

CAF Self-Sufficiency Programs

Number: SS-PT-09-005

Authorized Signature

Issue Date: 3/16/2009

Topic: CAF Self-Sufficiency Programs Administrative Rules Advance Copy (including some Seniors and People with Disabilities programs)

Transmitting (check the box that best applies):

- New Policy
 Policy Change
 Policy Clarification
 Executive Letter
 Administrative Rule
 Manual Update
 Other: _____

Applies to (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input checked="" type="checkbox"/> Area Agencies on Aging | <input type="checkbox"/> Health Services |
| <input checked="" type="checkbox"/> Children, Adults and Families | <input checked="" type="checkbox"/> Seniors and People with Disabilities |
| <input type="checkbox"/> County DD Program Managers | <input type="checkbox"/> Other (please specify): |

Policy/Rule Title:	Various Self-Sufficiency and Seniors and People with Disabilities programs Administrative Rules		
Policy/Rule Number(s):	Various (see below)	Release No:	
Effective Date:	April 1, 2009 (unless otherwise noted)	Expiration:	N/A
References:			
Web Address:	http://www.dhs.state.or.us/policy/selfsufficiency/publications/ss-pt-09-005-advance-rules-rev.pdf		

Discussion/Interpretation:

OAR 461-001-0000 about Definitions for Chapter 461 is being amended to define the term "branch office."

OAR 461-110-0350 about the composition of filing groups in the Employment Related Day Care (ERDC) program is being amended to clarify that the term spouse includes persons who are not legally married to each other, but represent themselves to the community as being married or as domestic partners and they share living expenses and household duties.

OAR 461-110-0370 about Food Stamp (FS) program filing groups is being amended to revise who may form a separate filing group, who must be included, and who may be included in the filing group. The rule is being amended to state an individual who is elderly, blind, or has a disability and lives in federally subsidized housing may form a separate filing group. The rule is also being amended to state that a spouse in the same facility as a resident of an alcohol or drug treatment program may be in a separate filing group, but the child of a resident must be in the same filing group. The rule is also being amended to state that residents of commercial boarding houses and ineligible students are excluded from the FS filing group.

OAR 461-120-0125 about the alien status eligibility requirements for all programs except Refugee is being amended to extend the eligibility time frame for Afghani Special Immigrants for Food Stamp (FS) benefits from September 30, 2008 to September 30, 2009. This rule is also being amended to make the changes in the temporary rule permanent.

OAR 461-135-1175 about the Senior Farm Direct Nutrition Program (SFDNP) is being amended to state that to be eligible for SFDNP the Department must receive the client's letter of interest no later than September 15 of the given year.

OAR 461-135-1230 about benefits in the Temporary Assistance - Domestic Violence Survivors (TA-DVS) program is being amended to state that payments are used to address certain specific needs related to the client's domestic violence situation and are not used for ongoing or recurrent needs. This rule is also being amended to update the description of how payments are issued.

OAR 461-135-1250 about specific client eligibility and participation requirements in the Post-TANF program is being amended to make permanent a temporary rule providing that effective February 1, 2009, the monthly Post-TANF benefit amount will be \$100.00 (reduced from \$150.00). This rule is also being amended to state that a client is no longer eligible for Post-TANF benefits when the client does not meet federal JOBS participation requirements due to loss of employment, reduced work hours and the client chooses not to participate in required JOBS activities, or reduced JOBS activity hours without good cause that when combined with work hours does not meet the federal JOBS participation requirements.

OAR 461-140-0040 about determining the availability of a client's income is being amended to indicate that in the Employment Related Day Care (ERDC) program income is considered not available to the client when the client is a victim of domestic violence, the income is controlled by the client's abuser, and the abuser is not in the client's filing group.

OAR 461-145-0455 about federal Reception and Placement Grants and how they are treated in the Department's public assistance, medical and Food Stamp (FS) programs is being amended to state that in the FS program the Department treats these grants as unearned income when paid directly to a FS household and an excluded in-kind payment when paid directly to a provider.

OAR 461-145-0460 about how client funds from the sale of a resource are treated in the Department's public assistance, medical, and Food Stamp (FS) programs is being amended to restate how the Department treats income received on a regular basis from the sale of a home in the FS program.

OAR 461-145-0580 about how Veterans Benefits are treated in the Department's public assistance, medical, and Food Stamp (FS) programs is being amended to state that in the FS program the Department treats Aid and Attendance payments as unearned income and remaining benefits are counted unless excluded by another rule.

OAR 461-160-0060 about the use of rounding when calculating benefit amounts in the Department's programs is being amended to simplify the rounding calculations when determining Food Stamp eligibility and benefit amounts to the minimum federal requirements.

OAR 461-160-0410 about the treatment of income and income deductions in the Food Stamp (FS) program when a group includes ineligible or disqualified members is being amended to treat all qualified noncitizens the same regardless of whether they meet the alien status requirements of the FS program.

OAR 461-160-0550 about income deductions for non-SSI OSIP (except OSIP-EPD) and OSIPM (except OSIPM-EPD) clients in the community when no children are in the household group is being amended to make permanent a temporary rule change indicating that when adjusted income of the applicant is less than the one-person standard, the countable income used in determining adjustable income of an ineligible spouse is the difference between the SSI standard for an individual and that for a couple.

OAR 461-160-0551 about income deductions for non-SSI OSIP (except OSIP-EPD) and OSIPM (except

OSIPM-EPD) clients in the community when children are in the household group is being amended to make permanent a temporary rule change that removed language that requires the rule to be updated and changed every year when federal SSI program standards change.

OAR 461-165-0060 about the minimum benefit amount in the Refugee, Food Stamp (FS), and Temporary Assistance to Needy Families (TANF) programs is being amended to make permanent a temporary rule change stating that in the FS program eligible one- and two-person benefit groups receive a minimum monthly FS allotment of eight percent of the Thrifty Food Plan (TFP) for a one-person household, as determined annually by the United States Department of Agriculture, Food and Nutrition Service.

OAR 461-165-0180 about eligibility for payment as a child care provider through the Department's self sufficiency programs is being amended to restate the eligibility requirements for child care providers. This rule is being amended to restate: when the Department must approve a child care provider to receive payment, when ineligibility for payment may result, what the provider must submit to the Department, the requirements the provider must meet, what each subject individual must do, and what each provider must do. This rule is also being amended to state that all subject individuals must allow the Department to conduct criminal history checks through the Oregon State Police and the Federal Bureau of Investigation, and that to be approved the subject individual cannot have a history indicating substantial risk to the well-being to children in the care of the provider. This rule is also being amended to state that certified foster parents must obtain written approval from their certifier or certifier's supervisor to become a child care provider eligible to be paid by the Department.

OAR 461-165-0410 about criminal history disqualifying a childcare provider from receiving payments from the self sufficiency programs of the Department is being amended to state that a subject individual charged with or arrested for certain violent, drug, or sexual crimes is presumed likely to engage in conduct posing a significant risk to a client, the Department, or a vulnerable individual and that this presumption may result in a child care provider being found ineligible to receive payment from the Department. This rule is also being amended to correct cross-references to other rules.

OAR 461-165-0420 about child protective service histories disqualifying a childcare provider from receiving payments from the self sufficiency programs of the Department is being amended to state: what information the Department may use to determine if a child care provider may be ineligible to receive payment from the Department, that a provider's failure to disclose all requested information results in a finding of failed, and that the Department may find a provider eligible for payment even when there is a potentially disqualifying history of behavior if the behavior is unlikely to be repeated and children's well being is not jeopardized. This rule is also being amended to correct an inaccurate cross-reference to another rule.

OAR 461-170-0011 about changes a client must report to the Department is being amended to state that a client in the Employment Related Day Care (ERDC) program who is not participating in the Simplified Reporting System (SRS) must report changes within ten days of occurrence and that the changes that must be reported are a change in: child care provider, employment status, mailing address or residence, membership of the filing group, source of income expected to continue. This rule is also being amended to state that when a client in the Employment Related Day Care (ERDC) program is in the Simplified Reporting System (SRS) must report changes by the tenth day of the month following the month of occurrence and that the changes that must be reported are monthly income exceeding the Food Stamp countable income limit, a change in mailing address, a change in child care provider, loss of employment, or the spouse of the caretaker moves in; and when an ERDC case without a companion FS case may continue to follow the SRS reporting requirements.

OAR 461-170-0101 about the Simplified Reporting System (SRS) for the Employment Related Day Care (ERDC) and Food Stamp (FS) programs is being amended to clarify that ERDC and FS companion cases may participate in SRS.

OAR 461-170-0102 about the Interim Change Report that clients in the Simplified Reporting System (SRS) are required to submit is being amended to indicate that there is no mandatory six month report form required when the household has no earned income and all adult members are elderly or have a disability. This rule also is being amended to state this rule also applies to Employment Related Day Care (ERDC) clients when a client's case is also a companion Food Stamp (FS) case.

OAR 461-170-0103 about what actions result from changes in household circumstances reported by clients

assigned to the Simplified Reporting System (SRS) is being amended to extend the rule to Employment Related Day Care (ERDC) clients when a client's case is also a companion Food Stamp (FS) case.

OAR 461-170-0104 about the effect on a client's benefits when a client assigned to SRS does not submit a complete Interim Change Report is being amended to extend this rule to Employment Related Day Care (ERDC) clients when a client's case is also a companion Food Stamp (FS) case.

OAR 461-170-0150 about Anticipating with Periodic Review (APR) for clients in the Employment Related Day Care (ERDC) program is being amended to allow for an increased length of the APR certification periods.

OAR 461-170-0160 about when a re-application form is considered complete or not received from a client in the Employment Related Day Care (ERDC) program is being amended to state that ERDC clients must submit a re-application form at the end of the Anticipating with Periodic Review (APR) certification period, before eligibility can be determined and a new APR certification period can be established.

OAR 461-175-0280 about the type of notice sent to a client when the client fails to submit a required report and the consequences to the client of not submitting that report when the client is participating in Anticipating with Periodic Review (APR), the Monthly Reporting System (MRS), or the Simplified Reporting System (SRS) is being amended to state that a client failing to submit in a timely manner a required Interim Change Report or Employment Related Day Care (ERDC) re-application form is sent a continuing benefit decision notice.

OAR 461-180-0006 about the effective date of benefit amounts due to changes in household circumstances for Employment Related Day Care (ERDC) and Food Stamp (FS) program clients in the Semiannual Reporting System (SRS) is being amended to state the correct name for SRS is the Simplified Reporting System, state that this rule applies to ERDC and FS clients, and clarify the effective date for a decrease in benefits.

OAR 461-180-0070 about the effective date for an initial month of benefits is being amended to clarify the rule is not limited to cash benefits. This rule is also being amended to state how to determine the effective starting date for benefits for all ERDC clients, not just ERDC-BAS clients.

Implementation/Transition Instructions: N/A

Training/Communication Plan: N/A

Local/Branch Action Required: Review changes with staff who determine eligibility.

Central Office Action Required: N/A

Field/Stakeholder review: Yes No

If yes, reviewed by:

Filing Instructions:

The filing instructions will be available with April's CAF Administrative Rules Manual release.

If you have any questions about this policy, contact:

Contact(s):	See the Contact List in the Family Services Manual (section C of the Introduction chapter) for the appropriate analyst to contact with policy questions (http://www.dhs.state.or.us/policy/selfsufficiency/em_firstpage.htm).		
Phone:		Fax:	
E-mail:			