

<b>Indiana</b>	<b>INTEGRATED ICES Policy Manual</b>	<b>DFR</b>
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1400.00.00 ADMINISTRATIVE POLICY

This chapter presents administrative policy, including:

Family and Social Services Administration (Section 1405)  
 Personnel Standards (Section 1410)  
 Outreach (Section 1415)  
 Inquiries For Information (Section 1420)  
 Confidentiality (Section 1425)  
 Protected Cases (Section 1430)  
 Non-Discrimination (Section 1435)  
 Complaints (Section 1440)  
 Mandatory Reporting Of Child Abuse Or Neglect (Section 1445)  
 Case Record Management (Section 1450)  
 Destruction Of Case Material (Section 1455)  
 Uses For Food Stamps (Section 1460)  
 Food Stamp County Service Plans (Section 1465)  
 Disasters (Section 1470)

1405.00.00 FAMILY AND SOCIAL SERVICES ADMINISTRATION

The Family and Social Services Administration (FSSA) is the agency of the state responsible for social service and financial assistance programs. The administration includes three major service divisions:

The Division of Family Resources;

The Division of Disability, Aging and Rehabilitative Services; and

The Division of Mental Health and Addiction

The mission of FSSA is to work in partnership with families and the community to develop a system of effective prevention and intervention services. The collaborative effort fosters a climate of openness, empowerment, and mutual respect necessary to meet the needs of our clients. Services are family based and cut across individual agency lines of responsibility.

The official mission statement of FSSA is: "People Helping People Help Themselves".

1405.05.00 DIVISION OF FAMILY RESOURCES

The Division of Family Resources has the responsibility for all the programs included in this manual.

The mission statement of the Division of Family Resources is "Helping Individuals and Families to Help Themselves".

#### **1405.10.00 DIVISION OF AGING AND REHABILITATIVE SERVICES**

The Division of Aging and Rehabilitative Services administers programs for people with developmental disabilities and for senior citizens.

#### **1405.15.00 DIVISION OF MENTAL HEALTH AND ADDICTION**

The Division of Mental Health and Addiction (DMHA) is responsible for mental health needs, addiction services, and operation of the state psychiatric hospitals.

#### **1410.00.00 PERSONNEL STANDARDS**

Certain personnel standards must be followed in the administration of the Food Stamp, TANF, Medicaid and Child Care programs. The following sections discuss these requirements.

#### **1410.05.00 DIVISION OF STAFF RESPONSIBILITIES (F)**

The Local Offices shall divide staff and the responsibility for eligibility determinations and EBT vault card issuance between certification and issuance units. Volunteers and other non-merit staff cannot conduct eligibility interviews, determine eligibility or establish benefit amounts. The certification unit is responsible for determining assistance group (AG) eligibility and creating records and documents to authorize the issuance of EBT vault cards to eligible households. The issuance unit is to provide certified AGs with their EBT vault card. The same person cannot both authorize and issue EBT vault cards.

Security controls in ICES allows individuals to perform only one or the other function based upon security profiles for the individual's job title.

#### **1410.10.00 MERIT PERSONNEL FOR ELIGIBILITY CASE PROCESSING**

Local Office personnel used in the determination of eligibility and calculation of benefits are to be state merit staff employed by the Division. Functions of the eligibility staff include but are not limited to interviewing, evaluating, information gathering, establishing eligibility and benefit levels, as well as developing and monitoring service plans.

**1410.15.00 USE OF OTHER STAFF**

Local Offices are encouraged to use volunteers in activities such as prescreening, assisting applicants in completing the application, and securing needed verification.

Individuals and organizations, who are parties to a strike or lockout, and their facilities, may not be used in the Food Stamp eligibility process except as a source of verification of information supplied by the applicant.

Only authorized employees of the FSSA, EBT vault card issuers, and federal employees involved in administration of the program shall be permitted access to EBT vault cards or other issuance documents.

**1410.20.00 SUFFICIENT STAFF**

Local Offices shall employ sufficient staff to perform eligibility and benefit issuance functions accurately and process fair and timely in accordance with the standards set forth in this manual.

**1410.25.00 BILINGUAL STAFF AND MATERIALS (F)**

Local Offices are to provide bilingual program information, eligibility materials, staff and/or interpreters to low income, non-English speaking, single language AGs in accordance with the following guidelines. Single language refers to AGs which speak the same non-English language and which do not contain adults fluent in English as a second language.

**1410.25.05 Determining The Need For Bilingual Service (F)**

A Local Office must provide bilingual staff or interpreters, certification materials, and materials used in program informational activities in the appropriate language if the office serves a population of either approximately 100 single language AGs or a low income group of less than 100 in which the majority are of the same single language majority.

Certification materials include the application form, change report forms, and notices to AGs.

**1410.25.10 Seasonal Influx Of Non-English Speaking Units (F)**

In project areas with a seasonal influx of non-English speaking groups, Local Offices are to provide bilingual materials and staff or interpreters as required if, during the seasonal influx, the number of single language minority

low income groups which move into the area meets or exceeds the requirements above.

**1410.25.15            Estimates Of Potential Target Population (F)**

The FSSA will, with input from Local Offices, develop estimates of the numbers of low income, single language minority groups, both participating and nonparticipating in the program, for each county by using census data (including the Census Bureau's Current Population Report: Population Estimates and Projections, Series P. 15, No. 627) and knowledge of project areas and area services by certification offices. Local Bureau of Census offices, Community Services Administration offices, community action agencies, planning agencies, migrant service organizations, and school officials may also be important sources of information in determining the need for bilingual service. If these information sources do not provide sufficient information for the FSSA to determine if there is a need for a bilingual staff of interpreters, such certification offices shall, for a six month period, record the number of single language minority groups that visit the office to make inquiries about the program, file a new application for benefits, or be recertified.

1415.00.00            OUTREACH

Outreach promotes education and public awareness of assistance programs as well as increases access to services. Outreach includes:

    Providing program information;

    providing referrals to other agencies;

    training community organizations that provide program information to the public to promote assistance programs;

    eliminating the social and geographic barriers to participation; and

    encouraging continued participation by AGs.

1420.00.00            INQUIRIES FOR INFORMATION

An inquiry is a request for information regarding the eligibility requirements for assistance. Individuals inquiring about assistance are to be given information in written form and orally, as appropriate, regarding eligibility requirements, scope of the program, coverage, and the rights and responsibilities of applicants/recipients. (f1)

Responses to inquiries regarding eligibility should be general. Information regarding agency procedures, income and resource standards, and program requirements may be provided. In no event should individual requesting information be told that they are eligible or ineligible unless that individual has filed an application and an official determination has been made.

A worker who makes an eligibility statement without receiving an application and/or completing a thorough investigation of an individual's or family's situation puts the agency at risk of providing benefits to ineligible people and denies the client the right to proper notice which is required by federal law. The notice establishes and supports the client's right to appeal. Verbal communication without written notification serves to interfere with the client's rights.

#### 1420.05.00 PRINTED MATERIAL

Written information such as brochures or pamphlets that describe basic financial and non-financial eligibility criteria, the application process, and participant rights and responsibilities, are to be available. This written information shall be distributed at Local Offices and shall be made available to other local agencies upon request.

The informational leaflet explaining the rules and procedures governing the appeal and hearing process is to be made available by the Local Office to each applicant/recipient and to any other interested person.(f2)

#### 1420.10.00 MANUALS AND PROGRAM DIRECTIVES

Program manuals and supplemental instructions used in the determination of eligibility shall be maintained at DFR for examination by members of the public on regular workdays during regular office hours. (f3)

#### 1425.00.00 CONFIDENTIALITY

All information obtained by the Local Office and maintained in the case record about an applicant/recipient and his circumstances is confidential.

Information obtained by DFR from participants or individuals, whether or not they are currently participating, is also considered confidential.

#### 1425.05.00 ACCESS AND USE OF CONFIDENTIAL INFORMATION

Access and use of confidential information is to be restricted to those DFR staff members with direct responsibility for establishing eligibility, authorizing benefit levels, and providing services for the individual or family for whom the information was obtained. Confidential information may also be shared with DFR staff who have responsibility for administration and oversight of the programs for which the confidential information was secured.

Under no circumstances may a list of names and addresses of applicants/recipients be released for commercial or political purposes. (f4)

#### **1425.10.00            RELEASE OF CONFIDENTIAL INFORMATION**

Sections 1425.10.05 through 1425.10.15 describe circumstances in which confidential information may be released.

##### **1425.10.05            Release Of Confidential Information To The Individual**

Upon request of an applicant/recipient and/or his authorized representative for the examination of his case record, all case information pertaining to that individual is to be made available. (f5) Individuals who request copies of case material may be charged a fee per page (not to exceed the actual cost of copying) by the Local DFR Office.

When a hearing has been requested, federal regulations (f6) mandate that "the claimant, or his representative, will have adequate opportunity to examine the contents of his case file and all documents and records to be used by the agency at the hearing at a reasonable time before the date of the hearing as well as during the hearing".

##### **1425.10.10            Release Of Information To Third Parties**

Unless permitted less than one of the following sections, the release of agency information requires a statement signed by the applicant/recipient, authorizing the Local Office to release the information to the requesting agency or individual. (f7) This written authorization must specify the scope of information the Local Office is authorized to release, the specific agency or individual to whom the information is to be released, and the period of time for which information is to be released. (f8) Authorizations should be preserved in the case file.

##### **1425.10.10.05        Release Of Confidential Information Without Consent**

Confidential information may be released without the applicant's/recipient's permission for purposes directly connected with:

The administration of the Food Stamps, TANF, Children and Family Services, IMPACT, Child Support, Medicaid, Title XX, and Federal Supplemental Security Income (SSI) programs (such purposes include establishing eligibility, determining the amount of assistance, and providing services);

any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any of the above programs; or

any audit or similar activity (for example, a review of expenditure reports or a financial review) conducted in connection with any of the above programs by any governmental entity which is authorized by law to conduct such audit or activity. (f9)

**1425.10.10.10 Release Of Confidential Information Without Consent (F, C)**

Confidential Food Stamp and TANF information may also be released without consent for the administration of any other federal or federally funded program which provides assistance, in cash or in kind, or services directly to individuals on the basis of need such as the Section 8 Housing Program and the Job Training and Partnership Act (JTPA) Programs.

For Food Stamps, if a law enforcement officer provides a recipient's name and notifies the agency that the recipient is fleeing to avoid prosecution, custody or confinement for a felony, is violating a condition of parole or probation or has information necessary for the officer to perform an official duty related to a felony/parole violation then the agency must give the recipient's address, SSN and photograph (if available) to the officer.

The requesting officer must provide the applicable information listed above which must be documented in CLRC along with the officer's name and date requested. (f9a)

**1425.10.10.15 Release Of Confidential Information Without Consent (C)**

Confidential TANF information may also be released to support any effort by law enforcement officers to locate a TANF recipient who is a fugitive felon. The Local Office may release the name and current address of the TANF recipient to a law enforcement officer only after the law enforcement officer has provided the Local Office with

sufficient information that the TANF recipient might be a fugitive felon.

#### **1425.10.10.20 Issuance Of Subpoena**

In the event of the issuance of a subpoena for the case record or for a Local Office representative to testify concerning an applicant/recipient, the attorney for the Local Office is to immediately be informed of this fact. The attorney should make a determination of the appropriateness of releasing the information and, where appropriate, bring to the court's attention the statute and regulation regarding confidentiality. When information is to be made available to any person under compulsory legal process, the Local Office should make reasonable efforts to furnish prior notice to the client regarding the release.

#### **1425.10.15 Release Of Medicaid Numbers To Providers (MED)**

Medicaid providers are encouraged to ask all recipients who request medical services to show a valid Medicaid Identification Card at the time the service is rendered. The provision of the Medicaid card facilitates the payment authorization process.

#### **1425.10.15.05 Retroactive Or Emergency Services (MED)**

Providers who render services during periods immediately prior to the determination of Medicaid eligibility, or to persons in emergency situations, often experience difficulty in billing the Medicaid program as they may never have the opportunity to see a valid Medicaid card. When verification is needed from the Local Office, the provider must submit a written request to obtain a valid Medicaid I.D. number. Medicaid I.D. numbers are not to be given over the telephone.

The written request from the provider must include the following information:

- recipient's name;
- recipient's Social Security number;
- recipient's address;
- recipient's date of birth; and
- date the service was given.

Once the Local Office has verified that the patient is (or was on the date of service) an eligible Medicaid recipient, then a written response is to be given to the provider identifying the recipient's name, Medicaid I.D. number, and third party liability information, where applicable. The

Local Office must include the recipient's name exactly as it appears on the Medicaid enrollment/eligibility file. Since the Medicaid Contractor must have the above elements for processing provider claims, the Local Office must take care in providing accurate information.

The Local Office should also provide written information to the provider when the individual for whom a Medicaid number is requested is found to be ineligible for Medicaid currently or at the time the service was rendered.

#### **1425.10.15.10 Validation Of Correct Medicaid Number (MED)**

Occasionally a Medicaid provider may view the card, but miscopy the I.D. number. In these instances, the provider should make every effort to obtain the correct number from the recipient. If such efforts are unsuccessful, the provider must write to the Local Office requesting the correct number. The Local Office should ask the provider to include in the written request the name of the recipient and the erroneous I.D. number.

The procedures outlined here and in the preceding subsection must be applied consistently to all Medicaid providers.

#### 1430.00.00 PROTECTED CASES

Protected cases are those cases which have a greater need for security protection as a result of the relationship between the applicant/recipient and one or more of the agency's staff members. Situations requiring a protected case include but are not limited to:

Cases which include an agency staff member;

Cases which include an individual who is related by blood or marriage to an agency staff member; or

Cases which include an individual who is a close friend of an agency staff member.

Once it is determined that a case needs to have protected status it must be assigned to a worker who has no familial or personal relationship to any of the individuals in the case. A relative or close friend may not perform any of the interview or eligibility functions needed to support the protected case or a case that meets the above criteria but has never received protected status.

It may be difficult to discern that a case needs protection until a problem exists. This may be avoided by workers reporting potential conflicts to their supervisors as soon as they are aware of them.

Workers who access the agency's records pertaining to their family and friends are violating the client's right to confidentiality and the agency's security agreement. Violators may be subject to appropriate disciplinary action.

The hard copy case file material should also be maintained at a location which is inaccessible to staff who have no responsibility for the case. This is necessary to ensure that confidentiality is maintained.

**1435.00.00 NON-DISCRIMINATION**

Individuals will not be discriminated against for reasons of age, race, color, sex, disability, religious creed, national origin, (f10) marital status, or political beliefs in any aspect of program administration including, but not limited to:

The acceptance of and responsiveness to a request for assistance;

the eligibility determination;

the issuance of EBT vault cards or benefits;

the IMPACT Program administration;

fair hearing procedure; or

any other service offered by the Local office.

**1435.05.00 NON-DISCRIMINATION INFORMATION**

In accordance with Federal law and U.S. Department of Agriculture (USDA) and U.S. Department of Health and Human Services (HHS) policy, the Family and Social Services Administration is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. Under the Food Stamp Act and USDA policy, discrimination is prohibited also on the basis of religion or political belief. To file a complaint of discrimination, individuals can write to USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD); or write to HHS, Director, Office for Civil Rights, Room 506-F, 200 Independence Avenue, S.W., Washington, D.C. 20201 or call (202) 619-0403 (voice) or (202) 619-3257 (TDD). USDA and HHS are equal opportunity providers and employers.'

In order to inform all individuals of their protection against discrimination and to ensure agency compliance with civil rights laws and policies:



advise the complainant of other programs and community resources that may be able to meet his needs; and

advise complainants of their appeal rights and help them to understand the appeal and hearing process. See IPPM 4205.00.00 - 4205.10.00 regarding appeal rights.

**1440.15.00 COMPLAINTS RECEIVED FROM THIRD PARTIES BY LOCAL OFFICE**

When the Local Office receives a complaint or inquiry on behalf of the applicant/recipient from an individual other than the applicant/recipient, specific information about the applicant/recipient cannot be released without his signed consent. (f11) See IPPM 1425.00.00 - 1425.10.10.20 regarding confidentiality.

If such inquiry is received without an authorization for release of information, the Local Office is to provide general information relative to the nature of the complaint. The complainant should be advised of the confidentiality of case records and of the necessity of obtaining the applicant's/recipient's signed consent should the general information not be sufficient.

**1440.20.00 COMPLAINTS OF DISCRIMINATION**

**Prohibited Discrimination**

Discrimination in the Food Stamp, Medicaid and TANF Programs is specifically prohibited on the basis of race, color, national origin, sex, age, or disability. The Food Stamp Program also prohibits discrimination for religion or political beliefs. Individuals with any of these conditions are referred to as 'protected classes'. In addition, Federal civil rights laws make it illegal to discriminate against someone who has filed a complaint or has engaged in other Equal Employment Opportunity (EEO) or civil rights activity.

**Examples of Discrimination**

Discrimination can occur in many different ways. The actions below are examples of discrimination and non-compliance with civil rights requirements when the action is motivated by or results from a policy that disproportionately has an adverse impact on a person or group of people who belong to one of the protected classes:

Denial of an individual or household of any service or benefits provided under the program for which the individual or household is otherwise eligible (for example not providing a translator or other foreign language assistance to a household with limited English proficiency).

The failure of local office staff to provide the same quality, quantity or manner of service or benefits to all.

Segregation or separate treatment of individuals in any manner related to the application for or receipt of program benefits (separate facilities or separate procedures based on race or another protected status and having noticeably better office space in one part of town versus another where populations include a greater percentage of those with protected status).

Use of criteria or methods of administration that have the effect of defeating or impairing the objectives of any program (imposing additional eligibility criteria on certain individuals).

Selection of sites for offices that exclude or discourage individuals from accessing the benefits of the program such as offices that are not accessible to persons with disabilities or offices located far away from an eligible minority community and not served by public transportation.

Adverse treatment such as rude, unprofessional and unresponsive behavior directed at any individual with protected status.

#### Evidence of Discrimination

Evidence of discrimination is established when all of the following conditions are met:

A complainant shows that he has been adversely affected by a program decision;  
The adverse action is related to a protected condition;  
and

The person against whom the action was taken is a member of the protected class.

#### Timeframes for Client to File a Formal Complaint

The complaint must be filed no later than 180 days from the date of the alleged discrimination or when the complainant became aware of the action. If circumstances warrant, the Civil Rights Director of the Department of Agriculture or

the Director of Health and Human Services may extend the filing time.

#### To Whom to Complain

Program applicants or program recipients who feel that they have been discriminated against can complain to the following:

Local DFR Office Director or Civil Rights Complaint Coordinator;

Family Independence Section of the Division of Family Resources, 402 W. Washington Street, Room W363, Indianapolis, IN 46204, or call (317) 232-4946;

Regional Director, Office of Civil Rights/EEO, USDA, Food and Nutrition Service, Midwest Region, 77 W. Jackson Blvd., 20<sup>th</sup> Floor, Chicago, IL 60604-3511;

For Food Stamps: Write USDA, Director, Office of Civil Rights, Room 326-w, Whitten Building, 14th and Independence Ave., SW, Washington, D.C. 20250-9410, or call (202) 720-5964 (voice and TDD); or

For Medicaid/TANF/IMPACT: Write HHS, Director, Office for Civil Rights, Room 506-F, 200 Independence Avenue, S.W., Washington, D.C. 20201 or call (202) 619-0403 (voice) or (202) 619-3257 (TDD).

#### Complaint Format

People who feel they have been discriminated against may file a written or verbal complaint. Anyone contacted about a complaint should make every effort to obtain the following information from the complainant:

Name, address, telephone number or other means of contacting the complainant;

Name and location of office where the alleged discrimination took place;

The nature of the incident that led to the complaint;

The protected status (i.e. race, color, national origin, sex, age, religion, political beliefs or disability) that the complainant believes was violated;

The names and contact information of the individuals who have knowledge of the discriminatory action;

And the date of the alleged discriminatory action.

**1440.20.05            The Local Office and Discrimination  
Complaints**

The Local Office's responsibilities related to handling complaints of discrimination are listed below.

1.    **Responsible Person.** Each local DFR office Director must handle or designate a responsible staff person(s) to handle civil rights complaints for all public assistance programs. This person(s) will be responsible for receiving and investigating complaints, recommending and monitoring corrective action, and reporting all related information to the Family Independence Section in a timely manner. This person's name should be included in the Division of Family Resources Food Stamp Service Plan. The Director of each local DFR office should inform all eligibility staff of the person(s) designated as the Civil Rights Complaint Coordinator.
2.    **Public Notification.** The local DFR office will provide information at each office location regarding the client's right to file a discrimination complaint. The 'Food Stamp Rights' (FNS-183) and the "And Justice for All: (Form AD0475B) posters should be displayed in each office in a place where they are easily visible to applicants and beneficiaries/clients.
3.    **Right to File.** Anyone has the right to file a complaint of alleged discriminatory action with any of the entities listed under 'To Whom to Complain' in Section 1440.20.00. The local DFR office will accept any complaint alleging discrimination based on race, color, national origin, age, sex, disability, religion, or political beliefs.
4.    **Age Discrimination.** All complaints alleging discrimination based on age must be forwarded to: Regional Director, Civil Rights/EEO, USDA, Food and Nutrition Service, Midwest Regional Office, 77 W. Jackson Blvd., 20<sup>th</sup> Floor, Chicago, IL 60604-3591, within 5 working days of the date received.
5.    **Prohibited Actions.** No DFR personnel shall intimidate, threaten, harass, coerce, or discriminate against any individual in order to interfere with his/her right to file a complaint, testify, assist, or participate in any manner with the investigation, proceedings, or hearing.
6.    **Acknowledgement.** All local DFR offices will accept and acknowledge all discrimination complaints filed, whether written, verbal, or anonymous, and inform the

complainant of the process for resolving the complaint.

7. **Verbal Complaints.** If a complainant makes an allegation in person or through a telephone conversation and refuses to put it in writing, the DFR employee who receives the complaint must put it in writing. Every effort should be made to obtain sufficient information to look into a complaint of discrimination. See 'Complaint Format' in Section 1440.20.00 for the information that should be sought from the complainant.
8. **Other Federal Agencies.** Whenever a complaint is received that involves another Federal agency, it should be referred to that agency and the complainant should be notified of the referral.
9. **Filing Timeframe.** The local DFR office will accept and investigate all complaints of discrimination filed within 180 days of the date of the action. Complaints over 180 days old should be referred to USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14<sup>th</sup> and Independence Ave., SW, Washington, DC 20250-9410, or call (202) 720-5964 (voice and TDD) or the HHS, Director, Office for Civil Rights, Room 506-F, 200 Independence Avenue, S.W., Washington, D.C. 20201 or call (202) 619-0403 (voice) or (202) 619-3257 (TDD). This will enable the Secretaries of Agriculture and HHS to make a decision as to whether there are special circumstances that justify an extension of the 180 day time limit.
10. **Review of Complaint.** Within 5 days from the date the alleged discrimination is reported, review all complaints, and acknowledge them in writing, plan appropriate action, or request additional information from the complainant.
11. **Additional Information Requests.** Additional information should be requested in the following circumstances:
  - a. The specific assistance program is not identified or cannot be determined from the content of the letter;
  - b. A protected status is not mentioned (i.e. the complaint says that there has been discrimination but does not say whether it is because of race, color, national origin, or any of the other protected status categories discussed in 1440.20.00;

- c. Discrimination or rude treatment is mentioned but no protected status is referenced (as discussed in 1440.20.00 is given.

All requests or additional information must include a postage paid, self-addressed envelope.

12. **Purpose of Investigation.** An investigation should be conducted to substantiate or refute the allegations on all complaints that establish evidence of discrimination. The purpose of the investigation is to determine if the action was taken because someone belongs to a protected class. It is also to determine if there are office or individual caseworker practices that result in people being treated differently because they are members of a protected class or if any policies or practices that seem neutral on their face impact disproportionately on any protected class.
13. Conducting an Investigation. The following actions should be taken when conducting an investigation:
  - a. Interview the complainant. The interview should clarify the issues, attempt to determine why the complainant feels that the action was based on discrimination, and provide other information such as names of witnesses or observation of other circumstances where the discriminatory behavior has occurred. The interviewer should try to get any other information that would be helpful in determining whether the action that was taken was motivated by the fact that the complainant belongs to a protected class.
  - b. Have the complainant sign an information release form consenting to having his or her name released to local office staff and others who need to be contacted in connection with the complaint. If the complainant refuses to consent to this, have him or her sign and acknowledgement that this may limit the scope of the investigation.
  - c. Interview other applicants and/or participants who have knowledge of the alleged incident.
  - d. Interview other applicants and/or participants who belong to the same protected class as the complainant to determine if they have experienced similar or different treatment.
  - e. Interview other applicants and/or participants who do not belong to the same protected class as the complainant to determine if they have experienced

similar treatment.

- f. Interview local office DFR staff to see if they recall the particular incident and why it occurred.
  - g. Review case files to determine what occurred in the complainant's case. As appropriate, review other case files to determine if similar actions were taken.
  - h. Contact local community organizations to determine if they have received similar complaints or if they are aware of any alleged problems in the local DFR office.
14. **Discontinued Investigation.** An investigation may be discontinued under the following circumstances:
- a. The complainant indicates that the discrimination did not occur.
  - b. The complainant indicates that he understands how and why the case was handled the way it was and no longer thinks it was because of discrimination.
  - c. The complainant indicates that he no longer wishes to pursue the complaint or withdraws the complaint. In these situations it is important to make sure that the complainant is not being coerced or pressured to drop the complaint.
15. Continued investigation. Even if a complainant does not wish to continue pursuing the complaint, the DFR office representative should continue the investigation if he or she believes that further action may be necessary based on the available information.
16. Draft Decision Letter. The local DFR office will review and evaluate the facts gathered during the investigation and draft a decision letter informing the complainant of the findings and of completion of the investigation and any follow up action that will be taken based on the findings. The draft should contain the following information:
- a. A description of the allegation;
  - b. The scope of the investigation;
  - c. Facts and information obtained that refute or support the allegation;

- d. A closing statement summarizing the decision and the basis on which the determination was made; and
- e. A statement explaining the complainant's right to appeal the decision by sending an appeal to:  
USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14<sup>th</sup> and Independence Ave., SE, Washington, DC 20250-9410, or call (202) 720-5964 (voice and TDD).

The draft decision letter must be sent to Family Independence Section for review. Included with the draft decision letter should be a written report containing a summary of the findings of the investigation and a summary of each interview.

- 17. Probable Non-Compliance. When it is determined that a local DFR employee or office has failed to follow a civil rights requirement or is engaging in practices that adversely impact disproportionately on a protected class, the finding of an investigation should indicate 'probable non-compliance.' In these instances, the following steps should be taken:
  - a. The local DFR office should make every effort to come into compliance with civil rights requirements.
  - b. the decision letter must indicate all steps taken to comply with civil rights requirements.
  - c. The decision letter should also indicate any corrective actions taken to correct benefits.
  - d. The effective date of the 'probable non-compliance' is the date of the completed investigation.
  - e. Within 60 days of the date of 'probable non-compliance', steps must be taken to achieve voluntary compliance with civil rights requirements.

**1440.20.10            The Family Independence Section and  
Discrimination Complaints**

The Family Independence Section responsibilities in resolving complaints of discrimination are described below:

- 1. Complaint is received. Attempt to get as much information as possible as described in Section 1440.20.00 under 'Complaint Format'.

2. If the complaint alleges discrimination by a specific worker, or refers to one incident (and there is no allegation of or reason to believe that there is a policy or practice in the office that may be discriminatory), refer the complainant to the appropriate local DFR office within one day after receipt.
3. If the complaint alleges widespread discrimination or discriminatory practices in the local office, arrange to have someone from Family Independence Section go to the local office to investigate the allegation. The investigation would be conducted in a manner similar to the procedures described in Section 1440.20.05, but more emphasis would be put on contacting other applicants and recipients of the same protected class as the complainant to see if they had experienced similar treatment. These cases would also be handled in the same timeframes described under local office procedures.
4. Acknowledge receipt of the complaint to the complainant in writing within 5 days after receipt.
5. Review the draft of the decision letter prepared by the local DFR office or Family Independence Section staff after the investigation is completed. Determine if the investigation was thorough and whether appropriate action was taken.
6. If all of the information is complete and the decision is in keeping with stated findings, forward the report to the appropriate federal regional office.
7. Instruct the local DFR to forward a copy of the final decision letter to the complainant.
8. If an investigation was not conducted, review the DFR's written report to determine if the reason(s) for not conducting an investigation are acceptable.
9. Follow up on all findings of 'probable non-compliance' to insure that corrective actions have been taken and that problems are not recurring.
10. For Food Stamps: Submit a quarterly report to FNS on all discrimination complaints processed during that period.
11. Review discrimination complaint logs to determine if there are any patterns of complaints that may require training or other corrective actions either statewide or in particular project areas.

12. Analyze participation data to determine if there are areas where any protected classes appear to be under represented, and take corrective action (such as outreach) as needed.
13. For Food Stamps: Provide information to FNS on complaints to review during the civil rights compliance portion of the annual management evaluation or state agency operations reviews.
14. Insure that state agency staff and local offices understand and receive annual training on civil rights requirements.

**1440.25.00 OTHER FOOD STAMP COMPLAINTS (F)**

Any complaints concerning the following establishments should be referred to the Food Stamp Policy Unit at 402 W. Washington Street, Room W363, MS09, Indianapolis, IN 46204 or call (317) 232-4946 for referral to the USDA, Food and Nutrition Service (FNS):

retail grocery stores;  
meal delivery services;  
communal dining facilities; and  
drug or alcoholic treatment and rehabilitative centers.

1445.00.00 MANDATORY REPORTING OF CHILD ABUSE OR NEGLECT

Indiana law requires any individual who has reason to believe that a child is a victim of child abuse or neglect to make a report. A person who knowingly fails to make such a report commits a Class B misdemeanor. Reports are to be made by contacting the local Department of Child Services or law enforcement agency.

Each County DFR office should have an established policy which addresses how staff is to report suspected child abuse and neglect. Each worker should be aware of this policy and be encouraged to make appropriate reports.

1450.00.00 CASE RECORD MAINTENANCE

The caseworker is responsible for the maintenance of a complete and accurate case record. (f12) Case records serve the following purposes:

Provides historical information to substantiate Local Office action;

provides essential information about the individual and his current situation to reflect his need for assistance;

helps to ensure continuity of service by the Local Office and/or proper referral to other needed resources;

prevents needless repetition of fact gathering;

provides material for research and statistical purposes;

provides material by which agency policies, practices, and standards of performance can be substantiated and evaluated; and

is the basis for the state's payment to or on behalf of an AG.

#### **1450.10.00           CONTENT OF CASE FILE**

The hard copy eligibility case file must contain all signed application forms necessary to support the eligibility determination, collateral sources of verification, and correspondence.

There is no mandatory requirement as to how material is to be arranged in the eligibility case folders. However, it is important that the method adopted by the Local Office or worker be understood and consistently used.

The hard copy IMPACT case file should be arranged so that, in the absence of the FCC, a supervisor or another FCC could maintain the continuity of services to the family. The case file must document action taken by IMPACT staff and contracted service providers and support IMPACT expenditures on behalf of the participant. IMPACT material may be kept in the eligibility case file or in a separate IMPACT case file. Information in the file(s) should be consistent with information entered into the ICES system.

At a minimum, case records must contain the following information:

Current and previous Self-Sufficiency plans

Copies of referral forms to service providers and/or other organizations;

Any assessment documents other than the IMPACT Assessment Tool;

Verification/documentation of IMPACT activities and attendance (see suggested attendance forms in APPENDIX);

Claim vouchers and invoices for supportive services authorized;

Recommendations (and basis of recommendations) for extending a participant's TANF benefits beyond 24 months; and

Copies of appointment notices or documentation of appointments if scheduling was done manually.

Contracted service providers are also to maintain case files in accordance with their contracts.

Case notes should be kept on comment screens CSLC to document specific barriers participants' face and their resolution; contacts between participant, FCC, and contracted service provider; and any other pertinent information relating to IMPACT. Comments on CSLC follow the participant's RID number rather than the case number like CLRC. For this reason, IMPACT related comments must be kept on CSLC.

IMPACT Participants have access to their case files, so entries must be professional and objective.

Inactive IMPACT case files may be transferred to the Records Center one (1) year after the end of the fiscal year of closure and after receipt of a State Board of Accounts Audit Report where they will be retained for an additional nine years. **Before any records can be transferred, counties must first contact the FSSA Forms/Records Management Unit in Indianapolis for approval.** Once approved, the records should be put in an approved Record Storage Carton with lid (SF46634). These cartons may be ordered from the Forms Distribution Center.

#### 1450.15.00 RETENTION OF CASE RECORDS IN LOCAL OFFICE

Hard copy case records are not to be taken from the Local Office except for official use by employees or for use by proper authority upon court order. Receipts should be made and acknowledged in such cases and proper follow-up should be made to ensure the return of the case records to the file.

#### 1450.20.00 RETENTION OF DOCUMENTS WITHIN THE CASE FILE

Most case records are to be maintained for three years. The three year period starts at different times for different documents. The following is the list of documents that must be retained for the entire life of the case and three years following the date on which the eligibility or claims collection case was discontinued:

application;  
interview guide;  
combined application form used for application actions;  
medical information;  
absent parent information;  
assignment of rights forms;  
court records;  
legal agreements;  
records establishing overpaid benefits and/or fraud;  
social security numbers;  
birth and death records;  
citizenship records

Other case file records must be retained for a three year period beginning with the effective date of the action it supports. Those records include but are not limited to:

Budget forms;  
income and expense records used to support the eligibility determination and benefit calculation;  
notices;  
hearing decisions;  
benefit issuance records not related to overpaid or underpaid benefits.

Inactive case records may also be preserved during the life of the individual so long as they may be needed for repayments on existing claims.

**1450.20.05          Retention Of Documents Within The Case File  
(MED)**

Records of a deceased recipient may be retained as long as necessary for filing claims for recovery against the estate.

1455.00.00          DESTRUCTION OF CASE MATERIAL

All case file materials must be maintained for review and audit purposes in accordance with the retention guidelines presented previously.

Before destroying case file records it will be important to ensure that the record has lost relevance for all the programs in which the case members participated.

When case records have been inactive for three years, a request for record destruction is submitted to the Archives Division, Commission on Public Records, with a representative sample of three cases for the year. Upon approval, the other inactive case records may be destroyed.

**1455.05.00            REMOVAL OF EXTRANEEOUS MATERIAL FROM CASE RECORDS (C, I, MED)**

The periodic removal of extraneous material from the case record assists in case management. All material which supports the current eligibility determination must be retained. Examples of material to be retained are:

    applications,  
    medical information,  
    medical expense information,  
    child support information,  
    assignments,  
    agreements, and  
    overpayment information

IMPACT documents may not be purged since there is no time limit on extensions of the 24 month limited benefits.

1460.00.00            USES FOR FOOD STAMP BENEFITS (F)

This section addresses use of Food Stamp benefits.

1460.05.00            GENERAL FOOD STAMP BENEFITS USE (F)

Food Stamp AGs must be informed, at application and eligibility review, of rules governing food stamp benefits usage.

Food stamp benefits are designed for use by participants to purchase eligible foods, including seeds and plants, for home consumption and use. Food stamp benefits may not be used to purchase:

    Alcoholic beverages;

    tobacco;

    hot foods and hot food products prepared for immediate consumption; or

paper and cleaning products.

AGs are not required to have cooking facilities or access to cooking facilities to participate in the program.

**1460.10.00 SPECIAL FOOD STAMP BENEFITS USE (F)**

Although food stamp benefits were originally intended for use by eligible AGs to purchase foods for home consumption, certain groups have been authorized to use their food stamp benefits to obtain prepared meals, or to facilitate their obtaining food. These authorized special uses for food stamp benefits are as follow.

1460.10.05 Communal Dining Facilities (F)

Communal dining facilities are public or private nonprofit establishments authorized by FNS to prepare and serve meals for elderly persons and/or for SSI recipients, and their spouses.

Communal dining facilities include:

Senior citizens centers;

apartment buildings occupied primarily by elderly individuals or SSI AGs;

any public or nonprofit private school (tax exempt) which prepares meals for elderly individuals during special hours;

certain other public or private nonprofit establishments (tax exempt) which prepare and serve meals for elderly or SSI recipients;

private establishments under contract with a state or local agency to offer, at concession prices, meals prepared especially for elderly or SSI individuals; and

restaurants that have a signed agreement with the Indiana Family and Social Services Administration to provide meals to homeless, elderly or SSI recipients.

AG members who are eligible to use all or any part of their food stamp benefits to purchase meals prepared at a communal dining facility include:

Individuals 60 or older and their spouse; and  
individuals receiving SSI and their spouse.

1460.10.10 Meal Delivery Services (F)

Meal delivery services are nonprofit services authorized by FNS which provide home meal delivery. These services may be political subdivisions, private nonprofit organizations, or private establishments with which the state or local agency has contracted for meal preparation and delivery.

To be eligible to use all or part of their food stamp benefits to purchase meals from a meal delivery service, AG members must be:

Individuals 60 or older and their spouse;

housebound;

feeble;

physically handicapped;

otherwise disabled to the extent that they are unable to adequately prepare all of their meals; or

a spouse of an individual listed above.

**1460.10.15 Drug Addiction/Alcoholic Treatment Centers (F)**

Residents who are drug addicts or alcoholics and who regularly participate in a publicly operated or private nonprofit drug or alcoholic treatment and rehabilitation program on a resident basis, may use all or part of the food stamp benefits issued to them to purchase meals prepared for them during the course of such programs. Any drug addiction/alcoholic treatment center authorized by FNS as a retailer is an eligible institution.

**1460.10.20 Group Living Arrangements (F)**

A group living arrangement is an eligible institution if the facility is authorized by FNS to accept Food Stamps. Residents of such group living arrangements may be eligible to use food stamp benefits issued to them to purchase meals prepared especially for them.

**1460.10.25 Shelters For Battered Women And Children (F)**

A shelter for battered women and children is an eligible institution if the facility is a public or private nonprofit residential facility that serves battered women and their children. If such a facility serves other individuals, a portion of the facility must be set aside on a long term basis to serve only battered women and children.

Residents of such shelters for battered women and children may use food stamp benefits issued to them to purchase meals prepared and served by the shelter.

**1460.10.30 Homeless Meal Providers (F)**

Homeless meal providers are eligible institutions if they are public or private nonprofit establishments certified by FSSA and authorized by USDA to accept Food Stamps in payment for prepared meals for the homeless. Homeless individuals may use food stamp benefits to purchase meals prepared and served by such providers. Meals must be provided at the same rate to Food Stamp recipients as to other homeless individuals.

1460.10.35 Shelters For Homeless Persons (F)

A public or private nonprofit shelter for homeless persons is considered an eligible institution. Homeless persons who reside in these shelters may be certified for Food Stamps.

1465.00.00 RESERVED

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1465.05.15 Reserved

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1465.10.00 LOCATION AND HOURS OF CERTIFICATION SERVICES (F)

The Local Office is responsible for determining the locations and hours of operation of the certification services made available in each county.

1465.10.05 Methods To Fulfill Certification Needs (F)

The Local Office may choose among a variety of certification methods to fulfill the certification service needs of their low income population. These methods include, but are not limited to, the use of full service certification offices and satellite or mobile certification offices.

1465.10.10 Minimum Requirements (F)

The minimum requirements of Food Stamp certification services pertain to Food Stamp services only and do not

regulate the availability of assistance certification services. The minimum certification service requirements shall be applied to each county within the state. Basic certification services consist of distributing and accepting applications, interviewing applicants, and accepting notices of change in AG circumstances. The Local Office shall provide these services as follows:

**1465.10.10.05 Counties With More Than 250 Units (F)**

In counties with more than 250 AGs participating in the program, the Local Office shall provide at least 35 hours each week (in weeks without holidays) of basic certification services in at least one office in the county. In offices with more than two eligibility workers, these services shall be scheduled so that there is no break in their availability during the lunch period. The Central Office may approve a service plan that does not make service available during the lunch period if the plan is adequately documented to show that compliance cannot be achieved for statutory or security reasons.

**1465.10.10.10 Counties With 250 Or Fewer Units (F)**

In counties with 250 or fewer AGs participating in the program, the Local Office shall provide a minimum of 30 hours basic certification services each month in at least one office in the county. The 30 hours of basic certification services shall be scheduled so that there are at least some hours of certification service during each calendar week. To the greatest extent practicable, the schedule of hours shall be consistent from month to month.

**1465.10.10.15 Access To The Food Stamp Program (F)**

In addition, those counties with 250 AGs or less shall make arrangements to afford people in the counties access to the program during all normal working hours. To accomplish this, the Local Office shall arrange to have a place in each county where applications can be picked up by applicants during all normal business hours each business day. The Local Office shall provide the address along with the applications so that applicants can mail them in. Applications shall be accepted and considered filed on the same day they are received.

**1465.10.15 Exceptions To Certification Services (F)**

Applicants who are unable to obtain certification services during normal certification hours established in accordance with the requirements of this section without missing time from work shall be given appointments for such services. The Local Office is encouraged to arrange these appointments outside normal business hours, or for times that would

minimize the applicant's absence from work. The availability of this service shall be publicized by the Local Office. In addition, people contacting the Local Office and indicating that they work during all or nearly all scheduled hours of certification service, shall be informed of the availability of appointments at times other than normal certification hours.

**1465.10.20 Drop-off Point For Applications (F)**

The Local Office should attempt to make arrangements to have a place in each county where applications that are ready for filing can be dropped off. Where drop-off points are established, AGs shall have the option of either leaving their applications at the drop-off point or mailing their applications to the address provided. Where drop-off points are established, the Local Office shall make instructions available that inform AGs of their filing options and explain the circumstances under which the mailing of applications will result in faster action.

**1465.10.25 Thirty Mile Requirement (F)**

In order to maximize applicant AGs, services shall be provided so that nearly all AGs reside within 30 miles of a certification location.

**Mobile or Satellite Offices:**

Local Offices may provide mobile or satellite offices to serve units which do not reside within 30 miles of the Local Office, providing Central Office approval is received.

Any additional services that are required in order to comply with this provision may be provided through mobile or satellite offices.

**Exception:**

If the Local Office demonstrates that participants normally travel more than 30 miles to a place to conduct personal business, an exception to this rule may be granted.

**1465.10.30 Out-Of-Office Certification (F)**

Any applicant or AG which consists of all adults over 65 years of age or older, or mentally or physically handicapped, or has transportation difficulties and cannot appoint an authorized representative, shall be eligible for the out-of-office certification procedures.

**1465.10.35 Requirement To Publicize (F)**

The Local Office shall publicize the availability of these procedures for AGs which are eligible for them.

In addition, people who contact Local Offices inquiring about certification services with mobile or satellite offices shall be informed of these certification services.

Normal certification hours are to be posted in the waiting areas and the issuance areas of the Local Offices.

#### **1465.15.10 Minimum Hour Requirements (F)**

The minimum issuance service requirements set forth as follows shall be applied to each county. In accordance with normal processing standards, issuance services shall be planned and implemented so that all eligible AGs are given an opportunity to obtain food stamp benefits within 30 days of filing their applications.

##### 1465.15.10.10 Expedited Service (F)

Issuance service shall be planned and implemented so that any applicant receiving expedited service and determined eligible in accordance with expedited service provisions is given an opportunity to obtain food stamp benefits by the seventh calendar day following the date of application. If the seventh day falls on a weekend or holiday, food stamp benefits must be issued by the workday prior to the weekend or holiday.

##### 1465.15.20 Units With Elderly And Disabled Members (F)

The Local Office shall assist these AGs by assisting them in finding authorized representatives who can act on their behalf, or by using other appropriate means.

Local Office staff may not serve as authorized representatives to certified AGs.

#### 1465.25.00 STAGGERED ISSUANCE OF FOOD STAMP BENEFITS (F)

Food Stamps are on a 10 day staggered issuance schedule statewide, see IPPM 3610.05.25 for the issuance cycle.

##### 1465.25.05 Determining The Issuance Schedule (F)

ICES issuance can only be staggered based upon the first letter of the last name of the case head. Names within a letter cannot be further divided over a period of time as ICES only recognizes the first letter.

Food Stamp benefit availability shall not elapse more than 40 days between any two issuances provided to any AG

**participating** for at least two months. AGs must be able to access Food Stamp benefits on or after their scheduled date.

AGs certified under expedited procedures are exempt from the staggered issuance system.

Staggered issuance schedules may not be implemented until the second full month of an AG's certification period.

1465.25.10 Requirement To Publicize (F)

The written notice for a staggered issuance schedule must be given to all AGs at least 30 days prior to implementation and must include, at minimum, the following information:

an explanation of the staggered issuance system;  
the county's schedule of issuance; and  
hours of issuance

1465.25.15 Posting Of The Schedule (F)

The staggered issuance schedule must be posted in the local office.

1465.25.20 Publicizing The System (F)

In addition, the Local Office must publicize the new system. Some suggested methods are as follows:

Contact local civic and community action groups;  
place articles in area newspapers; and  
make announcements on local radio and television.

1470.00.00 DISASTER (F)

A disaster is defined as a natural event such as flood, tornado, or fire. It may affect one or many families. In the event FNS declares a disaster in an affected area, AGs in that area will be approved under special disaster procedures.

During a disaster declared by FNS:

FSSA will determine eligibility for affected AGs in accordance with FNS instructions instead of the eligibility determination procedures detailed in this manual;

the Local Office will perform emergency eligibility determinations with authorization from the DFR;

AGs eligible for emergency Food Stamp benefits will **not** receive both the emergency allotment and the replacement allotment. Replacement policies are described in Chapter 3600 (Benefit Issuance); and

the Local Office will keep records of emergency participation separate from the regular issuance documents.

1499.00.00      FOOTNOTES FOR CHAPTER 1400

Following are the footnotes for Chapter 1400:

- (f1)      42 CFR 435.905;  
          45 CFR 205.70;  
          45 CFR 206.10
- (f2)      42 CFR 435.903;  
          45 CFR 205.10
- (f3)      45 CFR 205.70
- (f4)      IC 12-14-22-8
- (f5)      470 IAC 2.1-3-1
- (f6)      45 CFR 205.10
- (f7)      42 CFR 431.306;  
          470 IAC 2.1-3-1
- (f8)      470 IAC 2.1-3-1
- (f9)      Social Security Act, Section 402(a)(9)
- (f9a)     Section 11(e)(8) of the Food Stamp Act of 1977 as  
          amended by Section 837 of P.L. 104-193 (PRWORA)
- (f10)     42 CFR 435.902;  
          45 CFR 206.10
- (f11)     45 CFR 205.50
- (f12)     42 CFR 433.32