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TITLE 470 DIVISION OF FAMILY AND CHILDREN

Proposed Rule LSA Document #03-136

DIGEST

Amends 470 IAC 6-2-1 and 470 IAC 6-2-13 to allow for a six month certification period for food stamp recipients pursuant to Section 4109 of the Farm Bill. Amends 470 IAC 6-4.1-4 to simplify changes a recipient must report during this period. Effective 30 days after filing with the secretary of state.

470 IAC 6-2-1

470 IAC 6-2-13

470 IAC 6-4.1-4

SECTION 1. 470 IAC 6-2-1 IS AMENDED TO READ AS FOLLOWS:

470 IAC 6-2-1 Household reporting requirements

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-7-6

Sec. 1. A food stamp household is required to report changes as stated in 7 CFR 273.12(a) **and 7 U.S.C. 2015(c)(1)(D).** *(Division of Family and Children; 470 IAC 6-2-1; filed Apr 12, 1984, 8:24 a.m.: 7 IR 1503; filed Jul 16, 1987, 2:00 p.m.: 10 IR 2663; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1855; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

SECTION 2. 470 IAC 6-2-13 IS AMENDED TO READ AS FOLLOWS:

470 IAC 6-2-13 Certification periods

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-7-6

Sec. 13. (a) The agency shall establish a certification period for a PA household such that ~~the aid to families with dependent children (AFDC)~~ **temporary assistance to needy families (TANF)** restudy and food stamp recertification may be accomplished at the same time, provided no loss of, or delay in receipt of, food stamp benefits occurs.

(b) The agency shall establish a certification period tailored to the income calculation for any NA household for which self-employment income is annualized, contractual income is annualized, or educational income is prorated over the period the educational income is intended to cover.

(c) The agency shall establish a certification period of six (6) months ~~when an individual and his or her minor children and spouse live with the individual's parent or sibling.~~ **for all households except those which consist of all members who are elderly or disabled according to the criteria as stated in 7 CFR 273.1(b)(2). Elderly or disabled households shall have a certification period of twelve (12) months.**

(d) ~~If an NA household falls subject to the criteria in subsections (b) through (c), the agency shall establish a certification period of six (6) months.~~

(e) ~~If a household does not fall subject to any of the criteria described in subsections (a) through (c), the agency shall establish the longest certification period possible (up to one (1) year) based on the predictability of the household's circumstances.~~

~~(f)~~ (d) When one (1) household moves into another household, residing at the same address, the agency shall shorten the certification period of the household with the longest certification in order to align the certification periods. *(Division of Family and Children; 470 IAC 6-2-13; filed Apr 12, 1984, 8:24 a.m.: 7 IR 1506; filed Jul 16, 1987, 2:00 p.m.: 10 IR 2665; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1856; filed May 17, 1993, 5:00 p.m.: 16 IR 2402; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

SECTION 3. 470 IAC 6-4.1-4 IS AMENDED TO READ AS FOLLOWS:

470 IAC 6-4.1-4 Change reporting

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-7-6

Sec. 4. (a) **Households with a six (6) month certification period are only required to report when the monthly income exceeds one hundred thirty percent (130%) of the federal poverty level. Households must report changes in the gross income greater than one hundred thirty percent (130 %) of the federal poverty level by the tenth day of the next month after the change occurs.**

~~(a)~~ (b) **Households with a twelve (12) month certification period must report changes as required in 7 CFR 273.12. with the exception that the state agency**

(c) Households with a six (6) month certification period may report any other changes that occur, and those changes will be processed after verification is provided.

(d) Neither the division nor the county office shall not pay the postage for the household households to mail the change report form provided by the agency.

~~(b)~~ (e) **All changes reported within the certification period necessary to determine eligibility shall be verified prior to implementing the changes.**

~~(e)~~ (f) **All reported changes which result in an increase in benefits shall be reflected the month following the month the change is reported providing verification is provided timely.**

~~(d)~~ (g) **Households which do not cooperate by providing requested verification and/or or information, or both, of reported changes, necessary to determine eligibility, shall be discontinued with advance notice. *(Division of Family and Children; 470 IAC 6-4.1-4; filed May 17, 1993, 5:00 p.m.: 16 IR 2404; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)***

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on August 27, 2003 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Training Center Room 8, Indianapolis, Indiana the Division of Family and Children will hold a public hearing on proposed rules to establish a six month certification period for certain food stamp recipients and to provide for simplified change reporting requirements for said persons on six month certification. Written comments may be directed to the Indiana Government Center-South, 402 West Washington Street, Room W451, MS-27 Office of General Counsel, Attention: Deniece Safewright, Indianapolis, Indiana 46204. Correspondence should be identified in the following manner: "COMMENTS RE: PROPOSED RULE FOR FOOD STAMP CHANGE REPORTING, LSA #03-136". Written comments received will be made available for public display at the above listed address of the Office of General Counsel. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W451 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

John Jay Boyce
Director
Division of Family and Children