

# ARKANSAS REGISTER

## Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Arkansas Department of Human Services

Department Division of County Operations

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Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

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Contact Person

E-mail Address

Date

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Mary Franklin  
Signature

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Phone Number

E-mail Address

Director

Title

6/20/18  
Date

## 2200 Eligibility Determination

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12/01/97

In addition to the eligibility requirements dealt with during the application interview (i.e., the PRA, providing or applying for an SSN for all family members, and initial cooperation with the OCSE), it will be determined and documented in the case record whether the family meets the remaining TEA eligibility requirements as described in the following sections.

If it is determined, at any point, that an eligibility requirement is not met, it is not necessary to determine whether the applicant meets any other requirements. The application may be denied based on the requirement not met. Each requirement is discussed in more detail in the following sections.

### 2201 TEA Family/Assistance Unit Defined

08/01/18

For purposes of the TEA program, the terms “TEA family” and “assistance unit” have the same meaning and are used interchangeably throughout this manual.

The above terms refer to the under age 18, non-SSI child(ren) for whom application is made and the following persons:

1. The parent(s), including minor parents, living in the home with the child unless such parent receives SSI benefits. If both parents are in the home, they do not have to be married to both be included in the unit.
2. The non-SSI step-parent living in the home with the child.
3. Any non-SSI sibling under age 18 of the child for whom application is made who is living in the home and for whom the parent or other adult caretaker has responsibility even if application is not made for that child. (See **EXAMPLE #1** below.)
4. A non-parent, non-SSI adult caretaker relative who chooses to be included as an eligible family member. Only one such relative may be included.

Please see the **NOTES** below.

The persons described in Items 1-3 are required to be included as TEA family members except when a specific individual eligibility requirement is not met by such person. Individual eligibility requirements are the following:

- a) SSN Enumeration ([TEA 2110](#))

- b) Child's Relationship to the Caretaker Relative ([TEA 2210](#))
- c) Citizenship or Alienage ([TEA 2220](#))
- d) Fleeing Felon or Parole or Probation Violator ([TEA 2240](#))
- e) Family Cap Provision ([TEA 2361](#) and [TEA 4131](#))



#### **NOTES:**

- **Minor Parents** - If the application is made for the minor parent and child only, the minor parent's parent(s), stepparent, or siblings are not required to be included in the assistance unit. (See [EXAMPLE #2](#) below.)
- **Legal/Biological Father** - If the child has a legal father (according to state law) who does not live in the home but the alleged biological father does, such biological father will not be included as the child's parent until the issue of the legal father has been legally resolved.
- **Consolidated Units**

If there are two or more otherwise separate families living in the same house, such families will not be combined into one single TEA family even if some of the children may be half-siblings to each other. (See [EXAMPLE #3](#) below.)

All minor non-SSI children in the home for whom the caretaker relative has responsibility will be included in one unit.

All minor non-SSI children in the home for whom a legally married couple has responsibility and for whom they are receiving, or wish to receive, assistance will be included with the couple as one TEA family, or assistance unit. (See [EXAMPLE #4](#) below.)

**EXAMPLE #1:** Ms. Adams applies only for her son James and does not want to apply for her daughter Crystal because Crystal receives SSA benefits from her deceased father's account. Even though Ms. Adams is not applying for Crystal, she must be included in the application and the TEA family, even if Crystal's SSA income causes ineligibility for the assistance unit.

**EXAMPLE #2:** Ms. Craig applies for assistance for her 16 year old daughter Sue and Sue's baby, Emily. Other household members include Sue's two brothers. Ms. Craig does not want assistance for herself and her two sons. The TEA family will consist of Emily and her mother, Sue.

**EXAMPLE #3:** Ms. Jones and Ms. Smith each have two children. Mary, Ms. Jones' child, and Tom, Ms. Smith's child, have the same father making them half-siblings. The Jones and Smith families will remain separate families under TEA even though Mary and Tom are half-siblings.

**EXAMPLE #4:** Mr. and Mrs. Madison each have a child of their own from a previous marriage living with them. Even though they have no child in common, the four of them (Mr. and Mrs. M. and the two children) will be considered to be one TEA family, not separate families.

**EXAMPLE #5:** Mr. and Mrs. Sanchez each have a child of their own from a previous marriage living with them. They do not have a child in common. Mr. Sanchez's son is receiving \$400 per month in child support from his mother. Mr. Sanchez does not want to receive TEA assistance for his son. Because Mr. Sanchez is a stepparent to Mrs. Sanchez's child, he must be included in the TEA case with Mrs. Sanchez and her child. However, his child is not required to be in the case because his child is not a sibling or half sibling to Mrs. Sanchez's child. Therefore, Mr. Sanchez may choose to exclude his child and thus, the child's income.

The eligibility requirements described in the following sections will be determined in relation to the TEA family members as defined above. If a requirement affects only an individual's eligibility, the section specific to that requirement specifies so and describes how to treat an individual family member who is ineligible due to the requirement.

1. Worked Forty (40) Qualifying Quarters of Coverage - SSA Query screen (WQRY) will be used to determine if an alien has 40 qualifying quarters of coverage, including credited quarters from his or her parent or spouse. Form SSA-3288, SSA Consent for Release of Information, must be signed by the person for whom quarter of coverage information is needed before making the inquiry. (If the person is deceased, no consent is needed.) Refer to the DCO User's Manual for instructions on how to inquire to WQRY for this purpose.
2. Battered aliens: Form I-130 filed by alien's spouse or parent of the battered child, Form 1-30 petition as a widow(er) of a U.S. citizen, an approved self-petition under Violence Against Women Act or an application for cancellation of removal or suspension of deportation filed as a victim of domestic violence.
3. Honorable Discharge: A U.S. military discharge certificate (DD Form 214) that shows character of service as "Honorable" and does not show, in the narrative reason for discharge entry, that the discharge was based on alien status, lack of U.S. citizenship, or other "alienage" reason.
4. Active Duty Member of the Armed Forces: The green service identity card (U.S. Form DD-2) or (rarely) red service identity card and copy of current orders showing active duty (not active duty for training purposes only).
5. Spouse or Dependent Child of Veteran or Active Duty: A marriage license or birth certificate verifying the individual's relationship to the veteran or active duty military person along with the appropriate verification for honorable discharge or active duty.
6. Trafficking Victim: A certification letter issued by the Office of Refugee Resettlement verifying that an individual has been identified as a trafficking victim pursuant to section 107(b) of the Trafficking Victims Protection Act of 2000.

## 2222 Declaration of Citizenship

08/01/18

As a condition of eligibility, a declaration of citizenship, or lawful alien status, must be made in writing, under penalty of perjury, for each TEA family member.

The Immigration Reform and Control Act (IRCA) of 1986 (P.L. 99-603) requires an applicant for public benefits to declare in writing, under penalty of perjury, whether he is a citizen or national of the United States, or if not, that he is an alien in satisfactory immigration status. An individual must be given certain status options from which to choose to make his citizenship declaration.

- The ANSWER generated Client Declaration statement is used to obtain the written declaration for the family. The Eligibility Worker enters the information in the

citizenship area of the Client Profile tab for each member of the TEA Budget Unit. The individual must be given the status options listed on the Client Profile tab from which to choose to make his citizenship declaration.

- The alien number, status, date of entry and country of origin must be completed on the Client Profile tab for any family member included in the assistance unit who is not a U.S. citizen. It must be verified, as described in [TEA 2221](#), that the INS status meets the TEA eligibility criteria for an alien. The Client Declaration is printed and the case head signs the form on behalf of all adults and children included in the assistance unit.
- The case head is required to sign the Client Declaration to declare citizenship status of the individual each time a new member is added to the case. If the case is closed and the client reapplies, a new Client Declaration declaring the citizenship status of the assistance unit will be required.

## **2240 Fugitive Felons and Parole or Probation Violators**

07/01/97

An individual who is fleeing to avoid prosecution, or custody or confinement after conviction, of a felony offense is ineligible for TEA benefits.

An individual who is violating a condition of probation or parole imposed under Federal or State law is ineligible for TEA benefits.

The eligibility of other family members is not affected by the ineligibility of a person described above. Such ineligible person will not be included in the family size for purposes of determining the payment amount. However, if the person is the parent or stepparent of any child included in the unit, his or her income will be counted.

## **2250 Residence Requirement**

07/01/97

The family must presently reside in Arkansas and intend to make it their home.

No specific duration of residence is required. If the applicant has the present intention to make the state his home, current eligibility will not be affected even if the applicant intends to leave the state at some future time. Residence is not affected by a temporary absence from the state, provided the absence is less than one (1) month.

Homeless families who do not have a fixed or permanent address but reside in the state as residents of Arkansas are eligible for TEA provided they meet all other eligibility requirements.

The county office will determine an address of choice (e.g., a PO Box, homeless shelter, etc.) for such families. If otherwise eligible, the case may be certified with this chosen address.

## **2260 Initial Compliance with the Personal Responsibility Agreement Requirement**

03/28/98

The Personal Responsibility Agreement requires the adult caretaker, or minor parent, to ensure that school-age children attend school regularly and that the children receive immunizations as needed. "School-age" is defined as five (5) years through seventeen (17) years of age and "pre-school age" is two (2) months to five (5) years of age. Exemptions to the immunization requirement may be approved as described in [TEA 2262.1](#).