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3200.00.00 ASSISTANCE GROUPS

This chapter contains the following sections:

Assistance Group Definition (Section 3205);
 Food Stamp Assistance Groups (Section 3210);
 Cash Assistance Groups (Section 3215);
 Medicaid Assistance Groups (MED 1) (Section 3220);
 Medicaid Assistance Groups (MED 2, 3) (Section 3225);
 QMB/QDW/SLMB Assistance Groups (MED 4) (Section 3230);
 Assistance Groups/ICES Processing (Section 3240).
 Footnotes (Section 3299).

The program specific sections will discuss policy on mandatory and optional members of the assistance groups, whose needs or expenses must (or may be) included or excluded, and whose income and resources must be counted.

3205.00.00 ASSISTANCE GROUP DEFINITION

The assistance group (AG) is an individual or group of individuals whose income, resources, needs, and/or expenses are considered together in the eligibility determination for an assistance category. The AG determination is based upon relationship and living arrangement. Within the AG, individuals may be participating or nonparticipating members, depending upon each program's eligibility requirements. Participating members are individuals for whom eligibility for a benefit is considered. Nonparticipating members are those individuals whose needs, income, expenses and/or resources are considered in determining the eligibility and benefit level of the participating members, but who are not eligible for benefit consideration on their own behalf. Household members who are not, according to specific program regulations, eligible for membership in the AG as participants or non-participants, are excluded from consideration in the eligibility determination; as such, they are also excluded from any requirement to provide personal demographic or financial information to the agency. (See Section 2025.05.00, Verification Requirements.)

3205.05.00 PRIMARY RESIDENCE DETERMINATION (C, FS, MED 2, 3)

The first step in determining the Assistance Group is to decide who "lives" together.

Sometimes this means that the worker must determine the residence of an individual. The residence of an individual is the address reported by that individual. The address can be established by rent receipts, mail received by the individual, employment or benefits records, utility companies, credit bureau, etc. When there is some indication that the individual does not spend any time at this residence, it is important to determine whether the individual has established another residence. If the individual states that he/she has not and there is no other address established for the individual, the individual is considered to reside at the reported address regardless of the number of hours he/she spends on the premises.

Some assistance groups may include members who have multiple addresses, such as children in school or under joint physical custody. In order to determine whether these members are to be included as members of the group for TANF and Food Stamp eligibility and benefit purposes, it is necessary to determine the primary residence of that member.

The primary residence is the location where the individual spends the majority of time during the month. If the individual's primary residence is located somewhere other than the residence of the assistance group, the individual is not eligible to receive TANF or Food Stamps as a member of the assistance group.

An individual who spends the majority of his/her time away from the residence of the assistance group but who has no consistent alternative location due to employment which requires frequent travel, is considered a member of the assistance group. However, if the individual establishes a residence away from the assistance group, then he/she would not be considered as a member. This also applies to students who live away at school and only return home on weekends.

When the entire assistance group has multiple residences, the primary residence is determined in the manner described above.

3205.05.05 AGs Living Together (F)

The Food Stamp AG consists of one individual, or a group of individuals, who live together and customarily purchase and prepare food together.(f1) It is not necessary that the group of individuals share other expenses. Also, there is no requirement that the AG have cooking facilities or separate food storage. Parents, children, and siblings are generally mandatory members of the AG because of their relationship.

When person(s) are living in the same building and claim they do not live together, consider them as not living together if one of the following criteria are met.

Each AG lives in a space separate from the others that is an apartment which is regularly rented on a commercial basis.

Each lives in a space separate from the other which is self-contained. Self-contained is defined as complete in itself. That is, the AG does not need to use the others space for basic living functions such as sleeping, bathing, etc. Using a joint entrance is not considered using the space of others.

When persons are living on the same property, in separate shelters (including trailers, tents, houses, cars, garages, etc.) and claim they do not live together, consider them as not living together if they each have a self-contained space as described above.

3205.05.10 Temporary Absence (F, C)

An AG member who is included in a TANF or Food Stamp application who is not present at the time of the application interview is eligible for TANF or Food Stamps only if the person is expected to return to the home to live by the end of the first benefit month. When the absent AG member is not expected to return to the home until sometime later, the absent AG member is not included in the TANF or Food Stamp AG until the person actually returns.

An AG member who leaves the home during the month is to be removed from the AG unless the individual is expected to return to the residence by the end of the payment month following the initial move.

3210.05.00 VERIFICATION OF AG SIZE AND COMPOSITION (F)

Assistance group size, which refers to the number of individuals in the AG, must be verified prior to the authorization of benefits.

The caseworker must verify factors affecting the composition of the AG, if questionable. Due to the difficulty in verifying whether or not a group of individuals who live together customarily purchase and prepare food together and, therefore, constitute an AG, the caseworker generally accepts the AG's statement regarding food preparation and purchase. However, the caseworker may take the following steps to verify questionable situations when people who live together claim they do not "eat" meals together.

Verify household composition with the landlord or another third party (non-household member) who is in a position to know who lives with the AGs.

Obtain a signed statement from each adult explaining how they customarily purchase and prepare their meals. (Routine separate maintenance can be verified by an oral statement from the client and documented in CLRC. Therefore, signed statements should only be secured when separate maintenance is questionable as opposed to securing them in all situations.)

Verify with a person outside the household who has knowledge of the family's situation of how the members of the AG purchase and prepare their food.

Schedule a pre-arranged home visit with the AG to see how meals are prepared.

3210.10.00 FOOD STAMP MANDATORY PARTICIPATING AG MEMBERS (F)

Certain individuals who live together must be included as mandatory participants in the AG due to their relationship. Information about individuals who live together is captured on the Individual Demographics Screens, AEIID and AEIDC. Each individual's relationship with all other AG members is listed on AEIHH. From the information gathered on these screens, the system determines who the mandatory participating members are for each AG and lists them on AEACC. Mandatory individuals must be considered in the AG even if they do not purchase food and prepare meals together. (f2)

The income and resources of mandatory AG participants are counted in the financial eligibility determination.

3210.10.05 Parents and Children Included (F)

Parents and their children who live together are mandatory members of the same AG, with the following exception:

Parents and their adult children age 22 or older, may have separate AGs if they purchase and prepare food separately. Eligibility as a separate AG begins in the month the child obtains age 22 at application. If the child turns 22 during the certification period, he/she may have a separate AG at the next redetermination.

For this provision, parents are defined as individuals with natural, adopted, or step children. In addition, individuals are mandatory members of the AG, regardless of

relationship, if they provide care and control of minor children, (with the exception of foster children).

The stepparent and stepchild relationship continues as long as the individuals live together, even if the natural parent leaves, divorces, or dies.

3210.10.10 Siblings Included (F)

There is no mandatory relationship requirement for siblings living together. If siblings purchase and prepare separately, they may each have their own assistance group. However, if one sibling is under 18 and under the parental control of another sibling, they must be included in the same AG, even if they purchase and prepare separately.

Examples:

Sheila (22) and Sally (20) live together. Sheila applies for FS. At the interview she states they purchase and prepare separately. Sheila may receive Food Stamps in an AG of her own.

Mary (25) is caring for her 16 year old brother, Ted. Her grandparents give Mary money to help buy Ted's food. She is applying for FS for Ted only. Because Ted is under 18 and under Mary's parental control, he and Mary must be included together in the same AG.

3210.10.15 Spouses Included (F)

Spouses who live together are mandatory members of an AG. Spouses are granted separate AG status when one spouse establishes a separate residence outside the home.

A spouse is defined as either of two people who are married to each other or who represent themselves as husband and wife to relatives, friends, neighbors, or tradespeople.

3210.10.20 Children Under Twenty-Two Included (F)

Children under the age of 22 are mandatory AG members when they live in the parent's household. Children under 18 who are under parental control must be included in the AG of the person exercising parental control.

Children under age 22 who are natural, adopted, or stepchildren must be included in the same AG as the parent even if they purchase food and prepare meals separately. Beginning with the month the child turns 22 he/she may have a separate AG, providing they purchase and prepare separately.

One exception to this rule occurs if the child is a foster child. The foster parent must choose whether or not to include the foster child in the AG. If the foster parent chooses to exclude the foster child from the AG, the income and resources of the foster child, including the foster care payment, are not counted in the eligibility determination. However, if the foster parent chooses to include the foster child in the AG, the income and resources of the child are counted in the eligibility determination.

3210.10.25 Elderly and Disabled Individuals Eating With Others (F)

A group of individuals living together who purchase and prepare meals together usually comprise a single AG. However, an individual age 60 or older who is disabled and is unable to purchase and prepare meals for himself may qualify for separate AG status. (f3) Age is determined by the date-of-birth entry on screen AEIID. Disability information is captured on AEIIM and AEIDP. (Refer to Section 3210.10.25.05.) If it is obvious to the caseworker that the elderly and disabled individual is unable to purchase and prepare meals for himself, separate AG status is granted. When the inability to purchase and prepare meals is not obvious, the caseworker is to request a doctor's statement for verification.

In addition to inability to purchase and prepare meals, a financial determination is required for separate AG status. If the income of the remaining members with whom the elderly and disabled individual resides, excluding the income of the elderly and disabled individual and his spouse, does not exceed 165% of the gross monthly income standard for the remaining member's AG size, the elderly and disabled individual and his spouse qualify as a separate AG. Refer to Section 3445.30.00.

3210.10.25.05 Definition of Elderly or Disabled (F)

An individual is considered to be elderly or disabled when he meets one of the following criteria: (f4)

is age 60 or older;

receives or has been certified as eligible for SSI (not essential person benefits);

receives or has been certified as eligible for Social Security disability or blindness benefits;

receives or has been certified by the state to receive Medicaid as a blind or disabled individual (If the individual loses Medicaid because of an action by MRT, the individual will no longer be considered disabled; however, if the Medicaid terminates because of another reason such as excess income or insufficient medical expenses, the disability will continue for Food Stamps. If the Food Stamps end, disability must be reestablished at reapplication.);

receives State Supplemental Assistance based on disability or blindness criteria under Social Security;

receives disability retirement benefits from a governmental agency based on permanent disability criteria under Social Security;

is a veteran with a service connected or non-service connected disability rated or paid as total, according to the Veterans' Administration;

is a veteran or veteran's surviving spouse considered in need of regular aid and attendance, or considered permanently housebound according to the Veterans' Administration;

is a veteran's surviving child who is considered to be permanently incapable of self-support, according to the Veterans' Administration;

is a veteran's surviving spouse or child receiving or approved by the Veterans' Administration for compensation for a service connected death or for pension benefits for a non-service connected death, and has a disability considered permanent under Social Security; or

receives a Railroad Retirement disability annuity and is determined eligible for Medicare.

If it is not clear that an individual's VA disability of less than 100% qualifies him as disabled according to the Social Security Administration, the applicant's/recipient's physician should be able to provide verification that the VA disability meets this criteria.

3210.15.00 FOOD STAMP OPTIONAL AG MEMBERS (F)

A Food Stamp AG may include the following:

boarders who live with the AG, if otherwise eligible, are included at the AG's request;

residents of eligible institutions (these individuals may qualify for assistance at the institution where they reside); or

eligible students (these individuals are subject to additional eligibility criteria to determine whether they are included in or excluded from AG participation.

The following sections discuss these situations in detail.

Any individual who is included as a participating AG member has his needs included in the eligibility determination. His income and resources are also counted in the financial eligibility determination.

3210.15.05 Boarders (F)

Boarders, as identified on AEIDC under "Living Type", are individuals or groups of individuals residing with the AG and paying reasonable compensation to the AG for lodging and meals (excluding residents of a commercial boarding house). They are ineligible to participate in the program independent of the AG providing the board. They may participate as eligible members of the AG if the AG providing the service requests it, or they must participate if it is determined that they are not providing reasonable compensation. (f5)

3210.15.05.05 Determination of Boarder Status (F)

If the payee claims that an individual in the AG is a boarder, the individual must be determined to be paying the AG a reasonable amount of compensation for room and board. If the individual does not pay a reasonable amount of compensation, or is a mandatory AG member, then he is not considered a boarder. The payment for room and board must be in cash and not an in-kind benefit. If the boarder is providing reasonable compensation, screen AEACC will show the boarder's status as optional and "yes" or "no" can be entered in the "Include" field to indicate whether the AG chooses to include the boarder.

3210.15.05.10 Reasonable Compensation (F)

Information regarding the amount boarders pay to an AG is entered on screen AEIRB. A reasonable amount of compensation is a monthly payment equaling one of the following.

Boarders whose board arrangement is for more than two meals a day must pay an amount equal to or exceeding the maximum Food Stamp benefit for the appropriate number of boarders; or

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 boarders.

If the amount a boarder pays for meals can be separated from the amount paid for room, the amount paid for meals is compared to the maximum benefit. If, however, the amount a boarders 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 Section 3010.10.00 for the maximum benefit table.

3210.15.05.15 Individuals Who Cannot Be Classified As Boarders (F)

The following individuals may never be considered boarders for Food Stamp purposes:

children under 18 under the parental control of an AG member (unless they are foster care children);

minor children under parental control living with parents; (refer to Section 3210.10.05)

minor siblings;

a spouse of an AG member; and

persons paying less than reasonable compensation for meals.

3210.15.05.20 Foster Care Persons (F)

An AG payee who is responsible for the care of, or has parental control of the foster care individual must decide whether to include the foster care individual in the AG. Those in foster care may include adults as well as children. Foster care individuals are identified on AEIDC under "Living Type". If the AG payee with the responsibility for care or parental control excludes the adult or child in foster care from the AG, they cannot be included in any other AG. Refer to Section 2835.30.00.

3210.15.10 Live-In Attendants (F)

Live-in attendants are individuals who reside with an AG for the purpose of providing medical, housekeeping, child care, or other similar personal services. The attendant may participate as a separate AG along with anyone who is in the mandatory relationship with him. Live-in attendants are identified on AEIDC under "Living Type". The attendant cannot be included in the AG with the person he is serving.

3210.15.15 Residents of Institutions (F)

The first step in the process to determine if residents of a facility are optional members is to determine if the facility meets the definition of an "institution" for Food Stamp purposes.

A facility is an "institution" for Food Stamp purposes if it provides its residents with the majority of their meals (50% of three meals or at least two meals a day) as a part of its normal services.

A facility that does not provide the majority of its residents meals is not an "institution" for Food Stamp purposes. Its residents will be subject to the regular application and processing rules rather than rules that pertain to institutions.

If the facility meets the definition of an "institution" for Food Stamp purposes, the second step is to determine if the institution is eligible or ineligible according to the following criteria. The following individuals living in institutions have the option of participating as a Food Stamp AG:

residents of federally subsidized housing for the elderly, built under either Section 222 of the Housing Act of 1959 or Section 236 of the National Act;

residents of a private nonprofit institution or publicly operated community mental health center that is certified by the appropriate State agency for treatment of drug addiction or alcoholism under Part B of Title XIX of the Public Health Service Act; (f6a)

disabled or blind individuals according to Section 3210.10.25.05, who are residents of public or private/nonprofit group living arrangements that serve no more than 16 persons and is certified under Section 1616(e) of the Social Security Act by the appropriate State agency;

women or women with children temporarily residing in a public or private nonprofit residential shelter for battered women and children; and

residents of public or private nonprofit shelters for homeless persons.

Any individual residing in a facility that meets the definition of an "institution" but fails to meet the criteria outlined above for an eligible institution is not entitled to receive food stamps.

3210.15.20 Resident Addicts and Alcoholics (F)

Prior to certifying any residents for Food Stamps, verification shall be obtained that the treatment center is certified by the appropriate State agency. (f7)

If the facility loses its certification (license) from the appropriate State agency, the residents of the facility are ineligible for Food Stamps. Written notice will be issued to the resident concerning the change in eligibility status. No advance notice of adverse action is required because the loss of certification is not controlled by or appealable under the Food Stamp Program.

3210.15.20.05 Certification of Resident Addicts/Alcoholics (F)

Eligibility for residents of addict/alcoholic treatment centers who regularly participate in their programs will be determined by using the same policy that applies to other AGs, with certain exceptions as outlined below.

Residents of treatment centers must apply through an authorized representative designated by the center.

Resident addicts/alcoholics will have their eligibility determined as a single person assistance group.

Resident AGs have the same rights to notices of adverse action, fair hearings, and entitlement to lost benefits as do all other Food Stamp AGs. A resident of a treatment center has the right to an application and has the right to same day filing. However, the interview, verification, and other application procedures must be accomplished through the authorized representative.

3210.15.20.10 Review Of Resident Addicts/Alcoholics (F)

Periodic random on-site visits to treatment centers shall be conducted to ensure the accuracy of the listings of currently participating residents, and that the Local Office records are consistent and up to date. These visits are to be conducted at least once every four months, but more often if discrepancies occur. Appointments do not have to be made in advance of the visits. During these visits the reviewer may ask to see certain residents of these centers, but may not ask questions of, or require information from, the residents themselves. The results of these visits are to be kept on file in the Local Office and are to be made available upon request for Central Office and/or FNS audits and reviews. Any discrepancies shall be immediately reported to the Food Stamp Policy Unit.

3210.15.25 Residents Of Group Living Arrangements (F)

Disabled or blind residents of an eligible group living arrangement may voluntarily apply for the Food Stamp program on their own or through an authorized representative. The AG size shall be in accordance with AG composition and food purchase and preparation rules. These residents shall be certified using the same provisions that apply to all other AGs. Prior to certifying any residents for Food Stamps, verification shall be obtained that the group living arrangement is certified by the appropriate State agency.

(f8) Shelter and medical expenses, which can be separately identified, are allowable deductions for clients in eligible group living arrangements who have a personal obligation to pay these expenses.

Shelter and medical expenses that are combined with other costs can be separated as follows:

If the cost for room and board is combined into one amount, the amount which exceeds the food stamp maximum allotment for a one-person household can be allowed as the shelter expense.

If the cost for room and board is combined into one amount and more than one resident applies as part of the same food stamp household, the food stamp maximum allotment amount for a one-person household would be deducted from the room and board payment for each resident. The remainder for each resident would be totaled and allowed as the shelter expense for the household.

Some group living arrangement residents are charged a basic rate for room and board, others are charged a higher rate depending on the amount of medical care they require. Residents with the higher rate will have their shelter expense determined by subtracting the food stamp maximum allotment for a one-person AG from the basic rate amount.

The medical expense for those residents with the higher room and board rate are determined by subtracting the basic room rate from the higher room rate.

If the amount paid for medical and shelter expenses cannot be separately identified from other expenses, as described above, no deduction should be allowed in the food stamp budget.

3210.15.25.05 Certification Of Residents in Group Living Arrangements (F)

Residents of group living arrangements shall either apply and be certified through use of an authorized representative employed and designated by the group living arrangement, or apply and be certified on their own behalf or through an authorized representative of their own choice. The group living arrangement shall determine if any resident may apply for Food Stamps on his own behalf; the determination should be based on the resident's physical and mental ability to handle his own affairs. The group living arrangement is encouraged to consult with any other agencies of the state providing other services to individual residents prior to a determination. All of the residents of the group living arrangement do not have to be certified either through an authorized representative or individually in order for one or the other method to be used. Applications shall be accepted for any individual applying as a one person unit, or for any grouping of residents applying together.

If the resident applies through the use of an authorized representative who is an employee of the facility, the facility may receive and/or spend the food stamp benefit allotment for food prepared and served to the resident.

If the residents are certified on their own behalf, the food stamp benefit allotment may be:

- returned to the facility to be used to purchase food for meals served either communally or individually to eligible residents;
- used by eligible residents to purchase and prepare food for their own consumption; and/or
- to purchase meals prepared and served by the group living arrangement.

If the group living arrangement has its status as an authorized retail food store suspended by FNS, the Local Office shall also suspend its authorized representative status. However, residents applying on their own behalf shall still be able to participate, if otherwise eligible.

3210.15.25.10 Review Of Group Living Arrangements (F)

Each group living arrangement shall provide the Local Office with a list of currently participating residents. This list shall include a statement signed by a responsible center official attesting to the validity of the list. The Local Office shall require the list on a periodic basis.

Periodic random on-site visits to group living arrangements shall be conducted to ensure the accuracy of the listings of currently participating residents and that the Local

Office's records are consistent and up to date. These visits are to be conducted at least once every four months, but more often if discrepancies occur. Appointments do not have to be made in advance of the Local Office's visits. During these visits the reviewer may ask to see certain residents of these group living arrangements, but may not ask questions of, or require information from, the residents themselves if the application has been through an authorized representative. The results of these visits are to be kept on file in the Local Office and are to be made available upon request for Central Office and/or FNS audits and reviews. Any discrepancies shall be immediately reported to the Food Stamp Policy Unit.

3210.15.30 Residents Of Shelters For Battered Women And Children (F)

A shelter for battered women and children is defined as a public or private nonprofit residential facility that serves battered women and their children. If such a facility serves other individuals, to be an eligible institution a portion of the facility must be set aside on a long term basis to serve only battered women and children. Shelters having FNS authorization to redeem food stamp benefits through wholesalers meet this definition. (f9)

3210.15.30.05 Certification Of Shelter Residents (F)

Residents of shelters for battered women and children who wish to participate in the Food Stamp program are subject to the same policies 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 caseworker should consider the possibility that shelter residents could be in danger should they leave the shelter, and waive the office interview on a case by case basis. Women and women with children temporarily residing in a shelter for battered women and children are individual AGs for the purpose of applying for and participating in the program.

3210.15.30.10 Residents' Certification Based On Current Circumstances (F)

Shelter residents are certified based on their current circumstances in the shelter. Only the income, resources, and expenses of the current AG are counted in the eligibility determination while the income, resources, and expenses of their former living arrangement are not considered. Resources 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

resource is dependent on the agreement of a joint owner who still resides in the former household.

3210.15.30.15 Residents Who Leave AGs To Enter Shelter (F)

Many shelter residents have recently left an AG containing the individual who has abused them. Their former AG may be participating in the Food Stamp program, and its entitlement may be based on an AG size that includes the women and children who have just left. Shelter residents who are included in such AGs may, if otherwise eligible, be approved and participate as separate AGs, if their former AGs contain the individual who subjected them to abuse. In other words, shelter residents who are included in such AGs may receive an allotment beginning with the month they enter the shelter, even though they were included in the allotment for the former AG. Residents should be issued auxiliary benefits whenever they are entitled to additional allotments. However, residents may receive an additional allotment only one month.

3210.15.30.20 Homeless Shelters (F)

Individuals who reside in a public or private nonprofit shelter for homeless persons are considered to be residing in an eligible institution. Individuals who reside in such shelters, may voluntarily apply for Food Stamps and if eligible, may be certified for Food Stamps.

The shelter may act as authorized representative and buy food for the individual but cannot use the food stamp benefits or the purchased food for communal dining purposes. The shelter cannot accept the Food Stamps as payment for meals unless they have been certified by USDA-FNS as a meal provider.

Residents of shelters for homeless are subject to all policy and regulations as others applying with the exception of the requirement to verify residency.

Residents of homeless shelters are given the same rights as all other Food Stamp AG's.

3210.15.35 Student Eligibility (F)

Students who must be evaluated to determine if they are eligible to be included in the AG are those who are:

At least 18 but under 50;

Physically and mentally fit. If the student alleges mental or physical impairment that is not evident to the worker, he/she should require the student to submit proof of the impairment. Adequate verification may be a statement from a physician or licensed or certified psychologist or receipt of disability benefits. Students who are participating in Vocational Rehabilitation are considered mentally or physically unfit.; and

Enrolled at least half time, as defined by the institution, in an institution of higher education. A student is considered enrolled in an institution of higher education if the person is enrolled in a regular curriculum at a college or university that offers degree programs regardless of whether a diploma is required. (f10) A student is also considered enrolled in an institution of higher education if the person is enrolled in a business, technical, trade or vocational school that normally requires a high school diploma or equivalency certificate for enrollment in the curriculum.

School attendance information is entered on AEIIM. If the "Attend School?" category is marked "yes" on AEIIM, then further school attendance information will be captured on screens AEISA and AEISS.

Student eligibility criteria does not apply to the following:

individuals under 18 or over 50;

individuals mentally or physically disabled; (If the student alleges a mental or physical impairment that is not evident to the interviewer, proof of the impairment must be requested. Verification may consist of receipt of temporary or permanent disability benefits issued by governmental or private sources, or of a statement from a physician or licensed psychologist.)

individuals attending high school;

individuals not attending school at least half time; or

individuals enrolled full time in schools and training programs which are not institutions of higher education.

3210.15.35.05 Student Eligibility Test (F)

To determine if a student may be eligible to be included in the AG, a student eligibility test must be completed. Students who are determined ineligible are not considered to

be AG members even if they are living with parents or siblings. A student, regardless of where the student is living, is ineligible to participate in the Food Stamp program unless the student meets at least one of the following criteria. (f11)

The student works for someone and receives pay for an average of 20 hours per week and is paid for it. A week in this situation is the period of time covered by the individual's work week.

The student is self-employed and works an average of 20 hours per week and receives weekly earnings at least equal to the federal minimum wage multiplied by 20 hours.

The student is approved for federally or State funded work study at the time of application for Food Stamps. The work study must be approved for the school term, and the student must anticipate actually working during that time. The exemption will begin with the month in which the school term begins or the month work study is approved, whichever is later. Once begun, the exemption will continue until the end of the month in which the school term ends, or it becomes known that the student has refused an assignment. The exemption will not continue between terms when there is a break of a full month or longer unless the student is participating in work study during the break.

The student is responsible for the care of a dependent AG member under age six.

The student is responsible for the care of a dependent AG member age six and over but under the age of 12 for whom adequate child care is not available.

The student is a single parent enrolled in an institution of higher education on a full time basis (as determined by the institution) and is responsible for the care of a dependent child under age 12. This applies in those situations where only one natural, adoptive or stepparent (regardless of their marital status) is in the same Food Stamp AG as the child.

If a parent is not in the same Food Stamp AG as the child, another full time student in the same Food Stamp AG as the child may qualify for eligible student status if that AG member has parental control over the child and is not living with their spouse.

The student receives TANF benefits.

The student is enrolled as a result of participation in the Job Opportunities and Basic Skills (JOBS) Program.

The student is participating in an on-the-job training program only during the period of time the person is being trained by the employer.

The student is assigned or placed in school due to their participation in one of the following:

- Workforce Investment Act (WIA) program;
- An E & T program under the Food Stamp Act such as IMPACT;
- An E & T program operated by a state or local government;
- A program under Section 236 of the Trade Act of 1974. This program is called the Trade Adjustment Assistance (TAA) and participants may receive Trade Readjustment Allowances (TRA) while receiving reemployment services. Participation in TAA can be verified with the TAA coordinator at the local E & T office.

The student is in a self-initiated placement while he is enrolled in one of the employment and training programs provided the program has a component for enrollment in an institution of higher education and the program accepts the placement.

3210.15.35.10 Duration Of Student Status (F)

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.

3210.15.35.15 Continuous Enrollment (F)

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 considered the two semester 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 lose student status during the fall semester.

3210.20.00 FOOD STAMP MANDATORY NON-PARTICIPATING AG MEMBERS (F)

Individuals who are required to be included in the AG, but who are not eligible to receive Food Stamps, include the following disqualified members: (f12)

individuals who do not meet citizenship or eligible alien requirements; (refer to Section 2402.00)

individuals who fail to comply with citizenship/alienage declaration and/or verification requirements;

individuals disqualified due to Intentional Program Violation (IPV); (refer to Section 4630.10.00)

individuals who fail to comply with Social Security number requirements; (refer to Section 2404.00) or

individuals who fail to comply with Food Stamp Work Registration or IMPACT requirements. (Refer to Sections 2438.20.00 and 2438.45.00)

See Section 3445.50.00 for instructions concerning how the income and expenses of these individuals is considered.

3210.25.00 FOOD STAMP EXCLUDED MEMBERS (F)

Certain individuals who live with the AG are always excluded from participation in the AG. Those individuals include roomers, ineligible students and individuals who share living quarters with the AG but do not customarily purchase with the AG and are not mandatory members. The following sections discuss these individuals.

The income and resources of excluded individuals are never counted in the AG's financial determination.

3210.25.05 Roomers (F)

Roomers are individuals who pay the AG for lodging, but not for meals, and do not eat with the AG. Roomers may qualify for Food Stamps as a separate AG. (f13)

3210.25.10 Other Household Members (F)

Other individuals who share living quarters with the AG, but who do not customarily purchase food and prepare meals with the AG, are excluded from the AG. 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 AG.

3210.25.15 Fleeing Felons and Probation and Parole Violators (F, C)

An individual is ineligible to receive Food Stamps or TANF during any period in which he is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or attempt to commit a crime that is a felony under the law of the place from which the individual is fleeing, or is violating a condition of federal or state probation or parole. (f13a)

At every application point (including redeterminations) the applicant must be asked if any member falls into one of these categories at the time of application. Document the applicants response on AEIIM with the applicable code in the Felon/VLTR field. If a question mark or positive response is coded, the worker must document CLRC with an explanation of how verification was obtained. (See Section 3210.25.15.05).

3210.25.15.05 Verification of Fleeing Felon Status (F, C)

Acceptable Verification that an individual is a fleeing felon, or violating a condition of probation or parole must come from the appropriate law enforcement agency or the client's own statement. Division of Family Resources (DFR) staff are not required to routinely pursue verification with any law enforcement agency. However, if DFR staff become aware and subsequently receive verification a recipient is a fleeing felon or is in parole/probation violation status, action must be taken to disqualify the individual and prepare a claim for any months beginning 30 days after the change in status or 10/1/96, whichever is later.

According to Sections 1425.10.10.10 and 1425.10.10.15 information will be released to law enforcement agencies, however; the request itself may not be verification the individual is a fleeing felon, parole/probation violator. In most cases the law enforcement staff will not be 100% sure that our client is the person they are seeking until

they have completed their investigation. Therefore we must request a report about the results of the investigation that includes verification of the individuals status and place of residence, before and after the investigation, from the law enforcement agency when we release information to them.

If the law enforcement staff is absolutely sure our client is a fleeing felon, parole or probation violator at the time of their initial request, we may delay taking action to allow the law enforcement staff time to complete the investigation and make an arrest before we send notice of disqualification. In most cases the law enforcement staff will need to complete their investigation before they can verify the clients status or residence at the address we have provided. In either case, a report should be requested because a complete investigation may likely result in a change in status or household composition. Document CLRC with the report provided by the law enforcement agency.

Note: Law enforcement staff may request information about recipients who have information necessary to an investigation of a fleeing felon, or a person who is violating their parole or probation. These recipients will not be disqualified.

3210.25.20 Felony Drug Conviction (F, C)

Individuals convicted of a federal or state felony which has as an element of the offense the possession, use, or distribution of a controlled substance and the date of the criminal act has been since 8/22/96 will be subject to ineligibility periods for both Food Stamps and TANF. (f13b) A felony conviction for possession of a precursor is a felony drug conviction for our programs. A precursor is a substance which is used to make a controlled substance, such as anhydrous ammonia which is used to make methamphetamine. A felony conviction for possession of drug paraphernalia is not considered a felony drug conviction. Paraphernalia is any equipment, product, or material designed to inject, ingest, inhale or otherwise introduce a controlled substance into the human body.

At every application point (including redeterminations), an individual applying for assistance will indicate in writing by signing the Application Part 3 whether the individual or any member of the individual's household has been convicted of a felony for possession, use, or distribution of controlled substances (such as illegal drugs, not alcohol). If any individual was convicted of an act which occurred after 8/22/96, this person will be subject to ineligibility periods for both TANF and Food Stamp benefits.

3210.25.20.05 Felony Drug Conviction (F)

Individuals convicted of a federal or state felony which has as an element of the offense the possession, use, or distribution of a controlled substance and the date of the criminal act has been since 8/22/96 will be ineligible to receive Food Stamps. (f13c)

The Food Stamp benefits will be determined by not including this member in the household but his/her income, expenses and resources will be considered to be income, expenses and resources of the household.

3210.25.20.10 Felony Drug Conviction (C)

Individuals convicted of a federal or state felony which has as an element of the offense the possession, use, or distribution of a controlled substance and the date of the criminal act has been since 8/22/96 will be ineligible to receive TANF for ten (10) years from the date of the conviction.

The convicted individual is not a recipient and is not included in the TANF assistance group size. (f29)

3210.25.20.15 Exemption To The Felony Drug Conviction Penalty (C)

Individuals convicted of a federal or state felony which has as an element of the offense the possession or use of a controlled substance, but does not have as an element the distribution or manufacturing of a controlled substance, who has either completed or is participating in substance abuse or mental health treatment provided by:

an addiction services provider certified by the Division of Mental Health and Addiction;

a mental health provider (as defined in IC 16-36-1.5-2);

the Department of Correction;

the federal government; or

a faith based program certified by the Division of Mental Health and Addiction;

is eligible to receive assistance for not more than twelve (12) months.

An individual who is receiving TANF due to this exemption must be tested for drugs not less than one (1) time every two (2) months at a time chosen by the provider of the substance abuse or mental health treatment the individual completed or is participating in. Nothing in this section

shall prevent the provider from testing for drugs more frequently if more frequent testing is part of the program operated by the provider. (f30)

3210.25.25 Felony Drug Conviction Change Report (F)

For Food Stamps, the conviction of the felony in IPPM 3210.25.20 is a change that is not required to be reported. Consequently, any convictions subsequent to application will not require a claim to be initiated. If the worker would become aware that the client had this particular conviction on his/her record (i.e. policy record, newspaper, client report) but failed to report it at application point, the worker would initiate a claim.

EXAMPLE:

A client applies on 1/2/05 and states in writing that he/she has no felony convictions for the possession, use or distribution of controlled substances. The client then has a felony conviction on 4/3/05 for illegal drug usage. The client comes in 6/5/05 for a redetermination, reports this conviction and will be made ineligible for the 7/1/05 effective date of the redetermination. No claim needs to be done as the client correctly reported the conviction information at application point.

Same example as before, but the client did not report the 4/3/05 conviction at the 6/5/05 redetermination interview. The local office then becomes aware of this conviction on 1/12/06. The local office will initiate a claim starting with the 7/1/05 effective date since the client did not report the conviction at application point. Also, the local office will make the client ineligible for the 2/1/06 recurring month.

Should the client report a change between recertifications confirming that a member of the household had recently been convicted of a drug related felony; the worker must take timely action to disqualify that member.

3215.00.00 CASH ASSISTANCE GROUPS (C)

Cash assistance is available to groups of eligible family members who live together. This group of individuals is referred to as participating members of the assistance group (AG). For individuals who receive cash assistance under the TANF Program, eligibility is determined based upon the presence of eligible dependent children. Depending upon family composition and circumstances, an AG's TANF eligibility will be determined under one of three categories:

ADCR - Eligibility is based upon the absence of one or both of the parents of the dependent child.

ADCU - Eligibility is based upon the presence in the home of both of the child's parents.

Changes in family composition or circumstances can generate a change from one type of TANF AG to another.

The second type of cash assistance, Refugee Cash Assistance, differs from TANF in that eligibility is based upon refugee status, not the presence in the home of a dependent child. (Otherwise eligible refugee families which include a dependent child are awarded TANF, not Refugee Cash Assistance.) The ICES designation for AGs receiving Refugee Cash Assistance is ADCQ.

3215.05.00 TANF ASSISTANCE GROUPS (C)

TANF eligibility is determined on the basis of the eligibility of the child. An eligible child is a needy, dependent child under age 18 who is a citizen of the United States, or an alien lawfully admitted for permanent residence.

The roles served by individuals within the AG are defined as follows:

The dependent child is a child under the age of 18. The child must live with a specified relative who exercises the primary responsibility for the care and control of the child. (Specified relatives are discussed in Section 2420.00.00.)

A married person whose marital relationship is intact is not considered to be a dependent child, regardless of age.

The caretaker relative is the individual living in the home who bears a specific, qualifying relationship to the dependent child. (See Section 2420.00.00) The caretaker relative must have the primary responsibility for the care and control of the child and may be his parent or another relative.

The non-caretaker parent is a parent who is living with his child but does not assume responsibility for his care and control. In this situation, another relative who was responsible for care and control of the child would have to be in the home for TANF eligibility to exist.

To qualify for TANF, an AG must include at least one individual who meets the above definition of dependent child

and a parent or other caretaker who qualifies as his specified relative. (f15)

Due to the complexity of family living situations and the requirements of the AG, there may be AGs in which the children are under the care and control of different caretakers. These situations may result in the inclusion of multiple caretakers in one AG. The following sections discuss additional AG requirements.

3215.05.05 TANF Mandatory Participating AG Members (C)

The TANF eligibility determination must include the following mandatory participants who live together, if they meet the categorical requirements of the program: (f16)

All natural, adoptive, or half-siblings who meet the definition of dependent child;

The parents of these dependent children, provided parental rights have not been terminated.

When determining the mandatory participating members of the AG, the focal point is the dependent child. The relationship between the dependent child and each household member must be considered. It is helpful to view the dependent child as a magnet who draws others into the AG. As members are drawn in, their relationship to others must be examined. The result may be the inclusion of mandatory members who do not bear a parental or sibling relationship to one or more of the dependent child(ren).

EXAMPLE

Karen Martin requests assistance for her 12 year old daughter, Tammy Hall. Karen is divorced from Tammy's father and is remarried to Norman Martin, who is disabled. Karen and Norman have a common child, Jody, age three. Tammy is the dependent child around whom the AG is built. Karen is a mandatory AG member because of her parental relationship to Tammy. Jody is also a mandatory member of the AG because she has a half-sibling relationship to Tammy and is categorically eligible due to her father's disability. Jody's inclusion in the AG requires that her father, Norman, be included. Even though Norman has no parental or sibling relationship to Tammy, his inclusion is mandatory because Jody's inclusion is mandatory.

The income and resources of mandatory participants are counted in the eligibility determination.

3215.05.10 TANF Optional AG Participants (C)

The AG may include the following individuals who live with the AG if otherwise eligible and the applicant/recipient so desires:

the spouse of the child's physically or mentally incapacitated parent; (refer to Section 2418.10.00)

other dependent children who are not mandatory participants; or

a caretaker relative other than a parent. In instances where a caretaker relative who has the responsibility for care and control and a parent live in the same home with the child, both individuals may be included in the AG. The parent is a mandatory participating member, while the caretaker relative has the option of being included.

If an optional individual chooses to be included in the AG as a participating member, his needs, income, and resources are counted in the eligibility determination.

AEACC will show the status as optional and "yes" or "no" can be entered in the "Included" field to indicate whether the AG chooses to include the optional individual.

3215.05.15 TANF Mandatory Nonparticipating AG Members
(C)

Individuals living with the AG who are required to be included in the AG, but who are not eligible to receive TANF, include:

aliens who do not meet citizenship or alienage requirements (refer to Section 2402.00);

aliens whose sponsor's income or resources are sufficient to meet the needs of the alien (refer to Section 3450.45.35.00);

nonrecipient stepparents (ADCR only);

nonrecipient parent(s) of a minor parent;

stepparent's dependent child, not in common with TANF parent (ADCR only);

stepparent's dependent child in common with TANF parent (ADCR only); and

alien sponsor, spouse, and dependents. An alien sponsor may or may not be living with the AG.

The income and resources of sanctioned individuals are counted in the AG financial determination. The income of ineligible parents, nonrecipient stepparents, nonrecipient parents of a minor parent, and an alien's sponsor and spouse is deemed to the participating AG members. Resources of ineligible parents and an alien's sponsor or spouse are also deemed. However, the resources of nonrecipient stepparents and nonrecipient parents of a minor parent are not counted in the AG financial determination. (Refer to Section 3450.45.00)

3215.05.20 TANF Excluded Members (C)

Individuals who live with the AG, but who are excluded from the AG due to federal program requirements, include:

SSI recipients;

Children receiving federal, state or local foster care payments; or

Children for whom federal, state or local adoption assistance payments are made.

The needs, income, expenses, and resources of excluded individuals are not counted in the TANF eligibility determination.

3215.05.25 Minor Parent Consideration (C)

A minor parent is defined as an individual under age 18 with his own child. When a minor parent is living in a household, additional factors must be considered in the AG determination. These factors are discussed in the following sections.

3215.05.25.05 Minor Parents (C)

The policy stated in this section affects only the ADCU, ADCR and ADCI categories of cash assistance. It applies to all minor parents who are not mandatory members of a parent/caretaker relative's existing AG.

A minor parent may independently receive a TANF cash benefit as the eligible caretaker for his child when the minor parent is not a mandatory member of an existing AG.

A minor parent is not a mandatory member of a TANF AG if:

The applicant or recipient assistance group does not include a sibling or half sibling of the minor parent;
or

The applicant or recipient assistance group includes a sibling or 1/2 sibling of the minor parent but at least one of them fails to meet the definition of dependent child, (i.e., age, deprivation or "living with specified relative" criteria are not met). (f26)

Minor parents who are not mandatory members of another AG must live with a parent, stepparent, grandparent, legal guardian or other adult holding legal custody of the minor (these individuals will hereafter be known as "qualifying relatives") to qualify for TANF benefits. (f27) In certain circumstances, the minor is exempt from this requirement. They are as follows:

The minor parent lived apart from the parent's or guardian's home for a period of at least one year prior to the date of application for TANF or the birth of the minor's oldest dependent child;

The minor has no living parent or legal guardian;

The location of the minor's parent or legal guardian is unknown;

The parent or legal guardian of the minor refuses to allow the minor parent to live in the home;

The physical and/or emotional health or safety of the minor parent or the dependent child would be jeopardized if the minor and dependent child resided with the minor's parent or legal guardian; and

The minor parent is living with an adult who is not a qualifying relative but who is attempting to gain legal guardianship or legal custody of the minor parent.

If the minor parent is not exempt from the requirement, both her residence in the home and her relationship to the adult must be verified. Acceptable verifications of the living arrangement include, but are not limited to:

Signed statement from the adult;

Landlord's statement;

Medical records;

School records;

Court Records

Acceptable verifications of the biological or legal relationship between the minor parent and the adult include:

Birth Certificate;

Marriage records (if the adult is a stepparent; the minor parent's relationship to her birth or adopted parent must be verified and the marriage between the minor's parent and the stepparent must be verified);

Court Records;

Social Security Administration records;

Records of social service agencies (including the DFR).

Acceptable verifications that a minor parent is exempt from the requirement to live with a qualifying relative include but are not limited to:

A lease agreement, landlord's statement, utility bills or corroborating a statement from a knowledgeable individual verifying the period of time the minor parent has lived independently;

If parents are deceased:

1. A birth certificate or other acceptable documentation (as listed in IPPM, Section 2420.05.05) of the parental relationship for each known parent; and
2. A death certificate, death notice or other documentation (as listed in IPPM, Section 2418.05.10.25) for each known parent;

A statement from a social service or governmental agency or a knowledgeable individual corroborating the minor's assertion that his parent's whereabouts are unknown;

A statement from the parent, a social service or governmental agency, or a knowledgeable individual as evidence that the minor's parent or guardian refuses to allow the minor parent to live in the home; and

A statement from a social service or governmental agency or a knowledgeable individual corroborating the minor's assertion that his parent's whereabouts are unknown;

Court records, police records, child protection records or statements from knowledgeable individuals supporting the minor parent's assertion that living with the parent would jeopardize the minor parent or the child's physical/emotional health or safety; and

Legal verification that the adult is pursuing legal guardianship or custody (if the minor parent is assigned to the treatment group, is not living with a parent, stepparent, grandparent or legal guardian/custodian and is not otherwise exempt from the requirement).

A minor parent who is required to live with a qualifying relative may, nevertheless, assume an adult role as parent/caretaker of her dependent child. In this situation, the AG's payment amount should reflect the presence of an adult caretaker (the minor parent) and an eligible child (the minor parent's child).

EXAMPLE

Susan is a minor parent who assumes primary responsibility for the day-to-day care of her child, Emily. The two of them live with Susan's grandmother, Carol. Susan has no siblings in the home. Carol acts as Susan's mentor and supervises her parenting and other activities, but Susan is Emily's caretaker. The caseworker codes the "OK?" field on the Welfare Reform Requirements screen (AEIWR) to reflect compliance with the requirement to live with a responsible adult. The Household Relationships screen (AEIHH) is coded appropriately:

The non-parent caretaker fields of Emily's relationship screen is coded "N" to indicate that Carol is not her non-parent caretaker. As a result, ICES recognizes Susan in her role as eligible caretaker (EA on AEACC) and the AG receives the benefit amount for an AG with a parent/caretaker rather than the amount for a "children only" AG.

Married parents under 18 years of age are not subject to the requirement to live with an adult. NOTE: There has been no change in policy regarding the determination of financial eligibility for parents under the age of 18. If living with a parent of the minor parent, the AG's of those individuals (whether unmarried or married) are subject to the deeming of income from the parent of the minor parent. (See Sections 3450.45.15, 3450.45.20, 3450.45.25, and 3450.45.30 for budgeting procedures.)

TANF payments made on behalf of minor parents and their dependent children must be paid in the form of protective payments to the adults assuming responsibility for them unless the minor parent is exempt from the requirement to live with a qualifying relative.

In the rare circumstance where the minor parent is experiencing significant problems with the protective payment arrangement, a decision to alter the payment arrangement may be necessary. It is important to note that a problem with the payment arrangement should be viewed as a signal to investigate the minor's situation thoroughly, to determine whether the living arrangement actually meets program requirements. An adult who willfully and repeatedly fails to utilize the payment to meet the needs of the minor and his child would not qualify as a supportive supervising adult. In this situation, the minor parent and his child would be ineligible for TANF. Therefore, at the initial reported instance of a problem with the protective payee, it may be advisable to suggest that the minor parent consider seeking a more appropriate living arrangement with a more responsible qualifying relative.

Once this decision is made, it should be fully documented on the Running Record Comment's (CLRC) Screen.

The initial assigning of a protective payee and subsequent changes in protective payee are made known to ICES by the appropriate coding of the Representative/Protective Payee Screen (AEFAR). Procedures for the authorization of protective payees may be found in Section 3605.25.35.

3215.05.25.10 Minor Parent In An Existing TANF AG (C)

A minor parent must be included in the TANF AG of his parent or other relative when the minor parent is directly related to the dependent child (sibling, half sibling) who is applying for or receiving assistance. The minor caretaker who is required to be included in the TANF determination with his siblings is considered a dependent child. Please note: The requirement that a minor parent live with a parent, grandparent, stepparent or legal guardian (Section 3215.05.25.05) does not apply to minors whose mandatory relationship to an applicant/ recipient sibling forces them into the role of dependent child. However, these minor parents are required to live with a specified relative (a less limited designation) as are the other dependent children in the AG. (See Section 2420.05.00 for information regarding specified relationships.)

The child of the minor parent is not automatically required to be included in the existing AG. The minor parent may decide whether his child is to be considered for TANF eligibility. If a decision is made to apply for the minor's child, this child must be included in the existing AG with the minor parent.

If the minor parent is the caretaker, upon reaching age 18, both the minor parent and his child are removed from the AG and a separate AG is formed containing the 18 year old and

his child. The minor parent may then apply for assistance if he wishes.

However, if the responsibility for care and control remains with another specified relative, the minor parent is not removed from the grant. He remains a mandatory member of the AG due to his parental relationship to his child. When this occurs, correct coding is essential on AEIHH. When the minor's dependent child is the targeted individual (on the top of the AEIHH screen), indicate "yes" in the non-parent caretaker field for specified relative. When the specified relative is the targeted individual, indicate "yes" in the parental control field for the dependent child.

3215.10.00 REFUGEE ASSISTANCE GROUPS (C)

Refugee eligibility is determined on the basis of need. A refugee AG is comprised of one or more related refugees of any age who live together. The following sections discuss additional AG requirements.

3215.10.05 Refugee Mandatory Participating AG Members (C)

The Refugee Cash Assistance eligibility determination must include the following mandatory AG participants who live together:

the applicant/recipient;

the applicant's/recipient's dependent child under age 18;

the applicant's/recipient's spouse who has refugee status; and

the parent of the dependent child if he has refugee status.

3215.10.10 Refugee Optional AG Participants (C)

Any legal or blood relative with refugee status who is either a dependent child or a caretaker living with the AG, who is not mandatory, may be included in the AG.

3215.10.15 Refugee Mandatory Nonparticipating AG Members (C)

Individuals who live with the AG and are excluded from the AG include:

individuals who would be mandatory participating members but who are serving a period of ineligibility due to the receipt of a lump sum payment;

sanctioned individuals;
nonrecipient stepparents;
stepparent's dependent child;
nonrecipient parent of a minor parent; and
the refugee's spouse who does not have refugee status.

The income of these individuals is counted in the eligibility determination. The resources of lump sum ineligible members, sanctioned members, and a nonrefugee spouse are also counted. However, resources of the remaining AG members are not counted.

3215.10.20 Refugee Excluded Members (C)

Individuals who live with the AG, but are excluded from participation in the AG, include:

SSI recipients;
a child receiving IV-E payments; and
children for whom foster care maintenance or adoption assistance payments are made, whether provided by a federal, state, or local agency. This does not apply to children receiving adoption assistance if their exclusion results in a reduction in the AG's benefits.

The income, needs, expenses, and resources of these individuals are not counted in the Refugee Cash Assistance eligibility determination.

3220.00.00 MEDICAID ASSISTANCE GROUPS (MED 1)

For the MED 1 categories, there is one participating AG member. Nonparticipating members are those individuals whose income, resources, and/or expenses must be considered in the eligibility determination and/or in the post-eligibility calculation.

**3220.05.00 NON-INSTITUTIONALIZED APPLICANT/RECIPIENT
(MED 1)**

The policy contained in this section only applies to the MA A, MA B, and MA D categories of assistance.

When the applicant/recipient (participating member) is in a living arrangement other than a Medicaid certified long term care facility, the AG consists of the applicant/recipient and the nonparticipating members listed below. A "child" as

used in this section is a person who is under the age of 18 or who is a student age 18 - 21. (f17)

The spouse of the applicant/recipient if the couple is living together or separated only for medical reasons; (f18)

the biological or adoptive parent(s) of a child applicant/recipient who resides with the parent(s) and who does not qualify for certain Home and Community Based Services (HCBS) waivers as specified in Section 3220.15.00;

the biological, adoptive, or step child of the applicant/recipient who is living in the same home; (f19)

a child who is a sibling of the child applicant/recipient who lives with the applicant/recipient and his biological or adoptive parent; (f20)

the stepparent of a child applicant/recipient living with the applicant/recipient and his biological parent; and

essential person. This is an individual other than a spouse or parent who lives with the applicant/recipient and who provides essential care and services to him. (f21)

For a complete understanding of the way in which income and resources of nonparticipating AG members are considered, refer to Sections 3455.00 (Budgeting), 2600 (Resources), and 1610.00 (Category description).

3220.10.00 APPLICANT/RECIPIENT IN LONG TERM CARE (MED 1)

The policy stated in this section only applies to the MA A, MA B, and MA D categories of assistance when the applicant/recipient resides in a Medicaid certified facility.

The AG consists of:

the applicant/recipient;

the applicant's/recipient's spouse who also resides in a long term care facility or hospital if the couple is separated only for medical reasons; (f22)

the applicant's/recipient's spouse who does not live in a hospital, nursing facility, ICF/MR, CRF/DD, or psychiatric facility (referred to as the community spouse); (f23)

the following individuals who live with the community spouse of the applicant/recipient residing in a Medicaid certified facility:

- biological or adoptive child under age 21 of either spouse;
- biological or adoptive child age 21 and over who is claimed as a tax dependent;
- parents of either spouse, who are claimed as tax dependents; and
- siblings of either spouse who are claimed as tax dependents.

**3220.15.00 CHILDREN APPROVED FOR CERTAIN HCBS WAIVERS
(MED 1)**

The policy contained in this section only applies to the MA D and MA B categories of assistance.

The only member of the AG is the applicant/recipient if he is under age 21 and approved for Home and Community Based Services (HCBS) under any of Indiana's waivers:

Autism Waiver

The autism waiver affects individuals with autism, including children, who are being diverted or deinstitutionalized from Intermediate Care Facilities for the Mentally Retarded (ICF/MR) placements on or after August 1, 1995.

ICF/MR Waiver

The ICF/MR waiver affects MR/DD individuals, including children, who are being diverted or deinstitutionalized from Intermediate Care Facilities for the Mentally Retarded (ICF/MR) placements on or after July 1, 1992.

Medically Fragile Children's Waiver

This waiver implements the provisions of Indiana P.L. 113-1991 (Senate Enrolled Act 30). It affects children whose medical needs are so substantial that they require the level of care provided in a hospital. It serves children who

are being diverted or deinstitutionalized from hospital placements on or after July 1, 1992.

Aged and Disabled Waiver

This waiver serves recipients who are age 65 and older or disabled and who need nursing facility level of care. Parents and siblings are not included in the Assistance Group beginning July 1, 1997.

3220.20.00 RBA MEDICAID AG MEMBERS (MED 1)

The policy contained in this section only applies to the MA R category of assistance.

The AG consists of the applicant/recipient who has been determined eligible for Room and Board Assistance (RBA) and his spouse if the couple is living together or separated only for medical reasons. The spouse's resources are considered in the Medicaid eligibility determination. (f24)

3225.00.00 MEDICAID ASSISTANCE GROUPS (MED 2, 3)

The financial eligibility of the Medicaid applicant/recipient requires that certain income, and in some instances resource, guidelines be met. Income standards are based on AG size, and specified individuals living with the applicant/recipient must be included in the AG. AG determinations for Medicaid eligibility are based on the individual for whom assistance is being requested.

The following are general rules regarding financial responsibility:

A parent is responsible for his child under age 18 living in the home. This includes an unborn child.

A stepparent is not responsible for a stepchild.

Spouses are responsible for each other.

A relative other than a parent is not responsible for a child.

A child is not responsible for his sibling.

Detailed information concerning the AG determination for the MED 2 and MED 3 categories of assistance is available in the following sections.

3225.05.00 AG DETERMINATION/LOW INCOME FAMILIES/RCA MEDICAID (MED 2)

The AG determination for the low income families and RCA-related Medicaid categories of assistance, MA C, MA Q, and MA F are discussed in the following sections. Refer to Section 1620.00 for category description.

3225.05.05 AG Determination/MA C And MA Q (MED 2)

The policy discussed in this section refers only to the following medical assistance categories:

MA C:

- All siblings and half-siblings (natural and adopted) and the parents of these children are mandatory members of the MA C AG. The rules covering optional, mandatory non-participating and excluded AG members listed in IPPM 3215.05.10, 3215.05.15, and 3215.05.20 also apply.
- TANF recipients are eligible for MA C but must request medical assistance to receive MA C.

MA Q:

- AGs eligible for Medicaid as recipients of Refugee Cash Assistance.

The AG determination for these individuals is the same as the determination for cash recipients discussed in Sections 3215.00.00 through 3215.10.20.

For the Medicaid extension due to the receipt of child or spousal support, only those persons who were members of the MA C AG at the time of discontinuance may receive Medicaid. Family members who enter the household during the Medicaid extension are not entitled to Medicaid as part of the AG. Parents who enter the household, however, are considered nonparticipating AG members. Refer to Section 1620.05.00 for category description.

3225.05.10 AG Determination/TMA Recipients

The policy discussed in this section refers only to the following medical assistance category:

MA F:

- Transitional Medical Assistance available to AGs whose MA C was discontinued due to the earnings of a parent/caretaker relative.

The AG will include the prior MA C AG and any individuals living with them who would have been mandatory members of

the MA C AG. Refer to Section 1620.20.10 for category description.

3225.10.00 AG DETERMINATION/SSI RECIPIENTS (MED 2)

The policy discussed in this section refers only to the following medical assistance category:

MA U:

Medical Assistance provided to SSI recipients.

The SSI recipient is the sole participating AG member. If the applicant/recipient is a child, his parents and siblings under age 18 are nonparticipating members. If the SSI recipient is the caretaker relative of a dependent child, his spouse and children will be nonparticipating members of the AG. Refer to Section 1620.35 for category description.

3225.15.00 AG DETERMINATION/CHILDREN (MED 2, MED 3)

The policy discussed in this section refers to the following Medical Assistance categories:

MA 3 - Medical Assistance for Wards. Refer to Section 1620.30.00 for category description.

MA Y - Medical Assistance for Children Under One. Refer to Section 1620.75.00 for category description.

MA Z - Medical Assistance for Children Under Six. Refer to Section 1620.80.00 for category description.

MA 2 - Medical Assistance for Children Six to Nineteen. Refer to Section 1620.85.00 for category description.

MA 9 - Medical Assistance for Children Under Age 19 who do not qualify for any other MED category. Refer to Section 1620.88.00 for category description.

MA O - Medical Assistance for Children in Psychiatric Hospitals. Refer to Section 1620.45.00 for category description.

MA T - Medical Assistance for 18, 19, and 20 Year Olds. Refer to Section 1620.40.00 for category description.

MA 10 - Children's Health Plan, covers age 0-19. Refer to Section 1620.87.00 for category description.

When a child is living in his own home or a foster home, or when the child is placed in an institution and the parents maintain sole responsibility for the child, the AG includes:

the child;

the child's siblings under age 18 living in the child's home;

the child's parents living in the child's home;

for MA 2, for a child under age 18, the child's siblings under age 18 living in the child's home and the child's parents; for an eighteen (18) year old, an AG separate from the siblings is formed and includes the eighteen year-old's spouse and dependents;

for MA 10, an 18-year old who is not living with or supported by a spouse will not have a separate AG. Parental income will be considered and siblings will be included in the AG size;

for MA O, the child's siblings under age 21 living in a psychiatric hospital; and

for MA T, the child's siblings under age 21 living in the child's home and the child's parents.

Assistance may be requested for one or more siblings under 18 years of age in an AG. There is no requirement that all eligible siblings apply. However, all siblings under age 18 living in the child's home are included in the AG size determination. The children requesting assistance are participating members of the AG. The remaining AG members are nonparticipating members.

The income of any child under 18 years of age requesting assistance, and his parents in the child's home, is counted in the MA eligibility determination. For MA 1, MA O, MA T, and MA 3, the resources of these individuals are also counted. The income and resources of other AG members are not counted.

3225.15.05 Institutionalized Children (MED 2, MED 3)

For an institutionalized child, the AG consists of the child only when:

the child is placed in an institution by a relative other than a parent and was not living with his parent at the time of the placement; or

the child is placed in the institution by court order or an agency legally exercising responsibility for the child, and the parent does not currently maintain legal or physical custody of the child.

If two or more siblings are institutionalized, the AG consists of the number of institutionalized children requesting assistance who reside at the same placement.

Income of the institutionalized child is counted in the MA eligibility determination. For MA 1, MA O, MA T, and MA 3, the resources of the institutionalized child are also counted. Income and resources of parents who do not have legal or physical custody of the child are not considered.

When a child is placed in an institution by a parent who has legal or physical custody, the AG is determined in accordance with Section 3225.15.00 as if the child were living at home with the parent.

****Text****

3225.15.10 AG Determination/Individuals Who Were In Foster Care (MED 3)

The policy discussed in this passage refers only to the MA 14 category of assistance. (Refer to Section 1620.88.00 for a description of the category.)

The sole participating member of the AG is the individual who was in foster care. If siblings are residing together, they will have separate assistance groups. Each AG will include, as nonparticipating members, the spouse and/or child(ren) of the former foster care individual.

3225.20.00 AG DETERMINATION/PREGNANT WOMEN (MED 2, MED 3)

The policy discussed in this passage refers only to the following categories of assistance:

MA M - Pregnant Women/Full Range Benefits; and
MA N - Pregnant Women/Pregnancy Related Benefits.
(Refer to Section 1620.60.00 for Category Description.)

The AG is determined as though the child were already born. The pregnant woman is the only participating member of the AG.

In addition, mandatory nonparticipating members of the AG include:

The unborn child;

the pregnant woman;

the pregnant woman's spouse; and

the pregnant woman's minor children living in the home.

Only the income of the pregnant woman and her spouse is counted in the MA eligibility determination. If the pregnant woman is an unmarried minor, her income is counted and her parents' income is deemed following the procedures described in IPPM 3450.45.15 through 3450.45.30. If the pregnant woman is a married minor, her parents' income IS NOT deemed. The resources of the pregnant woman and her spouse are counted in the MA M resource determination.

3225.25.00 AG DETERMINATION/NEWBORNS

The policy in this section applies to the MA X category. (Refer to Sections 1620.90.00 and 2428.00.00 for category description and eligibility information.)

The AG consists only of the newborn child.

There is no financial eligibility determination for this category.

3225.30.00 AG DETERMINATION/INCOME INELIGIBLE PREGNANT WOMEN (MED 3)

The policy in this section applies only to the MA E category. Refer to Sections 1620.65 and 1620.50.

A pregnant Medicaid recipient who fails financial eligibility due solely to increased income, is entitled to an extension of Medical Assistance for her pregnancy. Medicaid continues under the MA E category if the pregnant woman was receiving Medicaid in any category except MA B or MA D. The AG consists of the pregnant woman only.

There is no financial eligibility determination for this category of assistance.

3225.35.00 MEDICAID EXCLUDED MEMBERS (MED 2, 3)

Individuals who live with the participating AG member, but are excluded from the AG, include:

SSI recipients, with the exception of MA U.

3230.00.00 QMB/QDW/SLMB/QI ASSISTANCE GROUPS (MED 4)

The members of a Qualified Medicare Beneficiary (QMB), (refer to 1610.30.00 for category description); Qualified Disabled Worker (QDW), (refer to 1610.40.00 for category

description); Specified Low-Income Medicare Beneficiary (SLMB) (refer to 1610.35.00 for category description) and Qualified Individuals (QI), (refer to 1610.45.00 for category description) AGs are as follows:

the applicant/recipient;

the spouse of the applicant/recipient when they are living in the community together;

the applicant's/recipient's biological, adoptive, and step child under age 18 or an 18-21 year old student, living with the applicant/recipient; and

the applicant's/recipient's essential person as defined in section 3220.05.00.

For a complete understanding of the way in which income and resources of nonparticipating members are considered in determining eligibility, refer to Chapters 3400 (Budgeting) and 2600 (Resources).

3299.00.00 FOOTNOTES FOR CHAPTER 3200

Following are footnotes for Chapter 3200:

- (f1) 7 CFR 273.1(a)(1)
- (f2) 7 CFR 273.1(a)(2)(i)
- (f2a) Section 13931 of P.L. 103-66, the Mickey Leland Childhood Hunger Relief Act
- (f2b) Section 13931 of P.L. 103-66, the Mickey Leland Childhood Hunger Relief Act
- (f3) 7 CFR 273.1(a)(2)(ii)
- (f4) 7 CFR 271.2
- (f5) 7 CFR 273.1(c)(1)
- (f6) 7 CFR 273.1(e)(1)
- (f6a) Section 13932 of P.L. 103-66, the Mickey Leland Childhood Hunger Relief Act
- (f7) 7 CFR 273.11(e)(1)
- (f8) 7 CFR 273.11(f)(1)
- (f9) 7 CFR 273.11(g)(1)
- (f10) 7 CFR 273.5(a)(1)
- (f11) 7 CFR 273.5(b)(1)
- (f12) 7 CFR 273.1(b)(2)
- (f13) 7 CFR 173.1(b)(1)(i)
- (f13a) Social Security Act, Section 408(a)(9)
Section 6 of the Food Stamp Act As amended by Section 821 of P.L. 104-193
- (f13b) Section 115 of P. L. 104-193; IC 12-14-28-3.3
- (f13c) Section 115 of P. L. 104-193
- (f14) 4 CFR 233.90
- (f15) 45 CFR 233.90
- (f16) 45 CFR 206.10
- (f17) 405 IAC 2-1-1

- (f18) 405 IAC 2-1-1
- (f19) 405 IAC 2-1-1
- (f20) 405 IAC 2-1-1
- (f21) 405 IAC 2-1-1
- (f22) 405 IAC 2-1-1
- (f23) Section 1924 of the Social Security Act
- (f24) 405 IAC 2-3-15
- (f25) 45 CFR 256.2
- (f26) 45 CFR 206.10
- (f27) 470 IAC 10.1-2-5
- (f28) 45 CFR 233.107
- (f29) Section 115 of P. L. 104-193; IC 12-14-28-3.3
- (f30) Section 115 of P. L. 104-193; IC 12-14-28-3.3