

ARKANSAS REGISTER

Transmittal Sheet

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



Secretary of State

Mark Martin

500 Woodlane, Suite 026

Little Rock, Arkansas 72201-1094

(501) 682-5070

www.sos.arkansas.gov



For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Department of Human Services

Department Division of County Operations

Contact Larry Crutchfield E-mail larry.crutchfield@dhs.arkansas.gov Phone 501-682-8257

Statutory Authority for Promulgating Rules Arkansas Code Annotated 20-76-201

Rule Title: SNAP 1622.20 Drug Disqualifications - H.O.P.E. Act

Intended Effective Date

(Check One)

☐ Emergency (ACA 25-15-204)

☐ 10 Days After Filing (ACA 25-15-204)

☒ Other 08/01/2018
(Must be more than 10 days after filing date.)

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Adopted by State Agency

Date

05/04/2018

06/02/2018

08/01/2018

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

Stephen Giese

stephen.giese@dhs.arkansas.gov

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.)

Signature

(501) 682-8377

mary.franklin@dhs.arkansas.gov

Phone Number

E-mail Address

Director

Title

6/21/18

Date

SNAP CERTIFICATION MANUAL – SECTION 1000

1600 Process 4 – Determining Household Composition

1610 Declaration of Household Members

1610 Declaration of Household Members

SNAP Manual 12/01/00

The county office worker will carefully review the household members listed on the application.

If the actual presence of any declared member is questionable, verification of household composition will be requested. Verification of household composition is normally accomplished through collateral contact. See the Glossary, definition of "[Collateral Contact](#)."

1620 Evaluating Eligibility of

Members SNAP Manual 08/01/18

The county office worker will evaluate each household member listed on the application to determine if that member is eligible to participate in the Supplemental Nutrition Assistance Program. The categories of individuals who are not eligible to participate in the Supplemental Nutrition Assistance Program are listed below.

1. Ineligible Aliens-Undocumented aliens - See [SNAP 1621](#) for details regarding qualified aliens.



Note: Ineligible-Undocumented aliens are those who are unable or unwilling to verify immigration status.

2. Certain Students Enrolled in an Institution of Post-Secondary Education - See [SNAP 1622.2](#) for an explanation of which students are ineligible to participate in the program.
3. Disqualified Individuals - This includes people disqualified for any of the following reasons:
 - a. An intentional program violation (IPV) as defined in [SNAP 15410](#)
 - b. Failure to comply with the social security number (SSN) requirement as explained in [SNAP 2100](#)
 - c. Failure or refusal to comply with the work registration requirements explained in [SNAP 3400](#)
 - d. Noncompliance with the Workfare requirement explained in [SNAP 3700](#)
 - f. Being currently classified as a fleeing felon as explained in [SNAP 1622.10](#)
4. Boarders - See [SNAP 1624](#) for an explanation of boarder policy.
5. Residents of Institutions - See [SNAP 1800](#) for a definition of an institution and the exceptions to this rule.

SNAP CERTIFICATION MANUAL – SECTION 1000

1600 Process 4 – Determining Household Composition

1622 Determining Eligibility of Students

The ineligible student's resources (except for jointly owned resources) will not be considered available to the eligible household members. Resources owned jointly by ineligible students and eligible household members are considered available to the household in their entirety. See [SNAP 4910](#).

1622.10 Fleeing Felons

SNAP Manual 10/01/08

A fleeing felon is an individual who is avoiding prosecution or custody for a crime, or an attempt to commit a crime that is classified as a felony. This provision also applies to individuals who are violating a condition of probation or parole under a Federal or State law. Fleeing felon status is usually determined by the existence of a warrant, and the individual is assumed to be fleeing as of the date the warrant is issued.

If law enforcement is not actively seeking to apprehend the individual in Arkansas, an individual assumed to be fleeing due to the existence of a warrant is eligible to participate in the Supplemental Nutrition Assistance Program. Identification as a fleeing felon based on SOLQ or from a source other than the law enforcement agency the individual is fleeing from is not considered verified upon receipt. The county office must contact the appropriate law enforcement agency for verification of fleeing felon status. If contact cannot be made with law enforcement officials, the individual will retain eligibility to participate in the Supplemental Nutrition Assistance Program. The county office worker must document each attempt to contact law enforcement officials.

Fleeing felons and probation/parole violators are ineligible to participate in the Supplemental Nutrition Assistance Program during any period while the individual is fleeing to avoid prosecution or custody. The presence of a fleeing felon or probation/parole violator will not make the entire household ineligible. Anyone identified as a fleeing felon or a probation/parole violator will be treated as an ineligible household member and his or her income and resources will continue to be shown in the SNAP budget. See [SNAP 1623.2](#) for instructions.

1622.20 Disqualification for Certain Drug Manufacture or Distribution Felonies

SNAP Manual 08/01/18

~~DELETED 06/01/18~~

SNAP CERTIFICATION MANUAL – SECTION 1000

1900 Classifying Households

1910 Aged/Disabled Household

1900 Classifying Households

SNAP Manual 06/15/98

Households will be classified in accordance with the provisions of this section.

1910 Aged/Disabled Household

SNAP Manual 08/01/04

An aged/disabled household contains at least one member who is age 60 or over or is disabled as defined in the Glossary under “[Aged/Disabled](#)”. The household member who is aged or disabled is entitled to a medical deduction as provided in [SNAP 6500](#). Households with an aged/disabled member are entitled to unlimited excess shelter costs. They are not subject to the gross income pretest but must meet the net income standards. See [SNAP 7600](#) for an explanation of net income eligibility.

When all household members are [aged or disabled](#) (as defined in the Glossary) or a dependent child age 15 or younger and no household member has earnings, the household may be assigned a 24-month certification period. Each household assigned a certification period in excess of 12 months will be subject to a mid-point review at the end of the first 12-month period. See [SNAP 11600](#).

See [SNAP 8720](#) for additional information about certification periods.

1920 Categorically Eligible Household

SNAP Manual 8/01/18

A categorically eligible household is any household in which all members receive (or are authorized to receive) Supplemental Security Income (SSI) or at least one member receives (or is authorized to receive) a Transitional Employment Assistance (TEA) benefit as defined in [SNAP 1920.2](#). “Authorized to receive” means that an individual has been determined eligible for benefits and has been notified of this determination even though the benefits have not yet been received. The fact that TEA or SSI benefits have been suspended, recouped, or are less than the minimum amount paid will have no impact on a determination of categorical eligibility.

No household may be classified as a categorically eligible household if:

1. The entire household is institutionalized and the institution is not listed at [SNAP 1800](#) as an institution where residents may participate in the Supplemental Nutrition Assistance Program.
- OR

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1. The entire household is institutionalized and the institution is not listed at [SNAP 1800](#) as an institution where residents may participate in the Supplemental Nutrition Assistance Program.
- OR

SNAP CERTIFICATION MANUAL – SECTION 1000

1900 Classifying Households

1920 Categorically Eligible Household

2. Any member of the household is disqualified for an intentional program violation as defined in [SNAP 16600](#) and [SNAP 16800](#).

No household member will be included as an eligible member of a categorically eligible household if that member is:

- An eligible alien as defined in [SNAP 1621](#).
- An eligible student as defined in [SNAP 1622.2](#).
- Disqualified for failure to comply with a work registration requirement as defined in [SNAP 3400](#).

1920.1 Categorically Eligible Households-SSI Recipients

See [SNAP 1920](#) for restrictions to classifying households as categorically eligible.

Unless otherwise restricted, a household will be classified as a categorically eligible household if all household members (eligible and ineligible) receive or are certified to receive SSI benefits.

EXAMPLE: A household is composed of a mother and her son. The mother receives SSI benefits, but the son does not. The son is an ineligible student. The household will not be classified as a categorically eligible household.

1920.2 Categorically Eligible Households-TEA Recipients

See [SNAP 1920](#) for restrictions to classifying households as categorically eligible. Unless otherwise restricted, a household will be classified as a categorically eligible household if at least one household member receives(or is authorized to receive) one of the following Transitional Employment Assistance(TEA) benefits:

- **Child-care assistance:** This is limited to child-care assistance paid to current TEA cash assistance recipients and child-care assistance paid to former TEA cash assistance recipients through extended support services. If a TEA case closes due to employment, the former TEA recipient can receive child care assistance through extended support services for up to 36 months after the date of closure.
- **TEA cash assistance:** These monthly payments are available to help meet the family's basic needs while the parent or other adult relative works toward increasing his or her earning potential. An eligible family may receive cash assistance for no longer than 24 months. TEA cash assistance is also available to help meet the needs of children who are being cared for by adult relatives other than a parent. Assistance to such relatives is available without regard to a specified time limit.
- **Mentoring services:** This service is designed to provide clients with the support needed to move from welfare to work. Mentoring services will be provided as long as it is deemed appropriate by the worker, coordinator and mentee. If the TEA case closes due

SNAP CERTIFICATION MANUAL – SECTION 3000

3600 SNAP E&T Programs

Voluntary Quit

3621 Automated Referrals

SNAP Manual 08/01/18

DHS provides the E&T Provider a system-generated list of able bodied adults who are subject to the requirement to work (RTW) each week. E&T referrals occur at certification, recertification and reinstatement of SR cases. Household members with the work participation code “Mandatory – SNAP” are selected for automated referral if none of the following General Client Characteristics were selected:

- Fleeing Felon, Fraud-IPV Conviction, Ineligible Student, Parole Violator, or Probation Violator;
- The member status code is “Active”;
- No disability indicator has been selected for the member;
- The member is at least age 18 but no older than age 49; and
- There are no household members age 17 or younger.

DCO county office workers must use the proper characteristic for work registrants who are not subject to the RTW. The characteristics to be used are shown in following chart:

<i>Work Participation Characteristic</i>	<i>Description</i>
<u>RTW 50-60 yrs old</u> Indicates a mandatory work registrant who is not subject to the RTW.	<ul style="list-style-type: none">• Use this characteristic in all counties.• Use this characteristic for work registrants who are at least age 50 but no older than age 59.• They are not subject to the RTW. They are not automatically referred to the E&T Provider
<u>RTW 15% Exemption</u> Indicates a mandatory work registrant who is subject to the RTW but is granted an exemption.	<ul style="list-style-type: none">• Use this characteristic for able bodied adult work registrants who are granted a 15% Personal Exemption from the RTW.• 15% Personal Exemptions are assigned by priority and on a case by case basis
<u>RTW-Pregnant Woman</u> Indicates a mandatory work registrant who is exempt from the RTW	<ul style="list-style-type: none">• Use this characteristic to exempt a woman from the RTW due to pregnancy (regardless of trimester).
<u>SNAP/RTW-Work 20 no 30 hrs</u> Indicates a mandatory work registrant who is subject to the RTW but exempt due to employment.	<ul style="list-style-type: none">• Use this characteristic in all counties.• Use this characteristic for a work-registrant who is working at least 20 hours per week but less than 30 hours per week.
<u>RTW – Minor Child in the SNAP HH</u> Indicates an able bodied adult who is	<ul style="list-style-type: none">• This characteristic is to be used to exempt an able bodied adult when he or she resides in the same SNAP

17351 Household Information

SNAP Manual 08/01/18

The SNAP household will include those members who are living and eating together during the disaster benefits period. The SNAP household WILL NOT include members of any household with whom the applicants are temporarily staying during the disaster.

The citizenship and alien status provisions of the regular SNAP WILL NOT apply during a DSNAP. The eligible student provisions of the regular SNAP WILL NOT apply during a DSNAP.

Failure to provide the social security number of household members WILL NOT result in a disqualification in a DSNAP.

The work registration and/or work requirements of the regular SNAP WILL NOT apply during a DSNAP. (Sanctions imposed for work registration violations WILL NOT apply to DSNAP applicants.)

Household members who are disqualified from the regular SNAP for an IPV may participate in a DSNAP. However, if an individual is found to have committed an IPV in a DSNAP, he or she WILL be disqualified from participating in the regular SNAP.

17352 Income and Resource Test

SNAP Manual 09/01/06

The household's take home pay for the designated disaster period added to the household's accessible cash resources (cash on hand and accessible funds in checking and savings accounts) must be less than or equal to the maximum income limits for the household size after disaster related expenses are deducted.

17353 Income

SNAP Manual 09/01/06

Only income that the household has received or can reasonably expect to receive during the disaster period will be considered. Income will include the following:

- Take Home Pay-Wages received by a household member after taxes or other deductions are withheld.