

Secretary of State  
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**PERMANENT ADMINISTRATIVE RULES**

I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on

March 4, 2016 by the

Department of Human Services, Office of Self-Sufficiency Programs	461
Agency and Division	Chapter Number

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Rules Coordinator	Address	Telephone	Email
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to become effective May 1, 2016.

Rulemaking Notice was published in the April 2016 Oregon Bulletin.

**Rule Caption:** *Amending citizenship and alien status requirements to add an exception for children in Head Start*

**AMEND:** 461-120-0110

**REPEAL:** 461-120-0110(T)

ORS 409.050, 411.060, 411.070

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Stat. Auth.

None.

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Other Auth.

ORS 409.050, 411.060, 411.070

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Stats. Implemented

## Rule Summary

OAR 461-120-0110 about citizenship and alien status requirements is being amended to include a waiver of the proof of citizenship requirements for children participating in Head Start programs. This change is to comply with US Department of Health and Human Services guidance issued on May 2, 2008 available at [http://www.acf.hhs.gov/sites/default/files/occ/pi2008\\_01.pdf](http://www.acf.hhs.gov/sites/default/files/occ/pi2008_01.pdf). This makes permanent a temporary rule adopted on March 4, 2016.

## Citizenship and Alien Status Requirements

- (1) Except as provided in section (5) of this rule, in all programs except the CAWEM, ERDC, REF, and REFM programs, to be a member of a *benefit group* (see OAR 461-110-0750) an individual must meet the requirements of at least one of the following subsections:
  - (a) Be a citizen of the United States;
  - (b) Meet the alien status requirements in OAR 461-120-0125;
  - (c) Be a citizen of Puerto Rico, Guam, the Virgin Islands or Saipan, Tinian, Rota or Pagan of the Northern Mariana Islands; or
  - (d) Be a national from American Samoa or Swains Islands.
- (2) In the CAWEM program, to be a member of the *benefit group* an individual must meet the eligibility requirements of OAR 461-135-1070.
- (3) In the ERDC program, the *need group* (see OAR 461-110-0630) and *benefit group* must include a child who meets the requirements of section (1) of this rule ~~except that:~~
  - (a) For children enrolled in programs that are subject to Head Start Performance Standards and are supported by both Head Start and CCDF funds, parents must submit verification of Head Start enrollment in lieu of other documentation; and
  - (b) For children in contracted programs, a Head Start eligibility checklist may be used as verification.
- (4) In the REF and REFM programs, to be a member of the *need group* and the *benefit group* an individual must meet the alien status requirements of OAR 461-120-0125.
- (5) In the TA-DVS and TANF programs, a victim of *domestic violence* (see OAR 461-001-0000) is not subject to section (1) of this rule when OAR 461-135-1200 applies.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.706, 411.816, 412.006, 412.014, 412.049, 412.124, ~~414.231~~

Stats. Implemented: ORS 411.060, 411.070, 411.117, 411.404, 411.706, 411.816, 412.006, 412.014, 412.049, 412.124, ~~414.231~~