

UNOFFICIAL

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 6 FAMILY AND ADULT SERVICES DIVISION

CHAPTER 655

GENERAL ELIGIBILITY REQUIREMENTS

Subchapter 1 General Provisions

- §17-655-1 Purpose
- §17-655-2 Definitions
- §17-655-3 Right to assistance
- §17-655-4 Determination of identity
- §17-655-5 Determination of age for financial and medical assistance
- §§17-655-6 to 17-655-10 (Reserved)

Subchapter 2 Social Security Number

- §17-655-11 Purpose
- §17-655-12 Furnishing a social security number
- §17-655-13 Participation pending receipt of SSN
- §17-655-14 Food stamp good cause determination
- §17-655-15 Verification of SSN
- §17-655-16 Food stamp disqualification
- §17-655-17 AFDC, AFDC related medical, and medical assistance to the AABD disqualification
- §17-655-18 GA, GA related medical, and state AABD exemption and disqualification
- §17-655-19 Information on requirement for SSN and use of SSN
- §§17-655-20 to 17-655-23 (Reserved)

Subchapter 3 Residency and Institutional Status

UNOFFICIAL

- §17-655-24 Purpose
- §17-655-25 Financial assistance residency requirements
- §17-655-26 Food stamp residency requirements
- §17-655-27 Medical assistance residency requirements
- §17-655-28 Financial assistance eligibility requirements for residents of institutions
- §17-655-29 Financial assistance payment for a recipient or applicant in a medical institution
- §17-655-30 Food stamp eligibility requirements for residents of institutions
- §17-655-31 Medical assistance eligibility requirements for residents of institutions
- §§17-655-32 to 17-655-33 (Reserved)

Subchapter 4 Strikers

- §17-655-34 Purpose
- §17-655-35 Strikers
- §17-655-36 Eligibility of strikers for financial and medical assistance
- §17-655-37 Eligibility of strikers for food stamps
- §§17-655-38 to 17-655-39 (Reserved)

Subchapter 5 Citizenship and Alien Status

- §17-655-40 Purpose
- §17-655-41 Citizens and aliens eligible for financial, food stamp, and medical assistance
- §17-655-42 Aliens permanently residing in the United States under color of law eligible for financial and medical assistance
- §17-655-43 Additional aliens eligible for financial assistance and restrictions
- §17-655-44 Additional aliens eligible for food stamps

UNOFFICIAL

- §17-655-45 Additional aliens eligible for medical assistance
- §17-655-46 Declaration of citizenship and alienage
- §17-655-47 Verification of citizenship
- §17-655-48 Verification of alien status
- §17-655-49 Verifying the validity of documents presented by aliens
- §17-655-50 Food stamp requirement to report illegal aliens
- §§17-655-51 to 17-655-53 (Reserved)

Subchapter 6 Income and Eligibility Verification System (IEVS)

- §17-655-54 Purpose
- §17-655-55 Department responsibility
- §17-655-56 Exchange of information
- §17-655-57 Requesting and using information from IEVS for applicants
- §17-655-58 Requesting and using information from IEVS for recipients
- §17-655-59 Processing IEVS information

Historical Note: This chapter is based substantially on chapter 17-619 [Eff 7/19/82; am 10/20/82; am 5/23/83; am 12/24/84; am 4/20/85; am 5/2/87; am 1/28/88; am 12/16/88; am 9/1/90; am 12/27/90; R 3/19/93] §17-637-4 [Eff 7/19/82; R 3/19/93] §17-640-13 [Eff 7/19/82; R 3/19/93] §17-714-2 [Eff 7/19/82; am 4/21/86; am 9/2/86; am 6/18/87; R 3/19/93] §§17-715-3, 17-715-7 [Eff 7/19/82; am 11/29/82; am 4/1/83; am 10/1/83; am 8/16/86; am 9/2/86; am 12/27/86; am 10/23/87; am 1/21/88; am 12/30/88; am 10/19/89; am 12/15/89; am 8/30/91; R 3/19/93] §§17-716-1, 17-716-2, 17-716-3, 17-716-4, 17-716-7, 17-716-10, 17-716-11, 17-716-12, 17-716-13, 17-716-13.1, 17-716-13.2, 17-716-13.3, 17-716-13.4, 17-716-41, 17-716-42, 17-716-43, 17-716-44, 17-716-45, 17-716-46, 17-716-47, 17-716-48, 17-716-60, 17-716-61, 17-716-62, 17-716-63, 17-716-64, 17-716-65, 17-716-66 [Eff 7/19/82; am 10/2/82; am

UNOFFICIAL

11/29/82; am 4/1/83; am 10/1/83; am 11/29/85; am 8/16/86; am 9/2/86; am 12/27/86; am 8/31/87; am 10/23/87; am 10/26/87; am 10/7/88; am 12/30/88; am 2/9/89; am 5/4/89; am 6/1/89; am 10/19/89; am 7/20/91; am 8/30/91; am 10/10/91; am 1/27/92; R 3/19/93] §§17-720-34, 17-720-35 [Eff 7/19/82; am 4/1/83; R 3/19/93] 17-742-2.02, 17-742-2.05, 17-742-3, 17-742-4 [Eff 7/19/82; am 9/7/85; am 6/18/87; am 10/23/87; am 6/11/88; am 6/6/89; am 10/1/89; am 1/1/90; am 10/4/90; R 3/19/93] §17-743-10 [Eff 7/19/82; am 12/17/83; R 3/19/93]

SUBCHAPTER 1

GENERAL PROVISIONS

§17-655-1 Purpose. The purpose of this chapter is to establish the non-financial general eligibility requirements related to rights, identity, age, furnishing of social security number, residency, institutional status, citizenship, and income eligibility verification requirements for the financial assistance and food stamp programs. [Eff 3/19/93; am 8/1/94] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-655-2 Definitions. As used in this chapter: "Alien status verification index (ASVI)" means the automated database maintained by the Immigration and Naturalization Service (INS) which may be accessed to verify the immigrant status of aliens.

"Beneficiary data exchange system (BENDEX)" means an automated exchange system in which the the SSA transmits social security beneficiary data to the department.

"Domiciliary care home" means any facility which provides twenty-four hour living accommodations, personal care services, and appropriate health care, as needed, to adults unable to care for themselves by persons unrelated to the recipient or applicant in

UNOFFICIAL

licensed adult residential care homes or other care homes regulated by the department of health. A domiciliary care home does not provide rehabilitative treatment services provided by special treatment facilities or services to meet needs higher than level of care III. There are two types of adult residential care homes:

- (1) Type I home for five or less residents; and
- (2) Type II home for six or more residents.

"Family" means any food stamp household or person or persons requesting or receiving assistance. "INA" means the Immigration and Nationality Act (8 U.S.C. §§1101, et seq.).

"INA" means the Immigration and Nationality Act (8 U.S.C. §§1101, et seq.).

"Income eligibility verification system (IEVS)" means a system of information acquisition and exchange for purposes of income and eligibility verification which meets the requirements of section 1137 of the Social Security Act (42 U.S.C. §1320b-7).

"Individual" means an applicant for or recipient of financial or food stamp assistance.

"Ineligible alien" means an individual whose alien status makes the individual ineligible for assistance.

"INS" means the United States Department of Justice, Immigration and Naturalization Service.

"Institution" means an establishment which furnishes shelter and the majority of the food to four or more persons unrelated to the proprietor, and in addition provides some treatment or services which meet some need beyond the basic provision of food and shelter.

"Institution for mental disease" means an institution which is primarily engaged in providing diagnosis, treatment, or care of persons with mental disease, including medical attention, nursing care, and related services. Whether an institution is an institution for mental diseases is determined by its overall character as that of a facility established and maintained primarily for the care and treatment of

UNOFFICIAL

individuals with mental diseases, whether or not it is licensed as such.

"Institution for the mentally retarded" means an institution (or distinct part of an institution) that:

- (1) Is primarily for the diagnosis, treatment, or rehabilitation of the mentally retarded or persons with related conditions; and
- (2) Provides, in a protected residential setting, ongoing evaluation, planning, twenty-four hour supervision, coordination, and integration of health or rehabilitative services to help each individual function at their greatest ability.

"Institution for tuberculosis" means an institution that is primarily engaged in providing diagnosis, treatment, or care of persons with tuberculosis, including medical attention, nursing care, and related services. Whether an institution is an institution for tuberculosis is determined by its overall character as that of a facility established and maintained primarily for the care and treatment of tuberculosis, whether or not it is licensed as such.

"Long-term care facility" means a medical institution such as a skilled nursing facility, intermediate care facility, intermediate care facility for the mentally retarded, or any combination thereof, that furnishes health care services to inpatients.

"Medical institution" means an institution which:

- (1) Is organized to provide medical care, including nursing and convalescent care;
- (2) Has the necessary professional personnel, equipment, and facilities to manage the medical, nursing, and other health needs of the patients on a continuing basis in accordance with accepted standards;
- (3) Is authorized under State law to provide medical care; and
- (4) Is staffed by professional personnel who have clear and definite responsibilities to the institution in the provision of professional

UNOFFICIAL

medical and nursing services including adequate and continual medical care and supervision by a physician; sufficient registered nurse or licensed practical nurse supervision and services and nurse aid services to meet nursing care needs; and appropriate guidance by a physician on the professional aspects of operating the facility.

"Participating in a strike" means an actual refusal in concert with others to provide services to a person's employer.

"Project area" means, for food stamps, the entire geographic area of a county within the State.

"Public institution" means an institution that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control. Examples include, but shall not be limited to, jails, prisons, and correctional facilities.

"SSA" means the Social Security Administration of the United States Department of Health and Human Services.

"SSI" means supplemental security income made in the form of monthly cash payments by the SSA.

"SSN" means social security number issued by the SSA.

"State data exchange system (SDX)" means an automated exchange system in which the SSA transmits information on all persons currently receiving SSI benefits to the department.

"Strike" means any strike or other concerted stoppage of work by employees, including a stoppage by reason of the expiration of a collective-bargaining agreement, and any concerted slowdown or other concerted interruption of operations by employees.

"Systematic alien verification for entitlements (SAVE)" means the Immigration and Naturalization Service (INS) program whereby the department may verify the validity of documents provided by aliens applying

UNOFFICIAL

for assistance by obtaining information from a central data file maintained by INS.

"Third party query (TPQY) request" means a manual system in which the department requests SSA beneficiary or SSI information from the SSA. [Eff 3/19/93; am 8/01/94] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-655-3 Right to assistance. (a) The department shall provide Aid to Families with Dependent Children, Aid to the Aged, Blind and Disabled and food stamp assistance to any individual or family who meets all of the eligibility conditions set forth by the rules of the department.

(b) The department shall provide general assistance to any individual or couple who meets all of the eligibility conditions set forth by the rules of the department if funding is available.

(c) The department shall not provide assistance to any individual or family who fails to provide verification of all eligibility conditions or fails to meet all the conditions of eligibility set forth by the rules of the department.

(d) Persons who are eligible for or receiving financial assistance from the department shall receive medical assistance, unless determined ineligible for medicaid coverage due to the individual or family's failure to comply with a medicaid requirement.

(e) The department shall not provide financial assistance to any applicant or recipient who is:

- (1) Found guilty of fraudently misrepresenting residence to obtain assistance in two or more states. The penalty period shall be ten years from the date of conviction; or
- (2) A fugitive felon; or
- (3) In violation of a condition of probation or parole; or
- (4) Convicted after August 22, 1996 of a felony offense for possession, use, or distribution of drugs and has refused treatment or has

UNOFFICIAL

failed to comply with a treatment program.
[Eff 3/19/93; am 8/1/94; am 9/26/97; am
7/16/99] (Auth: HRS §346-14;
Pub. L. No. 104-193 (1996); SLH 1997, Act
128) (Imp: HRS §346-14; Pub. L. No. 104-193
(1996); SLH 1997, Act 128)

§17-655-4 Determination of identity. (a) The identity of family members shall be established prior to the approval of assistance:

- (1) For the AFDC, the establishment of identity shall be used to establish the relationship to dependent children; and
- (2) For the GA, the establishment of identity is a requirement to receive assistance.

(b) At the initial application for food stamps, the applicant's identity or the identity of both the authorized representative and the head of the household where an authorized representative applies on behalf of a household shall be verified prior to certification.

(c) The identity of an individual shall be verified through readily available documentary evidence including, but not limited to:

- (1) Birth certificate;
- (2) Passport;
- (3) Church record of birth or baptism;
- (4) School or employment records or identification;
- (5) Insurance policy;
- (6) Marriage record;
- (7) Military discharge papers;
- (8) Draft card;
- (9) State identification card;
- (10) Motor vehicle operator's license;
- (11) Voter registration card;
- (12) Credit card with signature shown; or
- (13) Any other document which shows either the individual's signature or photograph.

UNOFFICIAL

(d) For food stamps, identification for health benefits or another assistance or social service program and wage stubs are acceptable documentary evidence.

(e) Any document which reasonably establishes the individual's identity shall be accepted.

(f) When every effort to establish an individual's identity through documentary evidence has failed, the identity of the individual may be established through a collateral contact with a private or public agency. The name of the collateral contact and organization the collateral contact represents shall be documented in the case record. [Eff 3/19/93; am 8/1/94] (Auth: HRS §346-14) (Imp: HRS §346-71; 7 C.F.R. §273.2; 45 C.F.R. §233.90)

§17-655-5 Determination of age for financial assistance. (a) Verification of an individual's age shall be required when age is a factor in determining eligibility for assistance or exemption from a program or work requirement.

(b) The primary documentary source for establishing the age of an individual shall be a birth certificate.

(c) When the individual does not have a birth certificate, other documents may be used, such as, but not limited to:

- (1) Baptismal certificate;
- (2) School record;
- (3) Marriage record;
- (4) Passport;
- (5) Military record; or
- (6) Social service agency record.

(d) When documentary sources are not available, the following shall be acceptable verification:

- (1) Statements of relatives or friends who are knowledgeable of the individual's circumstances. The case record shall contain documentation of the:

UNOFFICIAL

- (A) Name of the relatives or friends; and
 - (B) Facts on which the relatives' or friends' knowledge is based; or
- (2) SSA determination of age established for SSI or social security benefits.
- (e) When all reasonable efforts to establish age have failed, an estimate of age based upon an examination by a physician shall be used. [Eff 3/19/93; am 8/1/94] (Auth: HRS §346-14) (Imp: HRS §346-14; 45 C.F.R. §233.90)

§§17-655-6 to 17-655-10 (Reserved)

SUBCHAPTER 2

SOCIAL SECURITY NUMBER

§17-655-11 Purpose. The purpose of this subchapter is to establish the social security number requirement for the financial assistance and food stamp programs. [Eff 3/19/93; am 8/1/94] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-655-12 Furnishing a social security number.
(a) Each individual whose needs, income, or assets are considered in determining eligibility or the amount of assistance shall be required to furnish to the department a SSN, unless exempt under section 17-655-18.

(b) If the individual cannot furnish an SSN because an SSN has not been issued or is not known, the individual shall apply for a SSN from SSA.

(c) Individuals applying for a SSN shall submit proof to the department that an application to SSA was made and shall be required to report the SSN to the department immediately upon receipt of the SSN.

UNOFFICIAL

(d) If the individual has more than one SSN, all SSNs shall be submitted to the department.

(e) If the individual applying for a SSN is unable to obtain the documents required by SSA, the department shall make every effort to assist the individual in obtaining the documents.

(f) Households entitled to expedited food stamp services shall be asked to furnish a SSN or apply for a SSN for each person before the first full month of participation unless there is good cause for failure to comply.

(g) For food stamps, if the household member can show good cause why an application for a SSN has not been completed in a timely manner, that household member shall be allowed to participate as follows:

- (1) One month in addition to the month of application; and
- (2) Good cause must be shown monthly in order for such a household member to continue to participate. [Eff 3/19/93; am 8/1/94]
(Auth: HRS §346-14) (Imp: HRS §346-71; 7 C.F.R. §273.6(a)(1); 45 C.F.R. §205.52)

§17-655-13 Participation pending receipt of SSN.

(a) The department shall not deny, delay, or discontinue assistance or certification pending the issuance or verification of a SSN if the individual has complied with section 17-655-12.

(b) The individual shall be required to report the SSN to the department immediately upon receipt. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: HRS §346-71; 7 C.F.R. §273.6(a); 42 C.F.R. §§435.116, 435.910; 45 C.F.R. §205.52)

§17-655-14 Food stamp good cause determination.

(a) In determining if good cause exists for failure to comply with the requirement to apply for or furnish a SSN, the department shall consider information from the household member and from SSA.

UNOFFICIAL

(b) Documentary evidence or collateral information that the household member has applied for a SSN or made very effort to supply SSA with the necessary information to complete an application for a SSN shall be considered good cause for not complying timely with this requirement.

(c) Good cause shall not include delays due to illness, lack of transportation, or temporary absences because SSA makes provisions for mail-in applications in lieu of applying in person. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.6(a)(3))

§17-655-15 Verification of SSN. (a) The department shall verify the SSN reported by the family by submitting the SSN and identifying information to SSA for verification according to procedures established by SSA under the income and eligibility verification system.

(b) Once a SSN has been verified, the department shall make a permanent annotation to its file to prevent the unnecessary reverification of the SSN.

(c) The department shall accept as verified a SSN which has been:

- (1) Verified by another program participating in the income eligibility verification system;
- (2) Provided directly to the department by SSA; or
- (3) Provided directly to the department by another federal or federally assisted benefit program which has received the number from SSA or has submitted the SSN to SSA for verification. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: HRS §346-71; 7 C.F.R. §273.2(f)(1); 42 C.F.R. §§435.10, 435.920; 45 C.F.R. §205.52)

§17-655-16 Food stamp disqualification. (a) The department shall disqualify the following household members:

UNOFFICIAL

- (1) Household members who refuse to provide a SSN; or
 - (2) Household members who fail to provide or apply for a SSN without good cause.
- (b) The disqualification shall apply only to household members who are required but who have not provided a SSN.
- (c) If a household's benefits are reduced or terminated within the certification period because a member failed to meet the SSN requirement, the department shall send an adverse action notice informing the household of the disqualification, the eligibility and benefit level of the remaining members, and the actions the household shall take to end the disqualification.
- (d) The disqualification of a household member shall end when the household member who:
- (1) Refused to provide a SSN provides a SSN; or
 - (2) Failed to provide a SSN within thirty days from the first day of the first full month of participation without good cause provides a SSN. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: 7 C.F.R. §§273.6(c), 273.6(e))

§17-655-17 Disqualification. (a) When an AFDC caretaker relative fails to obtain or furnish the department with his or her SSN, the caretaker relative shall be disqualified from receiving assistance:

- (1) The needy children, if otherwise eligible, shall be eligible to receive assistance; and
- (2) The disqualified caretaker relative may continue to be the payee for the children's assistance.

(b) When the AFDC caretaker relative fails to obtain or furnish a SSN for any of the children or other adults in the household, the child(ren) or other adults shall be disqualified from receiving financial assistance and the caretaker relative shall receive

UNOFFICIAL

assistance if there is an eligible dependent child and the caretaker relative is otherwise eligible.

(c) When an adult in a GA household fails to obtain or furnish the department with his or her SSN, the adult shall be disqualified from receiving financial assistance. Any remaining adults in the GA household, who meet the eligibility requirements specified in chapter 17-659, shall be eligible to receive financial assistance, provided all other eligibility requirements are met. [Eff 3/19/93; am 8/01/94; am 9/26/97] (Auth: HRS §346-14) (Imp: 45 C.F.R. §205.52)

§17-655-18 AABD exemption and disqualification. Applicants and recipients of state AABD shall be exempt from the SSN requirements of section 17-655-12. [Eff 3/19/93; am 8/01/94; am 11/22/96] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-655-19 Information on requirement for SSN and use of SSN. (a) The department shall notify the applicant or recipient that the furnishing of a SSN is a condition of eligibility for the following programs:

- (1) Food stamps;
- (2) AFDC; and
- (3) GA.

(b) The department shall notify the applicant or recipient that the SSN shall be used in the administration of the program to:

- (1) Verify income, eligibility, and benefits through computer matches authorized under the income and eligibility verification systems for the programs identified in subsection (a); and
- (2) Complete computer matching to prevent duplicate participation or assistance, to facilitate mass changes in federal benefits,

UNOFFICIAL

and to verify the accuracy and reliability of the information provided by the household.

(c) To the extent determined necessary by the United States Department of Agriculture (USDA) and the United States Department of Health and Human Services (USDHHS), the department shall have access to information regarding applicants and recipients who receive SSI benefits under title XVI of the Social Security Act, (42 U.S.C. §§1381-1383), to determine the household's eligibility to receive assistance and the amount of assistance, or to verify information related to the benefits of the household. The department shall use the SDX to the maximum extent possible. [Eff 3/19/93; am 8/1/94; am 1/25/97] (Auth: HRS §346-14) (Imp: 7 C.F.R. §§271.4, 273.2(f)(9)(ii), 273.6(f); 45 C.F.R. §205.52)

§§17-655-20 to 17-655-23 (Reserved)

SUBCHAPTER 3

RESIDENCY AND INSTITUTIONAL STATUS

§17-655-24 Purpose. The purpose of this subchapter is to establish the residency requirements for applicants and recipients residing in the community or in an institution to receive financial assistance and food stamps. [Eff 3/19/93; am 8/1/94] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-655-25 Financial assistance residency requirements. (a) An individual shall be a resident of the State in order to receive financial assistance.

(b) An otherwise eligible individual shall be considered a resident of the State for the purpose of determining eligibility for all categories of financial assistance when the individual is:

UNOFFICIAL

- (1) Living in the State with the purpose of making the individual's home in the State; and
- (2) Not here for a temporary purpose.
- (c) If a family received assistance in another state and meets all eligibility requirements for AFDC, GA, or state AABD, assistance shall be granted provided:
 - (1) The assistance the family received from the first state prior to moving to Hawaii does not exceed the department's monthly assistance allowance; and
 - (2) The amount of the assistance shall be the difference between the department's monthly assistance allowance and the assistance received from the first state.
- (d) When the individual comes to the State with a job commitment or for the purpose of seeking employment in the State, the individual shall be considered to be a resident of the State for the purpose of receiving AFDC, GA, or state AABD assistance.
- (e) Residence shall not depend upon the reason for which the individual entered the State except as it may bear upon whether the individual is here voluntarily or for a temporary purpose.
- (f) The department shall also consider, but is not limited to considering the following factors in determining whether the general assistance applicant or recipient is a resident of the State:
 - (1) Enrollment of children in state schools;
 - (2) Registration of motor vehicles with the appropriate vehicle registration agency;
 - (3) Ownership of state motor vehicle operator's license;
 - (4) Ownership of checking accounts, savings accounts, or time deposits in a financial institution in the State;
 - (5) Registered voter in the State;
 - (6) Ownership of real property in the State;

UNOFFICIAL

- (7) Ownership of household furniture in the State;
 - (8) Renting a room, apartment, or house in the State; or
 - (9) Verification from friends, relatives, or social agencies that the individual is a resident of the State.
- (g) An individual retains residence in the State until residence is abandoned:
- (1) Temporary absence from the State, with subsequent returns to the State, or intent to return when the purpose of the absence has been accomplished, does not interrupt continuity of residence; and
 - (2) An otherwise eligible individual, who is temporarily absent from Hawaii, shall continue to receive assistance, provided the absence is not intended to and does not exceed sixty days.
- (h) An individual who intends to be temporarily absent from the State may establish intent to retain Hawaii residency by declaration to the department that the individual will be absent from the State, the expected date of return, and by meeting one of the following conditions:
- (1) Possession of a round-trip ticket;
 - (2) Maintaining an apartment or home in the State;
 - (3) Maintaining personal property in the State;
 - (4) Retention of voting privileges in the State; or
 - (5) Payment of Hawaii state income tax during the calendar year. [Eff 3/19/93; am 5/31/02]
- (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-71; 45 C.F.R. §233.40)

§17-655-26 Food stamp residency requirements.

- (a) A household shall be living in the project area in order to apply for food stamps.

UNOFFICIAL

(b) No individual may participate as a member of more than one household, or in more than one project area or state, in any month, unless the individual:

- (1) Is a resident of a shelter for battered women and children; and
- (2) Was a member of a household containing the person who abused the individual.

(c) Children who spend the summer months away from the household shall not maintain food stamp household member status during this absence.

(d) Children who join households during summer months shall be included as members of those households.

(e) Persons in the State solely for vacations shall not be considered residents. However, a fixed residence or intent to permanently reside in the State shall not be required.

(f) The department shall not impose a durational residency requirement and residency shall not mean domicile.

(g) The department shall not require an otherwise eligible household to reside in a permanent dwelling or have a fixed mailing address as a condition of eligibility.

(h) The department shall verify residency prior to certification except in unusual cases where verification cannot be reasonably accomplished such as homeless households, some migrant farmworker households, or households newly arrived in the project area.

(i) Verification of residency shall be accomplished to the extent possible in conjunction with the verification of other information including, but not limited to:

- (1) Rent and mortgage payments;
- (2) Utility expenses; and
- (3) Identity.

(j) The department shall not limit verification to a single document and shall assist the household in obtaining verification.

UNOFFICIAL

(k) Collateral contacts, home visits, or both may be used as verification if documentary evidence cannot be obtained. Home visits shall be scheduled in advance with the household. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: 7 C.F.R. §§273.2(f)(1), 273.3)

§17-655-27 REPEALED. [R 8/1/94]

§17-655-28 Financial assistance eligibility requirements for residents of institutions. (a) The following individuals shall not be eligible for financial assistance:

- (1) An inmate in a public institution;
- (2) A resident or patient in an institution for mental disease, tuberculosis, or the mentally retarded; and
- (3) A resident or patient in a long-term care facility.

(b) An individual may be eligible for financial assistance if the individual has been paroled from a public institution or is on conditional release or convalescent leave from an institution for mental disease, tuberculosis, or the mentally retarded.

(c) An inmate of a public institution may apply for financial assistance but assistance shall not begin until the inmate has left the institution.

(d) An individual shall not be considered an inmate of a public institution when the individual is in a public educational or vocational training institution for purposes of securing education or vocational training. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: HRS §346-29; 45 C.F.R. §§233.60, 233.90)

§17-655-29 Financial assistance payment for a recipient or applicant in a medical institution. (a) A recipient shall continue to receive assistance for up to sixty days after admission to any medical

UNOFFICIAL

institution, other than a long term care facility or a medical institution for tuberculosis, mental disease, or mental retardation, if the attending physician certifies that the recipient will be able to return to an independent living arrangement or a residential treatment facility within sixty days.

(b) An applicant in a medical institution, other than a long term care facility or medical institution for tuberculosis, mental disease, or mental retardation, shall receive assistance for up to sixty days provided the following conditions are met:

- (1) The attending physician certifies that the applicant will be discharged to an independent living arrangement or a residential treatment facility within 60 days from the date of application or for newborns, from the date of birth; and
- (2) The applicant who was residing in a long-term care facility prior to admission to a medical institution for an acute condition shall not receive assistance under this section when the applicant is expected to return to a long-term care facility.

(c) This section shall not apply to residents in a domiciliary care home. [Eff 3/19/93] (Auth: HRS §346-53) (Imp: 45 C.F.R. §233.20)

§17-655-30 Food stamp eligibility requirements for residents of institutions. (a) Residents of institutions shall not be eligible for participation in the food stamp program, except for:

- (1) Residents of federally subsidized housing for the elderly, built under either section 202 of the Housing Act of 1959 (12 U.S.C. §1701q) or section 236 of the National Housing Act (42 U.S.C. §3538);
- (2) Narcotic addicts or alcoholics who, for the purposes of regular participation in a drug addiction or alcohol treatment and

UNOFFICIAL

rehabilitation program, reside at a facility or treatment center;

- (3) Disabled or blind individuals who are residents of group living arrangements and who receive benefits under title II or title XVI of the Social Security Act (42 U.S.C. §§401-433, 1381-1383);
- (4) Women and children residing in shelters for battered women and children; and
- (5) Residents of public or private nonprofit shelters for homeless persons.

(b) Residents of public institutions who apply for SSI prior to their release from an institution under the Social Security Administration's Prerelease Program for the Institutionalized (42 U.S.C. §1383(j)) shall be permitted to apply for food stamps at the same time the residents apply for SSI. These prerelease applicants shall be processed according to the food stamp application requirements. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.1(e))

§17-655-31 REPEALED. [R 8/1/94]

§§17-655-32 to 17-655-33 (Reserved)

SUBCHAPTER 4

STRIKERS

§17-655-34 Purpose. The purpose of this subchapter shall be to establish the financial assistance and food stamp eligibility requirements for individuals and families when the individual or a member of the family is on strike. [Eff 3/19/93; am 8/1/94] (Auth: HRS §346-14) (Imp: HRS §346-14)

UNOFFICIAL

§17-655-35 Strikers. (a) A striker shall be anyone involved in a strike or concerted stoppage of work by employees, including a stoppage by reason of the expiration of a collective-bargaining agreement, and any concerted slowdown or other concerted interruption of operations by employees.

(b) Employees who are not participating in a strike but who are affected by a strike are considered nonstrikers and may be eligible for assistance.

Examples include but are not limited to:

- (1) An employee affected by a lockout where the workplace is closed by the employer to resist demands of employees;
- (2) Employees unable to work as a result of striking employees. For example, a truckdriver who cannot work because the striking newspaper pressmen prevent newspapers from being printed; and
- (3) Employees who are not part of the bargaining unit on strike who do not want to cross a picket line due to fear of personal injury or death.

(c) For the food stamp program, an individual exempt from work registration the day prior to the strike, other than those exempt solely on the basis that they are employed, shall not be deemed to be a striker. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: HRS §346-14; 7 C.F.R. §273.1(g); 45 C.F.R. §233.106)

§17-655-36 Eligibility of strikers for financial assistance. (a) An individual who on the last day of the month is participating in a strike shall not be eligible to receive assistance in that month.

(b) The entire family shall not be eligible to receive assistance if the individual participating in a strike is:

- (1) The natural or adoptive parent with whom a child is living; or

UNOFFICIAL

- (2) The only dependent child in the family.
[Eff 3/19/93; am 8/1/94] (Auth: §HRS 346-14) (Imp: HRS §346-56; 45 C.F.R. §233.106)

§17-655-37 Eligibility of strikers for food stamps. (a) Households with striking members shall be ineligible to participate in the food stamp program unless the household was eligible for assistance the day prior to the strike and are otherwise eligible at the time of application.

(b) Households with striking members shall not receive an increased allotment as the result of a decrease in the income of the striking members of the household.

(c) Prestrike eligibility shall be determined by considering the day prior to the strike as the day of application and assuming the strike did not occur.

(d) Eligibility at the time of application shall be determined by comparing the striking member's income before the strike, as calculated in subsection (c), to the striker's current income and adding the higher of the two to the current income of nonstriking members during the month of application.

(e) Deductions shall be calculated for the month of application as for any other household to determine:

- (1) Benefits; and
- (2) Eligibility for households subject to the net income eligibility standard.

(f) Whether the striker's prestrike earnings or current income is used, the earnings deduction shall be allowed if appropriate.

(g) Strikers, whose households are eligible to participate, shall be subject to the work registration requirements of the food stamp program unless exempt.
[Eff 3/19/93] (Auth: HRS §346-14) (Imp: 7 C.F.R. §§273.1(g), 273.7(j))

§§17-655-38 to 17-655-39 (Reserved)

UNOFFICIAL

SUBCHAPTER 5

CITIZENSHIP AND ALIEN STATUS

§17-655-40 Purpose. The purpose of this subchapter is to establish the citizenship and alienage requirements an individual or family shall meet to be eligible for financial and food stamp assistance. [Eff 3/19/93; am 8/1/94] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-655-41 Citizens and aliens eligible for financial assistance. (a) In order to receive assistance, an otherwise eligible individual shall be:

- (1) A citizen of the United States. A citizen of the United States shall include:
 - (A) The fifty states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, and the Northern Mariana Islands; and
 - (B) Nationals from American Samoa and Swain's Island.
- (2) An alien lawfully admitted for permanent residence as an immigrant under section 101(a)(20) of the INA (8 U.S.C. §1101(a)(20)).
- (3) An alien granted asylum under section 208 of the INA.
- (4) A refugee admitted to the United States under section 207 of the INA.
- (5) An alien paroled into the United States under section 212(d)(5) of the INA for at least one year.
- (6) An alien whose deportation is being withheld under section 243(h) of the INA as in effect prior to April 1, 1997, or whose removal is being withheld under section 241(b)(3) of the INA.

UNOFFICIAL

- (7) An alien granted conditional entry pursuant to section 203(a)(7) of the INA as in effect prior to April 1, 1980.
 - (8) An alien who is a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980.
 - (9) An American Indian born in Canada to whom the provisions of section 289 of the INA apply.
 - (10) An American immigrant, pursuant to section 584 of the Foreign Operations, Export Financing and Related Program Appropriations Act of 1988.
 - (11) An alien who or whose child or parent has been battered or subjected to extreme cruelty in the United States and otherwise satisfies the requirements of section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
 - (12) An alien admitted under provisions of Public Law 99-239, the Compact of Free Association Act of 1985, with respect to the Republic of Palau or the Republic of the Marshall Islands or the Federated States of Micronesia.
 - (13) An alien who is on active duty or has been honorably discharged from the U.S. Armed Forces, and that individual's spouse and unmarried dependent children.
- (b) The following aliens shall be excluded from receiving assistance:
- (1) Visitors;
 - (2) Tourists;
 - (3) Diplomats;
 - (4) Students who enter the United States temporarily with no intention of abandoning residence in a foreign country; and
 - (5) Aliens unable to furnish the required identification. These aliens shall be advised that upon presentation of the proper documentation, the alien shall be eligible to

UNOFFICIAL

apply for assistance. [Eff 3/19/93; am
8/1/94; am 10/28/96; am
7/16/99] (Auth: HRS §346-
14) (Imp: HRS §346-71; 7 C.F.R. §273.4; 45
C.F.R. §233.50; the Immigration and
Nationality Act; Pub. L. No. 104-193 (1996))

§17-655-41.1 Citizens eligible for food stamp
assistance. In order to receive assistance, an
otherwise eligible individual shall be a citizen of
the United States. A citizen of the United States
shall include:

- (1) The fifty states, the District of Columbia,
Puerto Rico, Guam, the U.S. Virgin Islands
and the Northern Mariana Islands; and
- (2) Nationals from American Samoa and Swain's
Island. [Eff 10/28/96; am 7/16/99]
Auth: HRS §346-14) (Imp: 7 C.F.R. §273.4;
Pub. L. No. 104-193 (1996))

§17-655-42 REPEALED. [Eff 3/19/93; am 8/1/94;
R 7/16/99]

§17-655-43 REPEALED. [Eff 3/19/93;
R 7/16/99]

§17-655-44 Aliens eligible for food stamps. (a)
The following aliens shall not be eligible:

- (1) Aliens lawfully admitted for permanent
residence under the INA (except as provided
for under subsection (b));
- (2) Aliens paroled under section 212(d)(5) of
the INA for a period of at least one year;
or
- (3) Aliens granted conditional entry pursuant to
section 203(a)(7) of the INA in effect prior
to April 1, 1980.

UNOFFICIAL

(b) Aliens who entered the United States prior to August 22, 1996 shall have their eligibility determined as follows:

- (1) The following shall be eligible for five years after they obtain the designated alien status:
 - (A) Refugees admitted under section 207 of the INA;
 - (B) Asylees admitted under section 208 of the INA; and
 - (C) Aliens whose deportation has been withheld under section 243(h) of the INA.
- (2) The following shall be eligible for an unlimited period:
 - (A) Veterans who were honorably discharged for reasons other than alienage;
 - (B) Active duty personnel (other than active duty for training);
 - (C) The spouse or unmarried dependent children of these veterans and active duty personnel; and
 - (D) Aliens lawfully admitted for permanent residence under the INA. These aliens must have worked forty qualifying quarters of coverage under Title II of the Social Security Act or can be credited with such qualifying quarters. A qualifying quarter includes:
 - (i) One worked by a parent of an alien while the alien was under eighteen years of age; and
 - (ii) One worked by a spouse during their marriage if the alien remains married to the spouse or the spouse is deceased.Beginning January 1, 1997, any quarter in which the alien received any federal means-tested public benefit is not counted as a qualifying quarter.

UNOFFICIAL

(c) The provisions of subsections (a) and (b) shall not apply until April 1, 1997 to an alien who received food stamp benefits on August 22, 1996, unless such alien is determined ineligible. The branch shall redetermine the eligibility of all such aliens during the period beginning April 1, 1997 and ending August 22, 1997.

(d) Aliens who entered the United States on or after August 22, 1996 shall not be eligible for a period of five years beginning on the date of the alien's entry into the United States. The provisions of this subsection shall not apply to the following aliens:

- (1) Refugees admitted under section 207 of the INA;
- (2) Asylees admitted under section 208 of the INA;
- (3) Aliens whose deportation has been withheld under section 243(h) of the INA;
- (4) Veterans who were honorably discharged for reasons other than alienage;
- (5) Active duty personnel (other than active duty for training);
- (6) The spouse or unmarried dependent children of these veterans and active duty personnel; and
- (7) Refugee and entrant assistance activities authorized by Title IV of the INA and section 501 of the Refugee Education Assistance Act of 1980, for Cuban and Haitian entrants as defined in section 501(e)(2) of the Refugee Education Assistance Act of 1980. [Eff 3/19/93; am 10/28/96] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.4; Pub. L. No. 104-193 (1996))

§17-655-45 REPEALED. [R 8/01/94]

UNOFFICIAL

§17-655-46 Declaration of citizenship and alienage. One adult member of the household shall sign the declaration statement for the SAVE program attesting, under penalty of perjury, to the citizenship or legal alien status of each household member at the household's initial application and each subsequent eligibility review or recertification. The signature of one adult member at the time of the household's eligibility review or recertification is needed to cover any new members that may have been added to the household since the completion of the household's last declaration. [Eff 3/19/93; am 8/01/94; am 12/15/95] (Auth: HRS §346-14) (Imp: HRS §346-14; 7 C.F.R. §§273.1, 273.2)

§17-655-47 Verification of citizenship. (a) The department shall request verification of citizenship when an applicant or recipient's statement is questionable. Acceptable forms of verification include, but shall not be limited to:

- (1) Birth certificate;
- (2) Religious records;
- (3) Certificates of citizenship or naturalization provided by the INS, including:
 - (A) Identification card for use of resident citizens of the United States (INS forms I-179 or I-197); or
 - (B) United States passport;
- (4) Participation in either a financial or food stamp program; or
- (5) A signed statement from a United States citizen, who declares, under penalty of false swearing, that the applicant or recipient in question is a United States citizen:
 - (A) The family shall provide a reasonable explanation as to why verification is not available; and

UNOFFICIAL

(B) The signed statement shall include a warning of the penalties for making false statements.

(b) Assistance to the family shall not be delayed for lack of verification of citizenship of an individual if the rest of the family meets all other eligibility criteria provided:

- (1) The applicant or recipient whose citizenship is in question shall be ineligible; and
- (2) Until proof of United States citizenship is obtained, that member's income and assets shall be considered available to the remaining family members for the financial and food stamp programs. [Eff 3/19/93; am 8/01/94; am 5/31/02] (Auth: HRS §346-14) (Auth: HRS §346-14; 7 C.F.R. §§273,2(f), 273.11(d))

§17-655-48 Verification of alien status. (a) The department shall verify the alien status of each applicant and recipient. Applicants and recipients shall provide verification for each alien member as follows:

- (1) Aliens lawfully admitted for permanent residence shall present INS form I-151 or I-551 or other documents which identify the aliens' immigration status and which the department determines are reasonable evidence of the aliens' immigration status.
- (2) Aliens permanently residing in the United States under conditional residence shall present INS form I-94 or other documents which identify the aliens' immigration status and which the department determines are reasonable evidence of the aliens' immigration status. The form I-94 shall be acceptable verification if it is annotated with:

UNOFFICIAL

- (A) Section 203(a)(7), section 207, section 208, section 212(d)(5), or section 243(h) of the INA; or
- (B) One of the following terms or a combination of the following terms:
 - (i) Refugee;
 - (ii) Parolee or paroled;
 - (iii) Conditional entrant or entry; or
 - (iv) Asylum.
- (3) Aliens admitted under provisions of Public Law 99-239, the Compact of Free Association Act of 1985, shall present INS form I-94, which has been stamped with the admission stamp and is annotated as follows:
 - (A) CFA/MIS, for citizens of the Republic of the Marshall Islands;
 - (B) CFA/FSM, for citizens of the Federated States of Micronesia; or
 - (C) CFA/PAL, for citizens of the Republic of Palau.

(b) When the INS form does not bear an acceptable annotation and the alien has no other verification of alien classification in the alien's possession, the department shall advise the alien to submit form G-641, Application for Verification of Information from INS Records, to INS. The department shall accept form G641 when presented by the alien and properly annotated at the bottom by the INS representative as evidence of lawful admission. The alien shall also be advised of the following:

- (1) The classifications under sections of the INA that shall result in eligible status;
- (2) The alien may be eligible if acceptable verification is obtained;
- (3) The alien may contact the INS or otherwise obtain the necessary verification, or if the alien wishes and signs a written consent, the department shall contact INS to obtain clarification of the alien's status; and

UNOFFICIAL

- (4) If the alien does not wish to contact the INS, the family shall be given the option of withdrawing the application or participating without that individual.

(c) When an alien is unable to provide any INS document, the department shall not be responsible for contacting INS on the alien's behalf. The department shall contact INS when the alien has an INS document that does not clearly indicate eligible or ineligible alien status. When the department accepts non-INS documentation determined to be reasonable evidence of the alien's immigration status, the department shall photocopy the document and transmit the photocopy attached to the INS form G-845 for INS for verification:

- (1) Pending the receipt of the verification from the INS, the department shall not deny, delay, reduce, or terminate the individual's eligibility for assistance on the basis of the individual's immigration status; and
- (2) The department is not required to obtain the alien's written consent in order to transmit the photocopy to INS.

(d) The department shall provide alien applicants with a reasonable opportunity to submit acceptable documentation of the applicant's eligible alien status prior to the thirtieth day following the date of application for food stamps and prior to the forty-fifth day following the date of application for financial assistance. A reasonable opportunity shall be at least ten days from the date of the department's request for an acceptable document;

- (1) An alien who has been given a reasonable opportunity to submit an acceptable document and who has not done so by the thirtieth day following the date of application for food stamps and the forty-fifth day following the date of application for financial assistance shall not be eligible until acceptable documents are received by the department; and

UNOFFICIAL

- (2) When the department fails to provide an alien applicant with a reasonable opportunity to submit acceptable INS documents and non-INS documents or if the ten day reasonable opportunity period goes beyond the thirtieth day for food stamps and forty-fifth day for financial assistance, the following shall apply:
 - (A) For food stamps, the department shall provide the family with assistance no later than thirty days following the date of application, provided the family is otherwise eligible; and
 - (B) For financial assistance, the department shall provide the family with medical assistance on the forty-sixth day and medical assistance shall continue until the applicant is determined ineligible.
- (e) While awaiting verification, the alien member whose status is questionable shall be ineligible. The ineligible alien's income and assets shall be considered available in determining the eligibility of the remaining family members:
 - (1) When the department determines from discussions with the household that the alien either does not wish to contact INS or will not give permission for the department to contact the INS for the alien, the family shall be given the option of withdrawing the application or participating without the alien member; and
 - (2) When the department receives verification of eligible alien status, the department shall act on the information as a reported change in household composition if the family is receiving assistance without the alien member.
- (f) When the date of expiration on the INS form has passed, the department shall request documentation

UNOFFICIAL

from the alien indicating an extension from the expiration date:

- (1) If an alien does not possess a document from INS indicating an extension, the alien shall be instructed to obtain the documentation from INS before the individual is determined eligible for initial or continuing assistance;
- (2) Without proper documentation, the alien shall be ineligible for assistance; and
- (3) At each eligibility redetermination or recertification, the alien status shall be verified if the department has reason to believe a change may have taken place. [Eff 3/19/93; am 8/1/94; am 7/16/99]
(Auth: HRS §346-14) (Imp: HRS §346-14; 7 C.F.R. §§273.2(f), 273.4(c))

§17-655-49 Verifying the validity of documents presented by aliens. (a) The department shall verify the validity of all documents used to confirm the alien status of the alien which the department determines are questionable or inconclusive.

(b) A written consent by the alien shall not be required as condition for the department to contact INS to verify the validity of the alien's document.

(c) To verify the validity of questionable documents, the department shall submit INS form G-845 to INS and attach a photocopy of the alien's document that is in question.

(d) While awaiting response to the INS form G-845, the department shall not deny, delay, reduce, or terminate the alien's eligibility for assistance on the basis of the individual's alien status.

(e) When the department determines, after complying with the requirements of this section, that the alien is not in an eligible alien status, the department shall take action, including proper notices to the family, to terminate, deny, or reduce benefits

UNOFFICIAL

and to provide an opportunity for the family to request a hearing. [Eff 3/19/93; am 2/7/94; am 7/16/99] (Auth: HRS §346-14) (Imp: HRS §346-14; 7 C.F.R. §273.2(f); 42 U.S.C. §1320b-7)

§17-655-50 Food stamp requirement to report illegal aliens. (a) The department shall immediately inform the local INS office whenever it is determined that any member of the food stamp household is ineligible to receive food stamps because the member is present in the United States in violation of the INA.

(b) When a household indicates inability or unwillingness to provide documentation of alien status for any household member under the food stamp program, that individual shall be classified as an ineligible alien. In such cases, the department shall not continue efforts to obtain documentation. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.4(e))

§§17-655-51 to 17-655-53 (Reserved)

SUBCHAPTER 6

INCOME AND ELIGIBILITY VERIFICATION SYSTEM (IEVS)

§17-655-54 Purpose. The purpose of this subchapter is to identify the IEVS matches and how the department will use and process income and eligibility information obtained from the IEVS matches for the financial and food stamp programs. [Eff 3/19/93; am 8/1/94] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-655-55 Department responsibility. (a) The department shall maintain and use the IEVS to request wage and benefit information from the agencies identified in subsection (b) to:

UNOFFICIAL

- (1) Verify eligibility for and the amount of assistance due eligible applicants and recipients, including excluded, disqualified, or sanctioned individuals whose income and assets affect the family's eligibility for or amount of assistance;
- (2) Investigate to determine whether an applicant or recipient received assistance to which they were not entitled; and
- (3) Obtain information which will be used in conducting criminal or civil prosecutions based on receipt of assistance to which the applicant or recipient was not entitled.

(b) The department shall obtain written agreements with provider agencies to ensure that the provider agencies will not record any information about any financial assistance or food stamp applicant or recipient. The wage and benefit information and agencies are:

- (1) Wage information maintained by the state wage information collection agency (SWICA);
- (2) Information about net earnings from self-employment, wages, and payments of retirement income maintained by the Social Security Administration (SSA) and available under section 6103(1)(7)(A) of the Internal Revenue Code; and federal retirement, survivors, disability, SSI, and related benefit information from SSA;
- (3) Unearned income information from the Internal Revenue Service (IRS) under section 6103(1)(7)(B) of the Internal Revenue Code; and
- (4) Claim information from the agency administering the unemployment insurance benefits (UIB) and, in addition, any information about wages and UIB available from that agency which is useful for verifying eligibility and benefits, subject

UNOFFICIAL

to the provisions and limitations of section 303(d) of the Social Security Act.

(c) The department shall document its use of information obtained through the IEVS both when an adverse action is and is not initiated. [Eff 3/19/93; am 8/1/94] (Auth: HRS §346-14) (Imp: HRS §346-14; 7 C.F.R. §§272.8(a), 272.8(j), 273.2(f); 45 C.F.R. §§205.55, 205.56, 205.60)

§17-655-56 Exchange of information. (a) The department shall, subject to formal exchange agreements, exchange information about a family's circumstances which may be of use in establishing or verifying eligibility or amount of assistance among the financial assistance and food stamp programs and with state agencies administering certain other programs in the IEVS, including agencies in other states when the same objectives are likely to be met. The other programs are:

- (1) Aid to families with dependent children;
- (2) Medicaid;
- (3) Unemployment compensation;
- (4) Any state program administered under a plan approved under Title I, X, XIV (adult categories);
- (5) Title XVI of the Social Security Act (SSI program);
- (6) Food stamp;
- (7) Title IVD of the Social Security Act (child support program); and
- (8) Title II of the Social Security Act (federal old age, survivors, and disability insurance benefits).

(b) Prior to requesting or exchanging information with other agencies, the department shall execute data exchange agreements with those agencies. [Eff 3/19/93; am 8/1/94] (Auth: HRS §346-14) (Imp: HRS §346-14; 7 C.F.R. §272.8; 45 C.F.R. §205.55)

UNOFFICIAL

§17-655-57 Requesting and using information from IEVS for applicants. (a) The department shall request and use information about all applicants.

(b) Information shall be requested at the next available opportunity after the date of application even if the applicant has been determined eligible by that time. Information about applicants who cannot provide a social security number at application shall be requested at the next available opportunity after the department is notified of the social security number.

(c) Information received within the thirty-day application period for food stamps and the forty-five day application period for financial assistance shall be used to determine the applicant's eligibility and amount of assistance, if the information is received timely enough that it can be used for that determination.

(d) The department shall make eligibility and amount of assistance determinations without waiting for receipt of IEVS data.

(e) Information received from a source after an eligibility determination has been made shall be used as specified in section 17-655-58. [Eff 3/19/93; am 8/1/94] (Auth: HRS §346-14) (Imp: HRS §346-14; 7 C.F.R. §272.8(e); 45 C.F.R. §205.56)

§17-655-58 Requesting and using information from IEVS for recipients. (a) For all recipients, the department shall:

- (1) Request information from the SWICA quarterly, including all recipients who participated in any month of the quarter;
- (2) Request information about recipients from SSA data bases no later than the second month of the eligibility or certification period, when requests at application did not establish automatic reporting to the department of

UNOFFICIAL

- changes in SSA data. Requests shall be through the use of the BENDEX, SDX, and TPQY systems according to procedures specified by the Commissioner of the SSA;
- (3) Request information from IRS annually for all current recipients according to procedures specified by the Commissioner of the IRS;
 - (4) Request information about UIB from the agency administering the unemployment compensation program as follows:
 - (A) For all family members about whom requests at application indicate no receipt of UIB, information shall be requested for the three months subsequent to the month of application or until the receipt of UIB is reported, whichever is earlier;
 - (B) For all family members who report a loss of employment, information shall be requested for the three months subsequent to the month the loss is reported or until the receipt of UIB is reported, whichever is earlier; and
 - (C) For all family members receiving UIB, information shall be requested monthly until the UIB is exhausted;
 - (5) Exchange information with other programs or agencies specified in section 17-655-56 as the department and other agencies or programs may agree; and
 - (6) Request from the unemployment compensation agency any other information besides UIB information which the department determines would be useful in verifying eligibility or amount of assistance of recipients. Requests shall be made by methods at intervals to which the department and the unemployment compensation agency agrees.
 - (b) The department shall initiate and pursue action on information about recipients which is

UNOFFICIAL

received from the sources specified in subsection (a) so that case action is completed within forty-five days of receipt of that information by the department. Case action shall include:

- (1) Review of the information and comparison of the information to case record information; and
- (2) For all new or previously unverified information received, contact with the family or collateral sources, or both, to resolve discrepancies.

(c) If discrepancies warrant reducing assistance or terminating eligibility, notices of adverse action shall be sent to the recipient.

(d) When the actions specified in this section substantiate an overissuance, the department shall establish a claim and take recovery action on claims as specified in chapter 17-683. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: HRS §346-14; 7 C.F.R. §272.8(f)(g); 42 C.F.R. §435.953; 45 C.F.R. §205.56)

§17-655-59 Processing IEVS information. (a)

The department shall take action, including proper notices to households, to terminate, deny, or reduce assistance based on information obtained through the IEVS which is considered verified upon receipt. Information considered verified upon receipt includes:

- (1) Social security and SSI benefit information obtained from SSA;
- (2) AFDC benefit information; and
- (3) UIB information obtained from the agency administering the unemployment compensation program.

(b) If the department has information that the IEVS-obtained information specified in subsection (a) is questionable, this information shall be considered unverified upon receipt and the department shall take action as specified in subsection (c).

UNOFFICIAL

(c) Prior to taking action to terminate, deny, or reduce assistance based on information obtained through the IEVS which is considered unverified upon receipt, the department shall independently verify the information. Information considered unverified includes:

- (1) Unearned income information from the IRS;
- (2) Wage information from the SSA and SWICA; and
- (3) Questionable IEVS information specified in subsection (b).

(d) The requirement of independent verification specified in subsection (c) shall include verification of:

- (1) The amount of income or asset involved;
- (2) Whether the family has or had access to such income or asset such it would be countable income or asset; and
- (3) The period during which such access occurred.

(e) Except with respect to unearned income information from the IRS, if the department has information which indicates that independent verification is not needed, such verification is not required.

(f) The department shall obtain independent verification of unverified information from IEVS by means of contacting the family or the appropriate income, asset, or benefit source, or both.

(g) If the department chooses to contact the family as specified in subsection (f), the department shall do so in writing and shall include:

- (1) The information which the department has received; and
- (2) A request that the family respond within ten days.

(h) If the family fails to respond in a timely manner to the department's request, the department shall send the family a notice of adverse action.

(i) The department may contact the appropriate income, asset, or benefit source by the means best suited to the situation.

UNOFFICIAL

(j) When the household or appropriate income, asset, or benefit source provides the independent verification, the department shall properly notice the family of the action the department intends to take and provide the family an opportunity to request a hearing prior to any adverse action. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: HRS §346-14; 7 C.F.R. §273.2(f)(9); 42 C.F.R. §§435.952, 435.955; 45 C.F.R. §205.56)