqualified individuals.

2220.0000 Temporary Cash Assistance

This chapter presents policy for the following topics:

1. Standard Filing Unit,
2. Assistance Group, and
3. TCA, Standard Filing Unit,

The program specific sections will discuss policy on mandatory and optional members of the SFU, whose needs must (or may) be included or excluded, whose income and assets must be included, and participation status codes used in FLORIDA.

2220.0100 STANDARD FILING UNIT (TCA)

The Standard Filing Unit (SFU) is the single individual or group of individuals whose income, assets, or needs are considered in the eligibility determination and benefit, income, and asset levels of the assistance group, because they share a legal or blood relationship and/or live together. Eligibility of the assistance group is based on a review of the total income and assets of all individuals in the SFU.

2220.0200 ASSISTANCE GROUPS (TCA)

The assistance group is the individual(s) who meets the financial and technical eligibility requirements of the program for which they are applying. An assistance group member will always be an SFU member; however, an SFU member is not always a member of the assistance group.

2220.0400 STANDARD FILING UNIT (TCA)

To receive assistance, the individuals must be determined to be in need. An individual in need is one whose assets are limited to a federally mandated amount and whose income is insufficient to meet the individual's needs. "Need" is defined by the Florida Legislature as the Consolidated Need Standard.

2220.0401 Standard Filing Unit (TCA)

Persons included in a SFU who meet the technical eligibility requirements of the TCA Program must be in need and financially eligible in order to receive a cash benefit under the TCA Program.

2220.0402 Verification of SFU Members (TCA)

The applicant's statement can be accepted as to the members of the SFU and the child's age and date of birth.

Pregnancy verification is required when eligibility is based on pregnancy or when multiple births are anticipated.

If the pregnancy must be verified, a written or verbal statement from a medical professional confirming the pregnancy and expected date of delivery is acceptable.

2220.0403 Needs Included (TCA)

When an individual's needs are included in the SFU, that individual is considered in the assistance group size for the purpose of assigning benefit, income, and asset levels.

2220.0404.01 Definition of Terms (TCA)

In determining need, the following terms are used:

1. The child is the dependent person under 18 (or under 19, still a full-time student in secondary school or at the equivalent level of vocational or technical training), who has never been married or whose marriage was annulled and whose eligibility is being determined.
2. Parent includes mother, father (see Chapter 1400 for a definition of legal and natural father of the child), adoptive mother and adoptive father.

For a definition of a specified relative, see Chapter 1400.

2220.0404.02 Child for Whom Assistance is Requested (TCA)

The needs of the child for whom assistance is requested are included, provided the child meets all TCA technical eligibility criteria.

If the child's mother is a teen parent receiving Title IV-E foster care payments, the board rate by Family Safety must include payment for the child; the child will not be eligible for TCA, as the board rate duplicates the purpose of the TCA grant.

If an infant's teen parent is receiving non-Title IV-E foster care payments and the payment does not include the infant's needs, the teen parent may apply for TCA for the infant. The needs, income and assets of the infant are considered in this determination. The mother's needs, income and assets are not considered.

2220.0404.03 Parents Living in the Home (TCA)

The needs of the parent(s) must be included if the parent is living in the home, or meets the conditions of temporary absence, and meets all other eligibility criteria.

When the mother and father (legal or nonlegal natural father) reside together in the home, both their needs must be included if one meets the UP criteria or is incapacitated. The needs of their children must also be included in the SFU. When neither meets the UP criteria or is incapacitated, deprivation does not exist. If one receives SSI based on disability or blindness, the non-SSI parent must be included provided that the parent is not an essential person for SSI purposes. Refer to passage 2220.0405.03 for a definition of essential person.

2220.0404.04 Teen Parent Living with Parents (TCA)

The needs of a teen parent who resides with a parent(s) must be included in the standard filing unit (SFU) with her own dependent child, unless the teen parent qualifies as an eligible child in her parent's SFU.

The needs of the teen parent, who resides with her parent(s) and who qualifies as an eligible child in the parent's SFU, must be included in the parent's SFU. The needs of the teen parent's child may also be included in the teen's parent's SFU as an optional member. If a teen parent is included in the parent's SFU, the teen parent may not receive assistance separately for the child. If the applicant chooses to apply for the teen parent's child, and the other parent of the child is in the home, then the needs of the other parent must also be included. If the applicant chooses not to apply for the teen parent's child, then that child and the other parent of that child cannot receive Temporary Cash Assistance separately. If the FLORIDA system builds a separate assistance group for the teen parent's child and the other parent of that child, the assistance group must be denied.

2220.0404.05 Teen Parent Living with Specified Relative (TCA)

The needs of a teen parent who resides with a specified caretaker relative must be included in the standard filing unit (SFU) with her own child, unless the relative receives assistance for one or more siblings of the teen parent. When the teen parent's sibling(s) needs are included in the specified caretaker relative's SFU, the needs of the teen parent must be included in the relative's SFU. The needs of the teen parent's child may be included in the caretaker relative's SFU at the option of the caretaker relative. If the teen parent is included in her caretaker relative's SFU, she may not receive assistance separately for her child. If the caretaker relative chooses to apply for the teen parent's child, and the other parent of the child is in the home, then the needs of the other parent must also be included. If the applicant chooses not to apply for the teen parent's child, then that child and the other parent of that child cannot receive temporary cash assistance separately. If the FLORIDA system builds a separate assistance group for the teen parent's child and the other parent of that child, the assistance group must be denied.

2220.0404.06 Minor Siblings (TCA)

All minor siblings (including half-brothers and half-sisters) living with the child for whom assistance is requested or if away from home, meeting the conditions of temporary absence, must have their needs included, provided the sibling meets all Temporary Cash Assistance eligibility criteria.

Minor siblings are those brothers and sisters under the age of 18 or under age 19 and a full-time student in secondary school or at the equivalent level of vocational or technical training who have never been married or whose marriage was annulled. The needs of these children must be included through the month of their 18th birthday or 19th birthday if a full-time student, unless born on the first day of the month. If born on the first day of the month, their needs must be removed effective the birth month.

Two-parent families containing at least one mutual child must be considered as one standard filing unit (SFU) due to the sibling relationships of mutual and nonmutual children. If the family is ineligible for Temporary Cash Assistance benefits as one SFU, Temporary Cash Assistance is not available to the nonmutual children or their parents.

2220.0404.07 Unmarried Parents (TCA)

If the child's parents are not married, have other children by prior relationships living in the home, and one or both parents are incapacitated or unemployed/underemployed or receives SSI, OSS, or ICP, one assistance group is set up. Both parents, if eligible, are included in the assistance group because the children are siblings.

If the parents are not married, have other children by prior relationships, but no mutual children, two standard filing units (SFU's) must be set up.

2220.0404.08 Stepparents in Home (TCA)

When there are two legally married stepparents in the home and neither is an SSI, OSS, or ICP recipient and each has children who are eligible for Temporary Cash Assistance (nonmutual children), two standard filing units (SFU's) must be set up.

If there is a mutual child and one or both parents are incapacitated or one or both parents are unemployed/underemployed or an SSI, OSS, or ICP recipient, one SFU must be set up. The children's needs and the needs of the incapacitated or unemployed/underemployed parent(s) must be included in the SFU.

When a parent and a stepparent are in the home, the parent's needs are included in the assistance group with the child. Stepparents who have no eligible children of their own may not be included in the AG under any circumstance.

2220.0405.01 Needs May be Included (TCA)

The specified relative or caretaker relative can choose to include or exclude the needs of any individual whose needs are not required to be included in the standard filing unit (SFU). The specified relative or caretaker relative can choose to include or exclude their own needs unless they are in the three month (minimum) penalty period of a third or subsequent penalty for noncompliance with work requirement.

Passages 2220.0405.02 through 2220.0405.04 discuss whose needs may be included in the assistance group.

2220.0405.02 Stepsiblings May be Included (TCA)

Any stepbrothers, stepsisters, or other children in the home who meet all TCA eligibility criteria may be included in the SFU.

2220.0405.03 Definition of an Essential Individual (TCA)

Under SSI regulations, an essential individual is an individual whose presence in the household is considered necessary to provide care and services for the eligible SSI individual.

The only essential individual recognized by SSI in Florida is the non-recipient spouse whose needs, income, and assets were considered in determining eligibility and computing the Aid to the Aged, Blind and Disabled (AABD) grant amount in December 1973. AABD was a state program prior to SSI.

Essential individuals do not themselves receive SSI; however, an amount is allocated for them in determining the eligible individual's SSI SFU. The income and assets of the essential individual are combined with those of the eligible individual in determining the SFU amount of the SSI individual.

In order to determine if an individual is considered an "essential individual," a contact must be made with the local SSA office.

2220.0405.04 Specified Relative May be Included (TCA)

If the mother or father (legal or non-legal) is not in the home, the specified relative or caretaker relative has the option to be included in the SFU if the specified relative meets all eligibility criteria.

When the relative is married and the spouse is in the home, and neither spouse receives SSI, one spouse (whichever is the primary caretaker of the child(ren)) has the option to be included. If the relative is married and one spouse receives SSI, the other spouse has the option to be included, if the individual is not an essential individual for SSI purposes.

The relative who elects to receive cash assistance for the relative children under TCA "child only" coverage may be included in the Family-Related Medicaid filing unit and assistance group, if eligible.

Non-parent caretakers within the specified degree of relationship for TCA, who opt to receive foster care benefits for only the eligible child, may receive TCA and/or Family-Related Medicaid for themselves. The needs, income and assets of the foster child must be excluded from the TCA benefit determination of the foster parent (caretaker relative). The caretaker relative is treated the same as any other TCA-eligible caretaker relative with regard to income, assets, work activities and transitional child care (TCC).

2220.0408 Needs Excluded (TCA)

Passages 2220.0409 through 2220.0410.02 will discuss SFU members whose needs have been excluded from the assistance group.

2220.0409 Individuals Excluded from SFU and AG (TCA)

The following individuals cannot be considered in the assistance group. The needs, income, and assets of these individuals are not included in the SFU:

1. individuals who receive SSI benefits or who are included in an SSI benefit as an essential person (refer to passage 2220.0405.03 for the definition of an essential person);

Exception: Concurrent eligibility for payments from SSI and Title IV-E foster care, or from SSI and Title IV-E adoption assistance, is allowed. However, the child's SSI payment will be reduced by the amount of the Title IV-E payment. If the adoptive parents choose only SSI, once the adoption is finalized, and if no adoption assistance agreement is executed, they may not later receive Title IV-E adoption assistance payments.

Note: When the only potentially eligible child in the family receives SSI, the parents or caretaker relative may be eligible to receive TCA for themselves.

2. individuals who receive Optional State Supplementation (OSS);
3. individuals covered under the Institutional Care Program (ICP);
4. individuals who are receiving non-TCA assistance under the Refugee Assistance Program (RAP) in another SFU;
5. individuals who are receiving TCA assistance in another SFU;
6. individuals in a period of ineligibility due to receipt of lump sum income or asset transfer;
7. a teen parent who is a recipient of foster care payments and the child who lives with the child's parent in the foster home. The child may or may not be adjudicated dependent; and
8. a child for whom federal, state or local foster care maintenance payments or adoption assistance payments are provided.

Note: If excluding a child for whom adoption assistance payments are made is disadvantageous, then the child's needs may be included. If the child's needs are included, then the income and assets of the child are also considered, including the adoption assistance payment.

2220.0410.01 Needs Excluded (TCA)

The needs of the following individuals must be excluded:

1. A 16 to 18 year old who has been sanctioned for failure to cooperate with work activities.
2. The 18 year old full-time student who fails to verify full-time status.
3. Members of an assistance group who are sanctioned due to failure to comply with FS work requirements, Child Support Enforcement (CSE) requirements or immunizations, or who is technically ineligible (for example, welfare enumeration or citizenship).
4. The incapacitated or unemployed father of an unborn child, living in the home, when the unborn is the only eligible child. The father's income and assets continue to be considered. When the child is born, the father's needs must be included.
5. The mother (or father) who is in and out of the home for brief periods, (the provision that the parent's needs be included in the standard filing unit (SFU) does not apply) when a nonparental specified relative is receiving Temporary Cash Assistance as a caretaker relative.

Note: The eligibility specialist must exercise judgment as to whether to add the needs of the parent or to close and reopen the case to include the parent as payee (if the parent's needs are not added to the SFU, the parent is to be treated as an absent parent for CSE purposes).

2220.0410.02 Strikers - Needs Excluded (TCA)

A striker is defined as a person who has refused to provide services to his employer in conjunction with other employees, whether in the form of a strike or other concerted work stoppage, including a stoppage by reason of a collective bargaining agreement, work slowdown or other concerted interruption of operations by employees.

When the parent or caretaker relative whose income is considered in determining eligibility is participating in a strike, the assistance group (AG) is considered ineligible for TCA and assistance must be denied or the benefits cancelled. The AG remains ineligible while the parent or caretaker relative continues to participate in the strike. The first month assistance can be authorized is for the month during which the parent or caretaker relative is no longer participating in the strike, whether because the strike is settled, the striker returned to the job or the striker was fired or otherwise dismissed, provided eligibility is established on all factors.

When a member of the AG other than the parent or caretaker relative is on strike, his needs must be removed from the AG while he continues to participate in the strike. Upon request and determination of eligibility, the striker's needs can be added to the AG for the month he is no longer participating in the strike, whether because the strike is settled, the striker returned to the job, or the striker was fired or otherwise dismissed.

The eligibility specialist must verify with the employer either that the strike has been settled, the striker has returned to employment, or the striker has been dismissed from employment prior to authorizing assistance when the caretaker relative, whose income is considered in the AG, parent or a member of the AG has been on strike. The information obtained from the employer must be recorded on the application form.

2220.0413 Income Included (TCA)

When an individual's needs have been included, that individual's income will also be included unless otherwise excluded as detailed in Chapter 1800.

The following sections will discuss policy pertaining to the income of assistance group members. Policy pertaining to the income and assets of SFU members whose needs are not included in the assistance group will be discussed in passage 2220.0419.

The income of the individuals in passages 2220.0414.02 through 2220.0414.06 must be included.

2220.0414.02 Income of SFU Members Included (TCA)

Any child, parent or relative whose needs are included in the SFU will have his income included for purposes of determining eligibility.

2220.0414.03 Including Sibling Income in SFU (TCA)

The sibling(s) living in the home of the child for whom assistance is requested or, if away from home, meeting conditions of temporary absence must have income included if the sibling is otherwise eligible to have needs included in the SFU. If the sibling is not eligible to have needs included, the sibling's income is considered only if it is made available to the assistance group.

An exception to this is 16-18 year old siblings who are sanctioned for failure to participate in employment and training must continue to have their income included in the SFU.

2220.0414.04 Income of Parent (TCA)

The parent who is living in the home, or if away from home, who meets the conditions of temporary absence, must have their income included.

2220.0414.05 Income of a Pregnant Woman (TCA)

The income of a pregnant woman is considered. Any income available to the pregnant woman on the unborn child's behalf is also considered. The income of the pregnant woman's incapacitated or unemployed legal husband who is living in the home or who is temporarily absent is considered available to the pregnant woman unless the husband is a recipient of SSI or OSS.

2220.0416 Assets Included (TCA)

If an individual's needs have been included in the assistance group, their assets will also be included, unless otherwise excluded as detailed in Chapter 1600.

2220.0417.02 Children's Assets Included (TCA)

All eligible children living in the home and whose needs are included in the standard filing unit (SFU) must have assets included. (Refer to Chapter 1400 for definition of eligible child.)

2220.0417.03 Parent's Assets Included (TCA)

The parent who lives in the home, or if away from home continues to meet the conditions of temporary absence, must have assets included even if the parent is not eligible to have needs included in the SFU.

2220.0417.04 Unmarried Siblings Assets Included (TCA)

All eligible unmarried siblings living in the home of the child for whom assistance is requested, or if away from home, meeting the conditions of temporary absence, must have assets included if the sibling's needs are included in the standard filing unit (SFU). If the sibling is not eligible to have needs included, assets are only considered to the extent that they are made available to the assistance group. (Refer to Chapter 1400 for definition of eligible child.)

2220.0417.05 Specified Relative Assets Included (TCA)

The specified relative, who is caretaker of the child, who chooses to have needs included in the SFU and who meets the conditions outlined in passage 2220.0405.04 must have assets included.

2220.0417.06 Pregnant Woman Assets Included (TCA)

The assets of a pregnant woman are considered. Any assets available to the pregnant woman on the unborn child's behalf are also considered. The assets of the pregnant woman's incapacitated legal husband who is living in the home or who is temporarily absent are considered available to the pregnant woman unless the husband is a recipient of SSI or OSS.

2220.0417.07 Noncitizen's Sponsor Assets Included (TCA)

The assets of the individual sponsor of a noncitizen are considered available to the noncitizen in their entirety.

This does not refer to sponsoring agencies or organizations. See 2620.0203.09 regarding TCA eligibility of individuals sponsored by agencies or organizations.

2220.0419 Income and Assets of Excluded Members (TCA)

SFU members who have been specifically excluded from the SFU per passage 2220.0408 may have all or a portion of their income and assets still included in the SFU computation.

2220.0420.02 Parent Excluded in the AG/SFU (TCA)

A parent whose needs cannot be included in the standard filing unit (SFU) because of having been sanctioned due to failure to comply with work requirements must have income and assets included in determining the child's eligibility and SFU amount. Penalized individuals are entitled to disregards if otherwise eligible.

A parent whose needs cannot be included in the SFU because of technical ineligibility (for example, due to welfare enumeration or noncitizen status) must have income and assets included in determining the child's eligibility and SFU amount.

2220.0420.03 16 to 18 Year Old Refuses to Register for E&T (TCA)

When a 16 to 18 year old is not in school and is penalized for failure to participate in TCA work activities, the entire assistance group is ineligible for cash assistance.

2220.0420.04 Income and Assets - Parents of Teen Parent (TCA)

When the teen parent resides with a parent and/or the parent's legal husband or wife who are nonparticipating individuals, and either the parent or stepparent or both have income, the income of the parent must be considered available to the teen parent and the dependent child on whose behalf the teen parent applies for assistance. A determination must first be made as to the amount of the stepparent's income considered available to the teen's parent.

If the teen parent is not eligible to have her needs included in the SFU with her child (for any technical reason), the income of the nonparticipating parent(s) or stepparent of the teen parent is considered to be available to the teen parent's child.

The assets of the parent(s) of the teen parent are not considered available to the teen parent and her child although the income may be included.

2220.0420.05 Income and Assets of Stepparent (TCA)

The stepparent living in the home, or if away from home, who meets the conditions of temporary absence, whose needs are not included in the SFU, must have income deemed for purposes of determining eligibility.

The assets of a stepparent living in the home whose needs are not included in the SFU are not considered in the eligibility determination.

2220.0420.06 Income and Assets of Relative (TCA)

If the nonparent specified caretaker relative opts to be included in the assistance group with the child(ren), the relative's income and assets must be included. When such a relative is married and the spouse is in the home and not receiving SSI, the spouse's income must be deemed according to stepparent deeming policy. Any assets that are jointly owned are considered according to Temporary Cash Assistance asset policy.

2220.0420.07 Income of Sponsor (TCA)

The individual sponsor of a noncitizen will have all of their assets and income included in the eligibility determination. This does not refer to a child sponsored by agencies or organizations.

2220.0420.08 Incapacitated/Unemployed Father of Unborn (TCA)

When the unborn is the only eligible child, the incapacitated or unemployed father of an unborn living in the home cannot have his needs included in the SFU until after the birth of the child. However, the father's income and assets will be considered in the eligibility determination.

2220.0420.09 Income and Assets of Ineligible Noncitizens (TCA)

A pro rata share of the income and all of the assets of ineligible noncitizen members (adults and children) of the standard filing unit will be considered in the eligibility determination for Temporary Cash Assistance. This policy does not apply to Medicaid coverage groups.

Ineligible noncitizens will be coded as "PA" (prorated adult) or "PC" (prorated child) for Temporary Cash Assistance on the FLORIDA system. (Refer to Chapter 2600 for benefit calculation.)

2220.0422 Participation Status Codes (TCA)

The following section will present participation codes for TCA, under \$10 payment cases and cases for individuals who choose not to receive Temporary Cash Assistance.

When the SFU composition has been determined, a participation code will be assigned to each individual. This code will determine in FLORIDA how each individual's needs, income and assets are counted.

The participation codes that will be used are as follows.

EA - Eligible or Potentially Eligible Adult - The income, assets, and needs are included. The individual is entitled to the appropriate disregards and receives benefits.

EC - Eligible or Potentially Eligible Child - The income, assets, and needs are included. The individual is entitled to the appropriate disregards and receives benefits.

DS - Deemed Spouse (TCA) - The assets are not considered. Income is deemed.

DP - Deemed Parent (TCA) - The assets are not considered. Income is deemed.

DT - Deemed Stepparent (TCA) - The assets are not considered. Income is deemed.

FA - Financial Adult - The income and assets would be included but income disregards would not be given. The individual's needs would be excluded and the individual would not receive benefits. The following describes when these situations would occur: Individual is ineligible due to SSN, work penalty, Learnfare school conference penalty, drug trafficking disqualification including agreeing, conspiring, combining, or confederating with another person to commit the act committed on or after 8/22/1996 or father of unborn child when mother receives TCA based on ninth month or third trimester unborn.

FC - Financial Child - The income and assets would be included but disregards would not be given. The individual's needs would be excluded and the individual would not receive benefits. The following describes when these situations would occur: Learnfare school attendance penalty, immunization penalty.

PA - Prorated Adult – The income is prorated and the assets are counted in their entirety. This individual's needs are excluded and they are not part of the assistance group. This situation occurs when the individual is ineligible due to noncitizen status.

PC - Prorated Child – The income is prorated and the assets are counted in their entirety. This individual's needs are excluded and they are not part of the assistance group. This situation occurs when the individual is ineligible due to noncitizen status.

XC - Excluded Child - The income, assets and needs of the child are not included. The situation in which this would occur is if the child did not have an SSN.

XA - Excluded Adult - The income, assets and needs of the adult are not included.

Note: If a financial adult or child is sanctioned, they are eligible to receive the disregards.

2230.0000 Family-Related Medicaid

The program specific sections will discuss policy on members of the Standard Filing Unit (SFU), whose needs and income must be included or excluded based on Modified Adjusted Gross Income (MAGI) policy.

2230.0200 ASSISTANCE GROUPS (MFAM)

The assistance group is the individual for whom Medicaid eligibility is being determined. Eligibility of the assistance group is based on a review of the total countable income of all counted individuals in the SFU based on MAGI budgeting methodologies. Assistance groups will consist of only one eligible individual.

2230.0400 STANDARD FILING UNIT (MFAM)

The SFU is determined for each individual by following one of three rules based on intended tax filing status for the upcoming tax year as reported by the applicant/recipient. Individuals cannot receive Medicaid benefits under more than one assistance group, but can have their income included in more than one assistance group.

Filer Rule: If the individual being tested for eligibility expects to file a tax return for the tax year in which eligibility is being determined and does not expect to be claimed as a tax dependent by someone else, the SFU includes the:

1. individual,
2. individual's spouse, if any, even if the individual and the individual's spouse are living separately and filing a joint tax return, and
3. all claimed tax dependents of the individual living inside or outside of the household.

Tax Dependent Rule: If the individual being tested for eligibility expects to be claimed as a tax dependent for the tax year in which eligibility is being determined, the SFU includes the:

1. individual,
2. individual's spouse, even if the individual and the individual's spouse are living separately and filing a joint return,
3. tax filer,
4. tax filer's spouse, if any, even if the tax filer and tax filer's spouse are living separately and filing a joint return, and
5. all claimed tax dependents of the tax filer living inside or outside of the household.

Note: If one of the following exceptions apply, the individual's SFU will be determined based on non-filer rules:

1. the individual is claimed as a tax dependent by someone other than a parent or their spouse.
2. the individual is a child living with both parents who expect to file separate tax returns.
3. the individual is a child claimed as a tax dependent by a non-custodial parent.

Non-Filer Rule: If the individual being tested for eligibility is an adult that does not expect to file a tax return and does not expect to be claimed as a tax dependent by someone else, the SFU includes the:

1. individual,
2. individual's spouse, if any, living in the household, and
3. individual's children (biological, adopted and step) living in the household that are under the age of 19, or age 19 or 20 enrolled in school full-time.

If the individual being tested for eligibility is a child that does not expect to file a tax return and does not expect to be claimed as a tax dependent by someone else, the SFU includes the:

1. individual,
2. individual's parents (biological, adopted and step) living in the household, and
3. individual's siblings (biological, adopted, step and half) living in the household that are under the age of 19, or age 19 or 20 enrolled in school full-time.

A tax filer and tax dependent's standard filing unit may contain a member(s) who is a tax dependent who does not reside inside the household of those applying for Family-Related Medicaid, but will be counted as part of the SFU based on tax rules. This individual is referred to as an outside of the household (OOTH) member. Individuals who are tax dependent and living outside of the household will not have an option to receive benefits as part of the application, but their needs and countable income will be included. The system will allow customers to define tax relationships between individuals on the application, including those individuals who are living outside of the household (OOTHs).

SSI recipients in the household are included in the Standard Filing Unit, but their SSI income is excluded. If the SSI recipient has any other income, it is included, subject to tax rules.

2230.0401 Definition of Terms (MFAM)

1. A child is an individual under the age of 21, who has never been emancipated, is not married or whose marriage was annulled, and whose eligibility is being determined.
2. A child (for parents or other caretaker relatives who derive eligibility for themselves) is an individual under the age of 18, who has never been emancipated, is not married or whose marriage was annulled.
3. Parent or other caretaker relatives includes mother, father, adoptive mother and adoptive father, grandmother, grandfather, stepfather, stepmother, siblings (including natural, adopted, step, and half), uncle, aunt, first cousin (including first cousin once removed), nephew or niece and individuals of preceding generations as denoted by prefixes of, great, great-great, or great-great-great. Include the spouse of such parent or relative even after the marriage is terminated by death or divorce.

2230.0402 Parents and Other Caretaker Relatives (MFAM)

In order to be eligible for Medicaid, a parent or other caretaker relative (including the spouses if living in the home), who is within the specified degree of relationship, must live with a child. The child does not have to be a tax dependent of the adult parent or other caretaker relative to be potentially eligible.

Note: A parent or other caretaker relative who is ineligible for Medicaid because of having been sanctioned due to failure to comply with CSE requirements or other technical factors must continue to have their income included.

2230.0403 Income of SFU Members Included (MFAM)

After determining the SFU for each individual, include all countable income of every individual included in the SFU.

Include all countable income of individuals not considered to be children living with their parent or not tax dependents, such as parents, caretaker relatives and their spouses, must be included.

Note: A spouse cannot be a tax dependent of the other spouse.

Examples:

- When an individual lives with their parent, and is expected to be required to file a tax return (income above the threshold), include all countable income of the individual in all AGs in which the individual is either counted (CA, CC) or eligible (EA, EC).

- If the tax dependent for whom eligibility is being determined does not have a parent to child relationship with the tax filer, include all countable income of the tax dependent, without regard to an income threshold (requirement to file a tax return).
- When determining the eligibility of the tax filer that does not have a parent to child relationship to the tax dependent, include all countable income of the tax dependent **expected** to be required to file a tax return (income above the threshold). (This includes all AGs in which the tax dependent is a counted member).

Exceptions:

- When an individual lives with their parent, and is not expected to be required to file a tax return (income below the threshold), do not budget any of the individual's countable income for any assistance groups (AGs) in which the individual is either counted (CA, CC) or eligible (EA, EC).
- When determining the eligibility of the tax filer that does not have a parent to child relationship with the tax dependent, exclude all countable income of the tax dependent **not expected** to be required to file a tax return (income below the threshold). (This includes all AGs in which the tax dependent is a counted member, except their own AG).

2230.0404 Pregnant Women (MFAM)

When a pregnant woman is included in the SFU, the number of expected unborns must also be included.

2240.0000 SSI-Related Medicaid, State Funded Programs

This section discusses policy on mandatory and optional members of the SFU, whose needs must (or may) be included or excluded, whose income and assets must be included, and participation status codes used in FLORIDA.

2240.0100 STANDARD FILING UNIT (MSSSI, SFP)

The Standard Filing Unit (SFU) is the single individual or group of individuals whose income, assets, or needs are considered in the eligibility determination and benefit, income, and asset levels of the assistance group, because they share a legal or blood relationship and/or live together. Eligibility of the assistance group is based on a review of the total income and assets of all individuals in the SFU.

2240.0200 ASSISTANCE GROUPS (MSSSI, SFP)

The assistance group is the individual(s) who meets the financial and technical eligibility requirements of the program for which they are applying. An assistance group member will always be an SFU member; however, an SFU member is not always a member of the assistance group.

2240.0600 SSI-RELATED STANDARD FILING UNIT (MSSSI, SFP)

The following topics are discussed in this section:

1. treatment of situations with both Family and SSI-Related Medicaid coverage groups;
2. definitions used;
3. treatment of needs, income, and assets for eligible members;
4. deeming exclusions;
5. treatment of assets when a child lives with a parent; and
6. participation status codes used in FLORIDA.

2240.0601 Family and SSI-Related Medicaid Groups (MSSSI)

Sometimes a family has members who are requesting or receiving assistance in both Family and SSI-Related coverage groups. This occurs due to the TCA standard filing unit policy and SSI budgeting requirements and when SSI income policy is more advantageous to the SSI-Related Medicaid member. When this happens, one or more members must be included in two SFUs, although they would be eligible for only one type of coverage.

2240.0602 Example of Dual SFU (MSSSI)

A family consisting of two parents (married to each other) and their two mutual children apply for assistance. The father is disabled (the disabled individual could also be a child). All family members' needs, income, and assets would be considered in determining eligibility for the Family-Related Medicaid group. Both parents must be treated as a couple and their needs, income, and assets would be considered in determining the father's eligibility for MSSSI.

2240.0603 Definitions (MSSSI, SFP)

Passages 2240.0604.01 through 2240.0606.04 discuss definitions used in the standard filing unit policy.

2240.0604.01 Definition of Spouse (MSSSI, SFP)

The policy in this section is applicable only to MEDS-AD, Medically Needy, Protected Medicaid, Working Disabled, QMB, SLMB, QI-1, OSS and HCDA.

2240.0604.02 Marital Status (MSSI, SFP)

The policy in this section is applicable only to MEDS-AD, Medically Needy, Protected Medicaid, Working Disabled, QMB, SLMB, QI-1, OSS and HCDA.

Finding that an individual is married may preclude eligibility. Therefore, an individual's statement that the individual is married will be accepted. Moreover, where eligibility may be adversely affected if the applicant is married, further development may sometimes be necessary to determine whether a marriage exists despite the individual's denial.

2240.0604.03 Income of Spouse of Eligible Individual (MSSI, SFP)

The policy in this section is applicable only to MEDS-AD, Medically Needy, Protected Medicaid, Working Disabled, QMB, SLMB, QI-1, OSS, and HCDA.

Each individual who is at least age 65, blind, or disabled, and whose countable income and assets do not exceed certain prescribed limits will be an eligible individual. If such an eligible individual is living in the same household with a spouse, who is neither aged, blind, nor disabled, the income and assets of the spouse (whether or not available to the individual) are considered in determining the eligible individual's income and assets, except in circumstances where this is deemed inequitable. An aged, blind, or disabled individual who has an eligible spouse may only qualify as an eligible individual if the combined countable income and assets of the couple do not exceed the income and asset limits specified for such couples.

2240.0604.04 Definition of Married (MSSI, SFP)

The policy in this section is applicable only to MEDS-AD, Medically Needy, Protected Medicaid, Working Disabled, QMB, SLMB, QI-1, OSS and HCDA.

A man and woman are determined to be married if the following circumstances exist:

1. The parties are living together in a common household and are presenting themselves as husband and wife in the community in which they reside, or they are validly married under the law of the state in which the parties are living (or last lived together if they are separated) at the time the application is filed.
2. Two individuals will be considered "validly" married under the law of the state in which they are living if they were married in a ceremonial marriage anywhere. If the parties started living together without ceremony, but present themselves as husband and wife in the community, they may also be considered "validly" married. This will be true if the state in which they are living together (or the state in which they previously lived together under the same conditions) recognized common-law marriages at a time when they resided within that state.
3. While under the laws of all states there can be a valid marriage only if any prior marriage of either of the parties was terminated, the prior marital history of the parties need not be explored if they are living together and representing themselves as married in the community in which they reside.
4. Moreover, even if the relationship commenced without a ceremony in a state which recognized common-law marriages (or if they resided in such a state after the relationship began), the fact that the parties are living together is normally evidence of their holding themselves out to the community as husband and wife.

2240.0604.05 Martial Status as Determined by SSA (MSSI, SFP)

The policy in this section is applicable only to MEDS-AD, Medically Needy, Protected Medicaid, Working Disabled, QMB, SLMB, QI-1, OSS and HCDA.

If either of the parties is (or has been) determined to be the spouse of the other by SSA in a claim for husband's or wife's benefits, they will be considered husband and wife. The effective date of the determination that they are husband and wife will be the date of the SSA determination or the date of application for SSI, whichever is the most recent.

2240.0604.06 Living Together (MSSI, SFP)

The policy in this section is applicable only to MEDS-AD, Medically Needy, Protected Medicaid, Working Disabled, QMB, SLMB, QI-1, OSS and HCDA.

If a man and woman are living together and representing that they are husband and wife, they will be considered to be married. A man and woman are representing themselves to be married if:

1. they use the same surname;
2. they are listed as husband and wife in deeds, credit accounts, leases or other documents; or
3. they are considered to be husband and wife by relatives, friends, neighbors, or trades people with whom they do business.

Normally, it will not be necessary to obtain statements from these people if the parties indicate that their relatives, friends, and the like, consider them to be husband and wife. However, if a man and woman are living together and one of them is applying and denies being married to the party with whom they are living, further development is needed.

2240.0604.07 Married and Living with Spouse (MSSI, SFP)

The policy in this section is applicable only to MEDS-AD, Medically Needy, Protected Medicaid, Working Disabled, QMB, SLMB, QI-1, OSS and HCDA.

When an individual alleges being married to and living with a person who is aged, blind, or disabled, the individual's statement as to the relationship will be accepted. The application will be processed as that of an eligible individual and eligible spouse. The eligible individual's case record will contain information about the income and assets of the spouse. If the individual indicates they are living with and married to a person who is neither aged, blind, nor disabled, the individual's statement regarding marriage will be accepted. Information concerning the income and assets of the spouse will be part of the case record.

2240.0604.08 Married but Not Living with Spouse (MSSI, SFP)

The policy in this section is applicable only to MEDS-AD, Medically Needy, Protected Medicaid, Working Disabled, QMB, SLMB, QI-1, OSS and HCDA.

An applicant who is married, but not living with the spouse, will be asked to furnish the spouse's name and address and the date (or approximate date) of the separation.

They will be considered a couple during the month of separation but treated as individuals beginning the month following separation.

2240.0604.09 Separated and Living with Other (MSSI, SFP)

The policy in this section is applicable only to MEDS-AD, Medically Needy, Protected Medicaid, Working Disabled, QMB, SLMB, QI-1, OSS and HCDA.

If an applicant is married but separated from the spouse, the eligibility specialist will ascertain whether the applicant is living with any other individual as husband and wife. If the answer is in the affirmative, it will be necessary to consider whether the individual with whom the applicant is living should be considered to be a spouse as a result of their holding themselves out as husband and wife.

2240.0604.10 Individual Alleges No Marriage (MSSSI, SFP)

The policy in this section is applicable only to MEDS-AD, Medically Needy, Protected Medicaid, Working Disabled, QMB, SLMB, QI-1, OSS and HCDA.

When individuals indicate that they are not married to the individual with whom they are living, and a determination that this person is a spouse could affect eligibility, each of the parties living together will be asked to answer the following questions:

1. By what name or names are you known?
2. How do you introduce the other party to friends, relatives, and others?
3. How is mail addressed to you? To the other party?
4. Are there any deeds, installment contracts, tax returns, or other papers showing the two of you as husband and wife?
5. Is the home (apartment) in which you reside owned or rented by one or both of you? If both, furnish the names on the deed or lease.

If the answers to these questions show that the parties represented themselves to others as husband and wife, they will be considered as such, despite their denials. On the other hand, if the parties can furnish a satisfactory explanation of their relationship (such as, owner/housekeeper, co-tenants, or co-occupants), and never represented to others that they were husband and wife, they will not be considered such.

2240.0604.11 More than One Spouse (MSSSI, SFP)

The policy in this section is applicable only to MEDS-AD, Medically Needy, Protected Medicaid, Working Disabled, QMB, SLMB, QI-1, OSS and HCDA.

Although more than one individual can meet the definition of the spouse of an eligible individual (such as, one person is a legal spouse from whom the eligible individual has been separated, and another is living with the individual in a husband-wife relationship), only one individual will be the "spouse" in any month.

Moreover, even where an individual entitled to SSA has a spouse entitled to the husband's or wife's benefits on their earnings record, a different individual may be the "spouse". The determination as to who is the eligible individual's spouse will be made at the time applications are filed based on the policy in passage 2240.0604.12.

2240.0604.12 "Holding Out" Relationship (MSSSI, SFP)

The policy in this section is applicable only to MEDS-AD, Medically Needy, Protected Medicaid, Working Disabled, QMB, SLMB, QI-1, OSS and HCDA.

If the eligible individual is living with one individual and they are holding themselves out as husband and wife, and there is another individual from whom the individual is separated (who could also qualify as a spouse), the individual with whom the eligible individual is living will be deemed the "spouse". The "spouse" with whom the eligible individual is living will always be given priority, despite the fact that some other individual may also qualify as the spouse, whether or not such other individual can also qualify as an eligible spouse.

2240.0604.13 Definition of Spouse for Allocation Purposes (MSSI)

The following policy is applicable only to ICP, MEDS-ICP, Institutional Hospice, HCBS, Community Hospice and PACE.

There must be a legally recognized relationship to be a spouse for allocation purposes.

2240.0604.14 Changes in Marital Relationships (MSSI, SFP)

If there is a change in the marital relationship between two eligible individuals, that change will be treated as follows:

1. If two individuals marry (or start living together and holding themselves out as husband and wife), they will be considered to be an eligible individual and eligible spouse, assuming the other requirements are still met. They will be treated as a married couple beginning with the month following the month in which the parties were either married or started living together and holding themselves out to the community as married.
2. When a couple has been considered as an eligible individual and eligible spouse, and either the marital relationship terminates or the parties separate, each of the parties who still meets the requirements for MSSSI will be treated as an eligible individual beginning with the month following the month of separation. If both are residing in the same institution, they can choose whether to be considered as a couple or as individuals.
3. A marriage is terminated by the death of either spouse or by a divorce or an annulment. When a marriage is terminated, the remaining spouse(s) will be considered unmarried. Beginning with the month following the month of death or the month following the month in which the divorce or annulment becomes final, an eligible spouse may qualify as an eligible individual, assuming the other requirements are met.

2240.0605 Definition of a Parent (MSSI)

A parent is a natural or adoptive mother or father whose income and assets are subject to be deemed to an eligible child.

2240.0606.01 Definition of a Child (MSSI)

A child is an individual who is neither married nor the head of a household and who is under 18, or under the age of 21 and a student regularly attending a school, college, or university, or a course of vocational or technical training to prepare for gainful employment.

2240.0606.02 Definition of a Dependent (MSSI, SFP)

For ICP, HCBS, and Hospice a dependent is an unmarried child under 21 or a disabled adult child living at home.

For OSS, a dependent is an unmarried child under 18 living at home.

2240.0606.03 Definition of a Dependent in Deeming (MSSI)

The following policy is applicable only to MEDS-AD, QMB, SLMB, Medically Needy, Protected Medicaid and Working Disabled.

A dependent is an ineligible child who is the natural or adopted child of an eligible individual or the individual's spouse, or the natural or adopted child of a parent or the parent's spouse who lives in the same household with the eligible individual, is not eligible for SSI, and who is under age 18, or under age 21 and a student regularly attending a school, college, or university, or a course of vocational training to prepare him for gainful employment.

2240.0606.04 Definition of Family Member for Allocation (MSSI)

The following policy is applicable only to ICP, MEDS-ICP, PACE, HCBS, and Institutional Hospice.

A family member can only include minor or dependent children, dependent parents or dependent siblings of the institutionalized or community spouse who are residing with the community spouse. Dependency may be of any kind, such as financial or medical.

2240.0607 Treatment of Needs, Income, and Assets for SFU (MSSI, SFP)

Passages 2240.0607 through 2240.0621 provide policy on the treatment of needs, income, and resources for individuals in the living arrangements described. For information on deeming, refer to Chapter 2600.

2240.0608 Individual with No Spouse/Dependents (MSSI, SFP)

When the standard filing unit (SFU) consists of an individual with no spouse and no dependents, the income and asset standards for one must be used. Only the individual's income and assets are considered. There is no deeming or allocating of income or assets. This policy applies to community as well as institutional programs.

2240.0609 Individual/Not Living with Spouse (MSSI)

The following policy applies only to MEDS-AD, EMA, QMB, SLMB, QI-1, Protected Medicaid, Medically Needy and Working Disabled Programs.

When the standard filing unit (SFU) consists of a married individual who is not living with their spouse, the income and asset standards for one must be used. Only the individual's income and assets are considered. There is no deeming or allocating of income and assets.

2240.0610 Couple/One Requests Medicaid (MSSI)

The following policy is applicable only to MEDS-AD, QMB, SLMB, QI-1, EMA, Protected Medicaid, Medically Needy, and Working Disabled Programs.

If an individual is living with their spouse and only one is requesting or receiving Medicaid (or the spouse does not meet the technical criteria for the program), the income and assets must be deemed from the spouse who is not requesting assistance (or who does not meet the technical criteria). If there is not enough income to be deemed, the income standard for one is used. If there is enough income to deem, the individual must first pass the individual test for one. If they pass the individual income test, they must also pass the couple standard using deemed income from the spouse.

Note: Regardless of the income standard used, the asset standard for a couple must be used.

2240.0611 Couple/Both Request Medicaid (MSSI)

The following policy is applicable only to MEDS-AD, QMB, SLMB, QI-1, EMA, Protected Medicaid, Medically Needy and Working Disabled Programs.

If an eligible individual is living with an eligible spouse, the income standard for two must be used. Eligibility as a couple must be determined using both spouses' income and assets.

Income is not allocated to family members or dependents.

If an eligible individual is living with their ineligible spouse, the income and assets must be deemed from the spouse who is not eligible for or requesting assistance. If there is not enough income to be deemed, the income standard for one must be used. If there is enough income to deem, the individual must first pass the individual test for one. If they pass the individual income

test, they must also pass the couple standard using deemed income from the spouse. Regardless of the income standard used, the asset standard for a couple must be used.

2240.0612 Couple/One Requests Institutional Care Services (MSSI)

The following policy is applicable only to ICP, MEDS-ICP, PACE and Institutional Hospice Programs. If an individual has a community spouse and only one spouse is requesting institutional services, the income standard for one is used. Only the institutionalized individual's income is used to determine his income eligibility.

At the time of application, the total countable assets of both spouses are considered and an amount is allocated to the community spouse in accordance with policies in Chapter 1600.

After eligibility is established, income may be allocated to the legal spouse, family member, and dependents in accordance with policy in Chapter 2600.

2240.0613 Eligible Couple/Both Request ICP, HCBS, Hospice, SFP (MSSI, SFP)

The following policy is applicable only to individuals living with their spouse and both are requesting (or receiving) ICP, MEDS-ICP, PACE, HCBS, Institutional Hospice, Community Hospice, or OSS. To apply the couple standards, both individuals must first meet the technical criteria for the program.

If the couple both live in the same home or institution, they are considered living together for purposes of this policy. The individuals can choose whether to be considered as a couple or as individuals, whichever is to their advantage. The income standard for two must be used and income and assets counted together if determining eligibility as a couple. If they choose to be treated as individuals, the income standard for one must be used and each individual's income and assets must be treated separately.

Income to dependents and family members must be allocated except in the HCBS Program, for which you do not allocate income to dependents or family members. (Refer to Chapter 2600 for appropriate allocation policies.)

2240.0614 Couple/One Requests Community Hospice or OSS (MSSI, SFP)

If an eligible individual is living with their ineligible spouse and is applying for Community Hospice or OSS, the income standard for one must be used. Only the individual's income and assets are counted and income may be allocated (according to Chapter 2600) to the spouse and dependents.

2240.0615 Individual Not with Spouse Requests OSS (MSSI, SFP)

If an individual is not living with their spouse and is applying for OSS, the income standard for one must be used. Eligibility is determined based on the individual's income and assets. Income may be allocated to the spouse and dependents.

2240.0616 Child Living with Parents (MSSI)

If the child is applying for MEDS-AD, QMB, SLMB, QI-1, EMA, Protected Medicaid or Medically Needy, and the child lives with his parent(s), the income and assets of the parent must be deemed to the child. The income standard for one must be used. (A stepparent's income and assets are not deemed.)

Refer to passage 2240.0617 if the child is currently living with a parent but is applying for institutional care.

2240.0617 Child Not Living with Parents (MSSI)

If the child is not living with parents or currently lives with parents but is applying for institutional care, the child is considered an individual. Only the child's income and assets are considered. The income standard for one is used. There is no deeming or allocating of income or assets.

2240.0618 Deeming Exclusions (MSSI)

The following income and assets cannot be deemed:

1. Income or assets belonging to a stepparent or grandparent;
2. Income or assets belonging to SFU members other than the individual, parent, or spouse.

Note: Pension funds owned by an ineligible spouse or parent, such as monies held in a retirement fund administered by an employer or union, an individual retirement account (IRA), or a Keogh account cannot be deemed.

2240.0619 Treatment of Assets when Child Lives with Parent (MSSI)

In determining the amount of assets to be deemed, the eligibility specialist will allow the parent(s) all the asset exclusions they would be eligible for in their own right if they were eligible individuals. After those exclusions are applied, the remaining included assets in excess of the limit are subject to deeming.

The entire amount that exceeds the asset limit is deemed to the child when only one child meets SSI-Related criteria. When more than one child meets SSI-Related criteria, the amount to be deemed is divided equally among those children. None of the parents' assets are deemed to any other children (for example, those who are neither blind nor disabled).

For purposes of deeming, it does not matter whether the parent is or is not eligible. If the child is living with one parent, deduct the appropriate asset limit (\$2,000 for categorically needy except MEDS-AD or \$5,000 for Medically Needy and MEDS-AD) from the parents' total included assets. If living with both parents, use \$3,000 for categorically needy except MEDS-AD or \$6,000 for Medically Needy and MEDS-AD.

2240.0620 Amount of Child's Assets (MSSI)

The following policy is applicable only to MEDS-AD, QMB, SLMB, QI-1, EMA, Medically Needy and Protected Medicaid.

The assets of a child consist of whatever assets the child has in his own right plus whatever assets are deemed to him from his parent(s). A child is independently eligible for each of the normal items and amounts of asset exclusions.

In determining whether the \$2,000 limitation on household goods and personal effects is exceeded, the eligibility specialist must consider the parents' household goods and personal effects for deeming purposes and consider the child's personal effects and any household goods the child may own separately. Only one vehicle can be excluded under the automobile exclusion.

A child is not eligible if his own assets plus the value of the assets deemed to the child from the parent(s) exceed the appropriate asset limit.

2240.0621 Participation Status Codes (MSSI)

When the SFU composition has been determined, a participation code will be assigned to each individual. This code will determine in FLORIDA how each individual's needs, income, and assets are counted.

The participation status codes that will be used in the SSI Medicaid Program are described as follows:

- EA** - Eligible or Potentially Eligible Adult - The income, assets, and needs are included. The individual is entitled to appropriate disregards and receives benefits.
- EC** - Eligible or Potentially Eligible Child - The income, assets, and needs are included. The individual is entitled to appropriate disregards and receives benefits.
- DS** - Deemed Spouse - The needs of these individuals are not included. Assets are counted in full and income is deemed.
- DP** - Deemed Parent - The needs of these individuals are not included. Assets are counted in full and income is deemed.
- AD** - Allocated Dependent - The dependent of the institutionalized individual who the institutionalized individual must allocate income to in order to meet the needs of the dependent in the community.
- AS** - Allocated Spouse - The community spouse of the institutionalized individual who the institutionalized individual must allocate income to in order to meet the needs of the community spouse.

2250.0000 Child In Care

This chapter presents policy for the following topics:

1. Standard Filing Unit,
2. Assistance Group,
3. CIC and Standard Filing Unit

The program specific sections will discuss policy on mandatory and optional members of the SFU, whose needs must (or may) be included or excluded, whose income and assets must be included, and participation status codes used in FLORIDA.

2250.0100 STANDARD FILING UNIT (CIC)

The Standard Filing Unit (SFU) is the single individual or group of individuals whose income, assets, or needs are considered in the eligibility determination and benefit, income, and asset levels of the assistance group, because they share a legal or blood relationship and/or live together. Eligibility of the assistance group is based on a review of the total income and assets of all individuals in the SFU.

2250.0200 ASSISTANCE GROUPS (CIC)

The assistance group is the individual(s) who meets the financial and technical eligibility requirements of the program for which they are applying. An assistance group member will always be an SFU member; however, an SFU member is not always a member of the assistance group.

2250.0400 STANDARD FILING UNIT (CIC)

To receive assistance, the individuals must be determined to be in need. An individual in need is one whose assets are limited to a federally mandated amount and whose income is insufficient to meet the individual's needs. "Need" is defined by the Florida Legislature as the Consolidated Need Standard.

2250.0401 Standard Filing Unit (CIC)

Child in Care requires that each child be considered a separate standard filing unit. This includes siblings living in the same foster home. These cases must be entered as separate FLORIDA cases.

2250.0402 Verification of SFU Members (CIC)

The applicant's statement can be accepted as to the members of the SFU and the child's age and date of birth.

Pregnancy verification is required when eligibility is based on pregnancy or when multiple births are anticipated. If the pregnancy must be verified, a written or verbal statement from a medical professional confirming the pregnancy and expected date of delivery is acceptable.

2250.0403 Needs Included (CIC)

When an individual's needs are included in the SFU, that individual is considered in the assistance group size for the purpose of assigning benefit, income, and asset levels.

2250.0404.01 Definition of Terms (CIC)

In determining need, the following terms are used:

1. The child is the dependent person under 18 (or under 19, still a full-time student in secondary school or at the equivalent level of vocational or technical training), who has never been married or whose marriage was annulled and whose eligibility is being determined.
2. Parent includes mother, father (see Chapter 1400 for a definition of legal and natural father of the child), adoptive mother and adoptive father.

For a definition of a specified relative, see Chapter 1400.

2250.0404.02 Child for Whom Assistance is Requested (CIC)

The needs of the child for whom assistance is requested are included, provided the child meets all AFDC technical eligibility criteria in effect July 16, 1996.

If the child's mother is a teen parent receiving Title IV-E foster care payments, the board rate by Family Safety must include payment for the child; the child will not be eligible for TCA, as the board rate duplicates the purpose of the TCA benefits. Medicaid benefits must be explored, including the child's income and assets. The mother's needs, income and assets are not considered.

If an infant's teen parent is receiving non-Title IV-E foster care payments and the payment does not include the infant's needs, the teen parent may apply for TCA for the infant. The needs, income and assets of the infant are considered in this determination. The mother's needs, income and assets are not considered.

2250.0404.03 Parents Living in the Home (CIC)

In order to evaluate the child for Title IV-E eligibility the needs of the parent(s) must be included if the parent is living in the home, or meets the conditions of temporary absence, and meets all other eligibility criteria.

When the mother and father (legal or nonlegal natural father) reside together in the home, both their needs must be included if one meets the UP criteria or is incapacitated. The needs of their children must also be included in the SFU. When neither meets the UP criteria or is incapacitated, deprivation does not exist. If one receives SSI based on disability or blindness, the non-SSI parent must be included provided that the parent is not an essential person for SSI purposes. Refer to passage 2250.0405.03 for a definition of essential person.

2250.0404.06 Minor Siblings (CIC)

All minor siblings (including half-brothers and half-sisters) living with the child for whom assistance is requested or if away from home, meeting the conditions of temporary absence, must have their needs included, provided the sibling meets all Temporary Cash Assistance eligibility criteria.

Minor siblings are those brothers and sisters under the age of 18 or under age 19 and a full-time student in secondary school or at the equivalent level of vocational or technical training who have never been married or whose marriage was annulled. The needs of these children must be included through the month of their 18th birthday or 19th birthday if a full-time student, unless born on the first day of the month. If born on the first day of the month, their needs must be removed effective the birth month.

Two-parent families containing at least one mutual child must be considered as one standard filing unit (SFU) due to the sibling relationships of mutual and nonmutual children. If the family is

ineligible for Temporary Cash Assistance benefits as one SFU, Temporary Cash Assistance is not available to the nonmutual children or their parents.

For Medicaid, if the two-parent family with at least one mutual child is ineligible for payment standard related Medicaid benefits as one SFU, Medicaid assistance under payment standard related Medicaid coverage may be accessed for the nonmutual child and their parent. The income of the stepparent must be deemed in determining the Medicaid eligibility of the parent of the nonmutual child under this coverage group. Income of the stepparent is not deemed to the child.

2250.0404.07 Unmarried Parents (CIC)

If the child's parents are not married, have other children by prior relationships living in the home, and one or both parents are incapacitated or unemployed/underemployed or receives SSI, OSS, or ICP, one assistance group is set up. Both parents, if eligible, are included in the assistance group because the children are siblings.

If the parents are not married, have other children by prior relationships, but no mutual children, two standard filing units (SFUs) must be set up.

2250.0404.08 Stepparents in Home (CIC)

When there are two legally married stepparents in the home and neither is an SSI, OSS, or ICP recipient and each has children who are eligible for Temporary Cash Assistance (nonmutual children), two standard filing units (SFUs) must be set up.

If there is a mutual child and one or both parents are incapacitated or one or both parents are unemployed/underemployed or an SSI, OSS, or ICP recipient, one SFU must be set up. The children's needs and the needs of the incapacitated or unemployed/underemployed parent(s) must be included in the SFU.

When a parent and a stepparent are in the home, the parent's needs are included in the assistance group with the child. Stepparents who have no eligible children of their own may not be included in the AG under any circumstance.

2250.0405.02 Stepsiblings May be Included (CIC)

Any stepbrothers, stepsisters, or other children in the home who meet all TCA eligibility criteria may be included in the SFU.

2250.0405.03 Definition of an Essential Individual (CIC)

Under SSI regulations, an essential individual is an individual whose presence in the household is considered necessary to provide care and services for the eligible SSI individual.

The only essential individual recognized by SSI in Florida is the nonrecipient spouse whose needs, income, and assets were considered in determining eligibility and computing the Aid to the Aged, Blind and Disabled (AABD) grant amount in December 1973. AABD was a state program prior to SSI.

Essential individuals do not themselves receive SSI; however, an amount is allocated for them in determining the eligible individual's SSI SFU. The income and assets of the essential individual are combined with those of the eligible individual in determining the SFU amount of the SSI individual.

In order to determine if an individual is considered an "essential individual", a contact must be made with the local SSA office.

2250.0408 Needs Excluded (CIC)

Passages 2250.0409 through 2250.0411 will discuss SFU members whose needs have been excluded from the assistance group.

2250.0409 Individuals Excluded from SFU and AG (CIC)

The following individuals cannot be considered in the assistance group. The needs, income, and assets of these individuals are not included in the SFU:

1. individuals who receive SSI benefits or who are included in an SSI benefit as an essential person (refer to passage 2250.0405.03 for the definition of an essential person);

Exception: Concurrent eligibility for payments from SSI and Title IV-E foster care, or from SSI and Title IV-E adoption assistance, is allowed. However, the child's SSI payment will be reduced by the amount of the Title IV-E payment. If the adoptive parents choose only SSI, once the adoption is finalized, and if no adoption assistance agreement is executed, they may not later receive Title IV-E adoption assistance payments.

Note: When the only potentially eligible child in the family receives SSI, the parents or caretaker relative may be eligible to receive TCA for themselves.

2. individuals who receive Optional State Supplementation (OSS);
3. individuals covered under the Institutional Care Program (ICP);
4. individuals who are receiving non-TCA assistance under the Refugee Assistance Program (RAP) in another SFU;
5. individuals who are receiving TCA assistance in another SFU;
6. individuals in a period of ineligibility due to receipt of lump sum income or asset transfer;
7. a teen parent who is a recipient of foster care payments and the child who lives with the child's parent in the foster home. The child may or may not be adjudicated dependent; and
8. a child for whom federal, state or local foster care maintenance payments or adoption assistance payments are provided.

Note: If excluding a child for whom adoption assistance payments are made is disadvantageous, then the child's needs may be included. If the child's needs are included, then the income and assets of the child are also considered, including the adoption assistance payment.

2250.0410.01 Needs Excluded (CIC)

The needs of the following individuals must be excluded:

1. A 16 to 18 year old who has been sanctioned for failure to cooperate with work activities.
2. The 18 year old full-time student who fails to verify full-time status.
3. Members of an assistance group who are sanctioned due to failure to comply with work requirements, Child Support Enforcement (CSE) requirements or immunizations, or who is technically ineligible (for example, welfare enumeration or citizenship).

4. The incapacitated or unemployed father of an unborn child, living in the home, when the unborn is the only eligible child. The father's income and assets continue to be considered. When the child is born, the father's needs must be included.
5. The mother (or father) who is in and out of the home for brief periods, (the provision that the parent's needs be included in the standard filing unit (SFU) does not apply) when a nonparental specified relative is receiving Temporary Cash Assistance as a caretaker relative.

Note: The eligibility specialist must exercise judgment as to whether to add the needs of the parent or to close and reopen the case to include the parent as payee (if the parent's needs are not added to the SFU, the parent is to be treated as an absent parent for CSE purposes).

2250.0410.02 Strikers - Needs Excluded (CIC)

A striker is defined as a person who has refused to provide services to his employer in conjunction with other employees, whether in the form of a strike or other concerted work stoppage, including a stoppage by reason of a collective bargaining agreement, work slowdown or other concerted interruption of operations by employees.

When the parent or caretaker relative whose income is considered in determining eligibility is participating in a strike, the assistance group is considered ineligible for TCA and assistance must be denied or the grant cancelled. The assistance group remains ineligible while the parent or caretaker relative continues to participate in the strike. The first month assistance can be authorized is for the month during which the parent or caretaker relative is no longer participating in the strike, whether because the strike is settled, the striker returned to the job or the striker was fired or otherwise dismissed, provided eligibility is established on all factors.

When a member of the assistance group other than the parent or caretaker relative is on strike, his needs must be removed from the grant while he continues to participate in the strike. Upon request and determination of eligibility, the striker's needs can be added to the grant for the month he is no longer participating in the strike, whether because the strike is settled, the striker returned to the job, or the striker was fired or otherwise dismissed.

The eligibility specialist must verify with the employer either that the strike has been settled, the striker has returned to employment, or the striker has been dismissed from employment prior to authorizing assistance when the caretaker relative, whose income is considered in the grant, parent or a member of the assistance group has been on strike. The information obtained from the employer must be recorded on the application form.

2250.0413 Income Included (CIC)

When an individual's needs have been included, that individual's income will also be included unless otherwise excluded as detailed in Chapter 1800.

The following sections will discuss policy pertaining to the income of assistance group members. Policy pertaining to the income and assets of SFU members whose needs are not included in the assistance group will be discussed in passage 2250.0419.

2250.0414.01 Income Included (CIC)

This policy pertains to the family of the child in care when an application for Title IV-E is received. Only the income for the month of removal is evaluated.

The income of the individuals in passages 2250.0414.02 through 2250.0414.06 must be included.

2250.0414.02 Income of SFU Members Included (CIC)

Any child, parent or relative whose needs are included in the SFU will have his income included for purposes of determining eligibility.

2250.0414.03 Including Sibling Income in SFU (CIC)

The sibling(s) living in the home of the child for whom Title IV-E assistance is requested or, if away from home, meeting conditions of temporary absence must have income included if the sibling is otherwise eligible to have needs included in the SFU. If the sibling is not eligible to have needs included, the sibling's income is considered only if it is made available to the assistance group.

An exception to this is 16-18 year old siblings who are sanctioned for failure to participate in employment and training must continue to have their income included in the SFU.

2250.0414.04 Income of Parent (CIC)

The parent who is living in the home, or if away from home, who meets the conditions of temporary absence, must have their income included.

2250.0414.05 Income of a Pregnant Woman (CIC)

The income of a pregnant woman is considered. Any income available to the pregnant woman on the unborn child's behalf is also considered. The income of the pregnant woman's incapacitated or unemployed legal husband who is living in the home or who is temporarily absent is considered available to the pregnant woman unless the husband is a recipient of SSI or OSS.

2250.0416 Assets Included (CIC)

If an individual's needs have been included in the assistance group, their assets will also be included, unless otherwise excluded as detailed in Chapter 1600.

2250.0417.02 Children's Assets Included (CIC)

All eligible children living in the home and whose needs are included in the standard filing unit (SFU) must have assets included. (Refer to Chapter 1400 for definition of eligible child.)

2250.0417.03 Parent's Assets Included (CIC)

The parent who lives in the home, or if away from home continues to meet the conditions of temporary absence, must have assets included even if the parent is not eligible to have needs included in the SFU.

2250.0417.04 Unmarried Siblings Assets Included (CIC)

All eligible unmarried siblings living in the home of the child for whom assistance is requested, or if away from home, meeting the conditions of temporary absence, must have assets included if the sibling's needs are included in the standard filing unit (SFU). If the sibling is not eligible to have needs included, assets are only considered to the extent that they are made available to the assistance group. (Refer to Chapter 1400 for definition of eligible child.)

2250.0417.06 Pregnant Woman Assets Included (CIC)

The assets of a pregnant woman are considered. Any assets available to the pregnant woman on the unborn child's behalf are also considered. The assets of the pregnant woman's incapacitated legal husband who is living in the home or who is temporarily absent are considered available to the pregnant woman unless the husband is a recipient of SSI or OSS.

2250.0419 Income and Assets of Excluded Members (CIC)

SFU members who have been specifically excluded from the SFU per passage 2250.0408 may have all or a portion of their income and assets included in the SFU computation.

2250.0420.04 Income and Assets - Parents of Teen Parent (CIC)

When the teen parent resides with a parent and/or the parent's legal husband or wife who are nonparticipating individuals, and either the parent or stepparent or both have income, the income of the parent must be considered available to the teen parent and the dependent child on whose behalf the teen parent applies for assistance. A determination must first be made as to the amount of the stepparent's income considered available to the teen's parent.

If the teen parent is not eligible to have her needs included in the SFU with her child (for any technical reason), the income of the nonparticipating parent(s) or stepparent of the teen parent is considered to be available to the teen parent's child.

The assets of the parent(s) of the teen parent are not considered available to the teen parent and her child although the income may be included.

2250.0420.05 Income and Assets of Stepparent (CIC)

The stepparent living in the home, or if away from home, who meets the conditions of temporary absence, whose needs are not included in the SFU, must have income deemed for purposes of determining eligibility.

The assets of a stepparent living in the home whose needs are not included in the SFU are not considered in the eligibility determination.

2250.0420.07 Income of Sponsor (CIC)

The individual sponsor of a noncitizen will have all of their assets and income included in the eligibility determination. This does not refer to a child sponsored by agencies or organizations.

2250.0422 Participation Status Codes (CIC)

The following section will present participation codes for CIC.

When the SFU composition has been determined, a participation code will be assigned to each individual. This code will determine in FLORIDA how each individual's needs, income and assets are counted.

The participation codes that will be used are as follows:

- EA** - Eligible or Potentially Eligible Adult (all programs including AFDC family eligibility for Title IV-E Foster Care) - The income, assets, and needs are included. The individual is entitled to the appropriate disregards and receives benefits.
- EC** - Eligible or Potentially Eligible Child (all programs including AFDC family eligibility for Title IV-E Foster Care) - The income, assets, and needs are included. The individual is entitled to the appropriate disregards and receives benefits.
- DS** - Deemed Spouse (TCA, MFAM) - The assets are not considered. Income is deemed.
- DS** - Deemed Spouse (RAP) - The assets will be counted in full. Income is deemed.
- DP** - Deemed Parent (TCA, MFAM) - For TCA and the associated Medicaid. The assets are not considered. Income is deemed.

- DP** - Deemed Parent (RAP) - The assets will be counted in full. Income is deemed.
- DT** - Deemed Stepparent (TCA and the associated Medicaid groups) - The assets are not considered. Income is deemed.
- FA** - Financial Adult. The income and assets would be included but income disregards would not be given. The individual's needs would be excluded and the individual would not receive benefits. The following describes when these situations would occur:
- ADCR - Parent ineligible due to SSN or noncitizen status requirements or to work penalties or CSE sanction.*
 - ADCU - The father of third trimester unborn.
 - ADCI - The father of third trimester unborn.
 - RAP - Individual ineligible due to SSN, noncitizen status, time limits or work and training.
- FC** - Financial Child. The income and assets would be included but disregards would not be given. The individual's needs would be excluded and the individual would not receive benefits.
- Note:** If a financial adult or child is sanctioned, they are eligible to receive the disregards.
- XC** - Excluded Child (all programs). The income, assets and needs of the child are not included. The situation in which this would occur is if the child did not have an SSN.
- XA** - Excluded Adult (all programs). The income, assets and needs of the adult are not included.

2260.0000 Refugee Assistance Program

This chapter presents policy for the following topics:

1. Standard Filing Unit,
2. Assistance Group,
3. RAP and Standard Filing Unit,

The program specific sections will discuss policy on mandatory and optional members of the SFU, whose needs must (or may) be included or excluded, whose income and assets must be included, and participation status codes used in FLORIDA.

2260.0100 STANDARD FILING UNIT (RAP)

The Standard Filing Unit (SFU) is the single individual or group of individuals whose income, assets, or needs are considered in the eligibility determination and benefit, income, and asset levels of the assistance group, because they share a legal or blood relationship and/or live together. Eligibility of the assistance group is based on a review of the total income and assets of all individuals in the SFU.

2260.0200 ASSISTANCE GROUPS (RAP)

The assistance group is the individual(s) who meets the financial and technical eligibility requirements of the program for which they are applying. An assistance group member will always be an SFU member; however, an SFU member is not always a member of the assistance group.

2260.0400 STANDARD FILING UNIT (RAP)

To receive assistance, the individuals must be determined to be in need. An individual in need is one whose assets are limited to a federally mandated amount and whose income is insufficient to meet the individual's needs. "Need" is defined by the Florida Legislature as the Consolidated Need Standard.

2260.0401 Standard Filing Unit (RAP)

Persons included in a SFU who meet the technical eligibility requirements of the RAP Program must be in need and financially eligible in order to receive a cash benefit and/or Medicaid under the RAP Program.

2260.0402 Verification of SFU Members (RAP)

The applicant's statement can be accepted as to the members of the SFU and the child's age and date of birth.

Pregnancy verification is required when eligibility is based on pregnancy or when multiple births are anticipated. If the pregnancy must be verified, a written or verbal statement from a medical professional confirming the pregnancy and expected date of delivery is acceptable.

2260.0403 Needs Included (RAP)

When an individual's needs are included in the SFU, that individual is considered in the assistance group size for the purpose of assigning benefit, income, and asset levels.

2260.0405.03 Definition of an Essential Individual (RAP)

Under SSI regulations, an essential individual is an individual whose presence in the household is considered necessary to provide care and services for the eligible SSI individual.

The only essential individual recognized by SSI in Florida is the non-recipient spouse whose needs, income, and assets were considered in determining eligibility and computing the Aid to the Aged, Blind and Disabled (AABD) grant amount in December 1973. AABD was a state program prior to SSI.

Essential individuals do not themselves receive SSI; however, an amount is allocated for them in determining the eligible individual's SSI SFU. The income and assets of the essential individual are combined with those of the eligible individual in determining the SFU amount of the SSI individual.

In order to determine if an individual is considered an "essential individual," a contact must be made with the local SSA office.

2260.0406.01 Needs Included (RAP)

Passage 2260.0406.02 discusses those RAP individuals whose needs must be included in the SFU. Passage 2260.0407.07 discusses those RAP individuals whose needs may be included in the SFU.

2260.0406.02 Whose Needs Must be Included (RAP)

The needs of the individual for whom assistance is requested must be included in the SFU provided the individual meets all eligibility criteria.

2260.0407.01 Whose Needs May be Included (RAP)

The individuals in passages 2260.0407.02 through 2260.0407.07 may have their needs included in the SFU.

2260.0407.02 Adult Refugee May be Included (RAP)

A refugee adult age 18 or over who is not a full-time student in a secondary school or equivalent, may have their own SFU.

2260.0407.03 Refugee and Refugee Spouse May be Included (RAP)

A refugee and refugee spouse living together, or if away from home, who meet temporary absence criteria, may have their needs included. If a refugee spouse chooses not to have needs included in the SFU, the spouse's assets and income must still be considered.

A refugee and refugee spouse can only be eligible in one SFU. They cannot choose to be included in separate SFUs.

The needs of a U.S. citizen or otherwise ineligible refugee or nonrefugee spouse living in the home, or if away from home, who meets temporary absence criteria, cannot have their needs included in the SFU budget. However, assets and income must be considered.

2260.0407.04 Minor Refugee Child May be Included (RAP)

A minor refugee child under 18 years of age living with relatives or nonrelatives, or if away from home, who meets temporary absence criteria, may be included. The relative or nonrelative may choose to have needs, assets, and income excluded from the SFU. However, the American-born child(ren) of a refugee and a U.S. citizen legal parent are not eligible. Questionable cases should be cleared with Headquarters.

2260.0407.05 Nonrefugee Minor Child May be Included (RAP)

A nonrefugee minor child under 18 years of age born to refugee parents, living in the home, or if away from home, who meets temporary absence criteria, may have their needs included.

2260.0407.06 Refugee Parent of a Minor Refugee Child (RAP)

A refugee parent of a minor refugee child in the home, or if away from home, who meets temporary absence criteria, may be included. The refugee parent can choose not to have needs considered, but must have assets and income considered.

The needs of a U.S. citizen or otherwise ineligible refugee or nonrefugee parent cannot be considered in the SFU budget. However, their assets and income must be considered.

2260.0407.07 Refugee Caretaker of Child Under 18 (RAP)

The refugee caretaker (relative or nonrelative) of an eligible minor refugee child under 18 years of age living in the home, or if away from home, who meets temporary absence criteria, is included when the relative wishes to be included. The refugee relative or nonrelative caretaker may elect to be considered as a separate SFU.

2260.0408 Needs Excluded (RAP)

Passages 2260.0409 through 2260.0411 will discuss SFU members whose needs have been excluded from the assistance group.

2260.0409 Individuals Excluded from SFU and AG (RAP)

The following individuals cannot be considered in the assistance group. The needs, income, and assets of these individuals are not included in the SFU:

1. individuals who receive SSI benefits or who are included in an SSI benefit as an essential person (refer to passage 2260.0405.03 for the definition of an essential person);

Exception: Concurrent eligibility for payments from SSI and Title IV-E foster care, or from SSI and Title IV-E adoption assistance, is allowed. However, the child's SSI payment will be reduced by the amount of the Title IV-E payment. If the adoptive parents choose only SSI, once the adoption is finalized, and if no adoption assistance agreement is executed, they may not later receive Title IV-E adoption assistance payments.

Note: When the only potentially eligible child in the family receives SSI, the parents or caretaker relative may be eligible to receive TCA for themselves.

2. individuals who receive Optional State Supplementation (OSS);
3. individuals covered under the Institutional Care Program (ICP);
4. individuals who are receiving non-TCA assistance under the Refugee Assistance Program (RAP) in another SFU;
5. individuals who are receiving TCA assistance in another SFU;
6. individuals in a period of ineligibility due to receipt of lump sum income or asset transfer;
7. a teen parent who is a recipient of foster care payments and the child who lives with the child's parent in the foster home. The child may or may not be adjudicated dependent; and

8. a child for whom federal, state or local foster care maintenance payments or adoption assistance payments are provided.

Note: If excluding a child for whom adoption assistance payments are made is disadvantageous, then the child's needs may be included. If the child's needs are included, then the income and assets of the child are also considered, including the adoption assistance payment.

2260.0411 Needs Excluded (RAP)

The needs of the following individuals must be excluded from the assistance group:

1. individuals who have been removed from the assistance group because of having been sanctioned, or who refuse to register for, or participate in, work and training when nonexempt;
2. full-time students in college or professional training unless enrolled in a professional refresher training program or recertification program needed to qualify to practice their profession; or
3. an SFU member other than the parent or caretaker relative who is on strike (if the parent or caretaker relative is on strike, the entire assistance group is ineligible).

2260.0413 Income Included (RAP)

When an individual's needs have been included, that individual's income will also be included unless otherwise excluded as detailed in Chapter 1800.

The following sections will discuss policy pertaining to the income of assistance group members. Policy pertaining to the income and assets of SFU members whose needs are not included in the assistance group will be discussed in passage 2260.0419.

2260.0415.01 Income Included (RAP)

The income of the RAP individuals listed in passages 2250.0415.02 through 2250.0415.05 must be included.

2260.0415.02 Income of SFU Members Included (RAP)

All individuals living in the home whose needs are included in the SFU, or if away from home, who meet temporary absence criteria, must have income included. This also includes individuals included in the RAP-MAO assistance group.

2260.0415.03 Income of Nonrefugee Minor Child (RAP)

A nonrefugee minor child under 18 years of age (or a refugee parent) included in the standard filing unit (SFU) who lives in the home, or if away from home, meets temporary absence criteria, must have their income included. This also applies to minor children under 19 years of age if attending secondary school or its equivalent level of vocational/technical training.

2260.0415.04 Income of Spouse Included (RAP)

The spouse of the individual living in the home, or if away from home, who meets temporary absence criteria, must have their income included. The spouse may be a refugee or a nonrefugee.

When the spouse is not a refugee, all excess income of the spouse above the Consolidated Needs Standards for one individual with shelter will be considered available to the refugee. Standard earned income disregards and/or cost-of-care expenses are considered.

A refugee and legal spouse must have their assets and income considered together in the same SFU budget.

2260.0415.05 Income of Parent of Minor Child Included (RAP)

The parent(s) of the minor child(ren) under 18 years of age included in the standard filing unit (SFU) who lives in the home, or if away from home, who meets temporary absence criteria, must have their income included. This may be a refugee or nonrefugee. This also applies to minor children under 19 years of age if attending secondary school or its equivalent level of vocational/technical training.

When the parent is not a refugee, any excess income beyond the Consolidated Needs Standards for one individual with shelter is considered available to the other parent and/or minor child under 18 years of age included in the SFU. Standard earned income disregards and/or cost-of-care expenses are deducted. The refugee parent(s) of the minor child in the SFU must have their assets and income included.

2260.0416 Assets Included (RAP)

If an individual's needs have been included in the assistance group, their assets will also be included, unless otherwise excluded as detailed in Chapter 1600.

2260.0418.01 Assets Included (RAP)

The assets of the RAP individuals described in passages 2250.0418.02 through 2250.0418.06 must be included.

2260.0418.02 Assets of SFU Members (RAP)

All refugees living in the home, whose needs are included in the SFU, or living away from home, who meet temporary absence criteria, must have assets included. Additionally, assets of individuals included in the RAP-MAO SFU must be included.

2260.0418.03 Assets of Nonrefugee Minor Child (RAP)

The nonrefugee minor child (of a refugee parent) under 18 years of age included in the SFU and living in the home, or if living away from home, who meets temporary absence criteria, must have assets included.

2260.0418.04 Assets of Spouse of Refugee (RAP)

The spouse of the refugee included in the SFU and living in the home, or if living away from home, who meets temporary absence criteria, must have assets included. This may be a refugee or nonrefugee.

2260.0418.05 Assets of the Parent of Minor Children (RAP)

The parent(s) of the minor child(ren) under 18 years of age included in the SFU who lives in the home, or if living away from home, who meets temporary absence criteria, must have assets included. This may be a refugee or nonrefugee.

2260.0418.06 Assets of Sponsors (RAP)

The assets of sponsors and the in-kind services and shelter provided to refugees must not be considered in determining eligibility for assistance.

2260.0419 Income and Assets of Excluded Members (RAP)

SFU members who have been specifically excluded from the SFU per passage 2260.0408 may have all or a portion of their income and assets included in the SFU computation.

2260.0420.04 Income and Assets - Parents of Teen Parent (RAP)

When the teen parent resides with a parent and/or the parent's legal husband or wife who are nonparticipating individuals, and either the parent or stepparent or both have income, the income of the parent must be considered available to the teen parent and the dependent child on whose behalf the teen parent applies for assistance. A determination must first be made as to the amount of the stepparent's income considered available to the teen's parent.

If the teen parent is not eligible to have her needs included in the SFU with her child (for any technical reason), the income of the nonparticipating parent(s) or stepparent of the teen parent is considered to be available to the teen parent's child.

The assets of the parent(s) of the teen parent are not considered available to the teen parent and her child although the income may be included.

2260.0421.01 Income/Assets of Excluded AG Members (RAP)

Passages 2260.0421.02 and 2260.0421.03 discuss policy pertaining to the treatment of income and assets of excluded assistance group members in RAP.

2260.0421.02 Failure to Participate in Work and Training (RAP)

The assets and income of the nonexempt individual member who fails or refuses to register with FSET or participate in work and training are considered available in the determination of need for any remaining members of the SFU when the individual's spouse or minor child are included. Any excess income of the nonexempt individual in the home beyond the CNS for one individual with shelter is considered available to the other members of the SFU. Standard earned income disregards and/or cost-of-care expenses are considered.

2260.0421.03 Income and Assets of an Illegal Noncitizen (RAP)

The income and assets of an illegal noncitizen are counted only if made available to the refugee. However, the income and assets of an illegal noncitizen spouse of a refugee or the illegal noncitizen parent(s) of a minor refugee child must be counted if the spouse or parent lives in the home, or if away from home, meets temporary absence criteria.

Any excess income beyond the CNS for one person with shelter will be considered available to the spouse or minor refugee child under age 18. Standard earned income disregards and/or cost-of-care expenses are considered.

2260.0422 Participation Status Codes (RAP)

The following section will present participation codes for RAP.

When the SFU composition has been determined, a participation code will be assigned to each individual. This code will determine in FLORIDA how each individual's needs, income and assets are counted.

The participation codes that will be used are as follows:

- EA** - Eligible or Potentially Eligible Adult (all programs including AFDC family eligibility for Title IV-E Foster Care) - The income, assets, and needs are included. The individual is entitled to the appropriate disregards and receives benefits.
- EC** - Eligible or Potentially Eligible Child (all programs including AFDC family eligibility for Title IV-E Foster Care) - The income, assets, and needs are included. The individual is entitled to the appropriate disregards and receives benefits.
- DS** - Deemed Spouse (TCA, MFAM) - The assets are not considered. Income is deemed.

- DS** - Deemed Spouse (RAP) - The assets will be counted in full. Income is deemed.
- DP** - Deemed Parent (TCA, MFAM) - For TCA and the associated Medicaid. The assets are not considered. Income is deemed.
- DP** - Deemed Parent (RAP) - The assets will be counted in full. Income is deemed.
- DT** - Deemed Stepparent (TCA and the associated Medicaid groups) - The assets are not considered. Income is deemed.
- FA** - Financial Adult - The income and assets would be included but income disregards would not be given. The individual's needs would be excluded and the individual would not receive benefits.
- FC** - Financial Child - The income and assets would be included but disregards would not be given. The individual's needs would be excluded and the individual would not receive benefits.
- Note:** If a financial adult or child is sanctioned, they are eligible to receive the disregards.
- XC** - Excluded Child (all programs) - The income, assets and needs of the child are not included.
- XA** - Excluded Adult (all programs) - The income, assets and needs of the adult are not included.