

March 29, 2013 Summary of Changes

Chapter	Passage	Summary
0600	0610.0100, 0610.0600	Updated passages to show battered individuals/persons instead of women/spouse.
0800	0810.0508, 0810.0800	Updated passages to show battered individuals/persons instead of women/spouse.
1400	1410.0113, 1410.1102	Updated passages to show battered individuals/persons instead of women/spouse.
	1410.1709, 1420.1709, 1430.1709, 1440.1709	Removed reference to signing forms CF-ES 2640 and CF-ES 2641.
1600	1610.0309.03	Updated passages to show battered individuals/persons instead of women/spouse.
2200	2210.0316, 2210.0319.01, 2210.0319.02, 2210.0319.03, 2210.0319.05	Updated passages to show battered individuals/persons instead of women/spouse.
3200	3210.0107, 3210.0111.01, 3210.0205	Updated passages to show battered individuals/persons instead of women/spouse.

Technical changes and changes in non-substantive information may be excluded from this summary.

Listing of Amended Passages

0610.0100 APPLICATION FOR ASSISTANCE (FS)

Individuals may apply for public assistance in person, by mail or by web-based or facsimile application. An acceptable application must have the applicant's name, address and signature on the form. Upon request from the applicant, provide assistance in completing the application.

Encourage the individual or the individual's authorized representative to exercise the right to file an application the same day the individual or authorized representative contacts the office and expresses interest in obtaining assistance. Only the PIP or authorized representative must sign the application. Unless signed in the presence of the eligibility specialist, an application signed with a mark must have two witness' signatures. If the eligibility specialist signs as the witness, no other witness is required.

Exception: A resident of a drug/alcohol treatment center cannot apply on his own behalf. The employee of an organization or institution must apply on behalf of the resident and will be authorized to receive and spend the resident's allotment.

A resident of a blind/disabled group home may apply on his own behalf or through an authorized representative.

Individuals ~~Women and children~~ residing in a shelter for battered ~~women~~ persons may apply for food stamps and use them in one of the following ways:

1. to purchase food for their own consumption,
2. to purchase meals prepared specifically for them at the shelter, or
3. to designate the shelter as a secondary cardholder so that the shelter can purchase food for meals served to the resident.

An individual must submit an application at initial application, reapplication, recertification and requests for additional types of assistance.

0610.0600 NON-DUPLICATION OF ASSISTANCE (FS)

Recipients may not receive benefits from more than one state or be included in more than one AG in any month.

Nutritional Assistance Program (NAP) benefits from Puerto Rico are the same as food stamp benefits in the United States. However, if the customer moves to the United States, the NAP benefits do not count as income to the household and the household is not receiving duplicate benefits. It is not necessary to attempt to contact Puerto Rico to confirm the closure of the NAP case prior to approval of food stamp benefits.

Exception: Battered spouse AGs temporarily residing in a shelter for battered ~~woman and children~~ persons may receive benefits beginning the month they enter the shelter even though they were included in the allotment of the former AG containing the individual who subjected them to abuse.

0810.0508 AGs That Split Up During Certification (FS)

Individuals who leave an AG are not eligible for additional benefits for the month of separation.

Individuals who leave the original AG will not be eligible as a separate AG in any month following the departure month, unless they have been removed, and the original AG receives a notice of

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adverse action. If action to remove the individual is not processed timely, issue benefits to the new AG and refer the original AG for overpayment.

Exception: Battered spouse AGs temporarily residing in a shelter for battered ~~persons women and children~~ **persons** may receive benefits beginning the month they enter the shelter, even though they were included in the allotment of the former AG containing the individual who subjected them to abuse. Certify the AG based on its current circumstances in the shelter.

0810.0800 NON-DUPLICATION OF ASSISTANCE (FS)

Recipients may not receive benefits from more than one state or be included in more than one AG in any month.

Exception: Battered spouse AGs temporarily residing in a shelter for battered ~~persons woman and children~~ **persons**, may receive benefits beginning the month they enter the shelter even though they were included in the allotment of the former AG containing the individual who subjected them to abuse.

1410.0113 Battered (FS)

A battered ~~individual spouse or child~~ **individual**, or parent or child of a battered person with a petition pending under Section 204(a)(1)(A) or (B) or 244(a)(3), as determined by U.S. Citizenship and Immigration Services (USCIS) are defined as noncitizens who are, or have been battered or subjected to extreme cruelty in the United States by a family member with whom they reside. This includes a noncitizen whose child or a noncitizen child whose parent has been abused. The phrase battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence.

Battered noncitizens that have not been in a battered status for five years or more must be in another qualified status to be eligible for food stamps. Sponsored noncitizens who have been determined to meet the battered noncitizen status are exempt from sponsored noncitizen deeming for a period not to exceed a total of 12 months. The battered status must be reviewed every 12 months so that the noncitizen may continue to be exempt from sponsor deeming.

Noncitizens who claim to be battered must satisfy all the following requirements:

1. Show that noncitizen has an approved or pending petition which makes a prima facie case for immigrant status in one of the following categories:
 - a. a Form I-130 filed by their spouse or the child's parent;
 - b. a Form I-130 petition as a widow(er) of a U.S. citizen;
 - c. an approved self-petition under the Violence Against Women Act (including those filed by a parent; or
 - d. an application for cancellation of removal or suspension of deportation filed as a victim of domestic violence.
2. The noncitizen, the noncitizen's child or the noncitizen child's parent has been abused in the U.S. under the following circumstances:
 - a. The noncitizen has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the noncitizen, or by a member of the spouse's or parent's family residing in the same household if the spouse or parent consent to the battery or cruelty.
 - b. The noncitizen's child has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the noncitizen, or by a member of the spouse's family

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- residing in the same house if the spouse or parent consents to the battery or cruelty, and the noncitizen did not actively participate in the battery or cruelty.
- c. The parent of a noncitizen child has been battered or subjected to extreme cruelty in the U.S. by the parent's spouse, or by a member of the spouse's family residing in the household as the parent, if the spouse consents to or allows such battery or cruelty.
 3. The battered noncitizen, child, or parent no longer lives in the same household as the abuser(s).
 4. There is a substantial connection between the battery or extreme cruelty and the need for public assistance.

Proof of the battered status includes:

1. individual's statement for proof of no longer living with the abuser and direct connection between battery and need for public assistance.
2. approved petitions or orders granted by USCIS.
3. restraining order or criminal conviction against the abuser.
4. charges brought about that lead to the conviction of the abuser. or
5. credible evidence of the abuse which includes but is not limited to, reports or affidavits from law enforcement, judges or other court officials, medical personnel, school officials, social workers, mental health providers, other social service agency personnel, legal documents, residence in a battered spouse shelter or similar refuge, photographs of the injuries, or sworn affidavits from friends, family members, or other third parties with personal knowledge of the battery or cruelty.

The eligibility specialist cannot delay authorization of an application or request for additional assistance while awaiting verification to establish battery or extreme cruelty. If it is later discovered that the noncitizen does not meet these criteria, a Benefit Recovery referral must be made.

Note: These individuals are subject to the five-year ban if entry date is after 8/22/96.

Note: The eligibility specialist does not need to determine if the battered noncitizen meets the three criteria listed above for noncitizens who meet one of the other qualified noncitizen statuses unless it is to the noncitizens advantage such as sponsored noncitizens.

1410.1102 Exemptions from Institutional Provisions (FS)

The following individuals residing in group facilities are not considered residents of an institution for the purpose of qualifying for the Food Stamp Program:

1. any narcotics addict or alcoholic who resides at a facility or treatment center under the supervision of a Drug/Alcoholic Treatment and Rehabilitation Program;
2. residents of federally subsidized housing for the elderly under either Section 202 of the Housing Act of 1959 or Section 236 of the National Housing Act;
3. certain blind/disabled individuals who live in authorized small group living arrangements licensed for 16 residents or fewer;
4. ~~individuals women or individuals women~~ with children temporarily residing in a shelter for battered ~~persons women and children~~ (such individuals shall be considered individual household units for purposes of applying for and participating in the program); or
5. residents of public or private nonprofit shelters for homeless individuals.

Chapter 2200 describes special provisions for the residents of these facilities.

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1410.1709 Failure to Cooperate (FS)

When the parent, including a teen parent or caretaker relative refuses to provide information regarding the non-custodial parent of a child under the age of 18 residing in the home during an application or eligibility review, the eligibility specialist must [review child support cooperation requirements with the individual](#). ÷

- ~~1. review child support cooperation requirement with the individual; and~~
- ~~2. request that the individual sign the cooperation form, CF-ES 2640, or the Intent to Claim Good Cause form, CF-ES 2641. (No penalties are assessed if the individual refuses to sign either form but the eligibility specialist should record on CLRC that the individual refused to sign).~~

Note: A pregnant woman with no other deprived children is not subject to child support cooperation until the child's birth.

Deny food stamp assistance for the individual (adult or teen parent) subject to child support cooperation if he/she does not express an intent to claim good cause or the intent to cooperate with Child Support Enforcement and authorize benefits for the other household members, if eligible. A referral to the Department of Revenue, Child Support Enforcement Agency to establish cooperation is not necessary when the individual expresses intent not to cooperate or claim "good cause".

1420.1709 Failure to Cooperate (TCA)

When the parent or caretaker relative refuses to provide information regarding the non-custodial parent during an application or eligibility review, the eligibility specialist must [review child support cooperation requirements with the individual](#). [Deny the application for Temporary Cash Assistance if the applicant does not express an intent to claim good cause or the intent to cooperate with Child support Enforcement](#). ÷

- ~~1. review child support cooperation requirements with the individual;~~
- ~~2. request that the individual sign the cooperation form, CF-ES Form 2640, or the Intent to Claim Good Cause form, CF-ES Form 2641 (No penalties are assessed if the individual refuses to sign either form, but the eligibility specialist should record on CLRC that the individual refused to sign.); and~~
- ~~3. deny the application for Temporary Cash Assistance if the applicant does not express an intent to claim good cause or the intent to cooperate with Child Support Enforcement.~~

Note: A pregnant woman with no other deprived children is not subject to child support cooperation until the child's birth.

1430.1709 Failure to Cooperate (MFAM)

When the parent or caretaker relative refuses to provide information regarding the non-custodial parent during an application or eligibility review, the eligibility specialist must [review child support cooperation requirements with the individual](#). [Deny the application for Medicaid for the noncompliant adult unless the adult is pregnant and meets all other factors of eligibility](#). [Medicaid for children will be approved if they meet all other factors of eligibility](#). ÷

- ~~1. review child support cooperation requirements with the individual;~~
- ~~2. request that the individual sign the cooperation form, CF-ES Form 2640, or the Intent to Claim Good Cause form, CF-ES Form 2641 (No penalties are assessed if the individual refuses to sign either form, but the eligibility specialist should record on CLRC that the individual refused to sign.); and deny the application for Medicaid for the noncompliant~~

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~~adult unless the adult is pregnant and meets all other factors of eligibility. Medicaid for children will be approved if they meet all other factors of eligibility.~~

Note: If the individual who failed to cooperate was a child in a parent's grant (a teen parent), the child would not be removed from Medicaid eligibility and the child's parent would not be eligible for Medicaid.

Deny Medicaid assistance for an adult subject to child support cooperation if he/she does not express an intent to claim good cause or the intent to cooperate with Child Support Enforcement and authorize benefits for the other household members, if eligible. A referral to the Department of Revenue, Child Support Enforcement Agency to establish cooperation is not necessary when the individual expresses intent not to cooperate or claim "good cause".

1440.1709 Failure to Cooperate (MSSI)

When the parent or caretaker relative refuses to provide information regarding the non-custodial parent during an application or eligibility review, the eligibility specialist must [review child support cooperation requirements with the individual](#). [Deny the application for Medicaid for the noncompliant adult unless the adult is pregnant and meets all other factors of eligibility](#). [Medicaid for children will be approved if they meet all other factors of eligibility](#). :

- ~~1. review child support cooperation requirements with the individual;~~
- ~~2. request that the individual sign the cooperation form, CF-ES Form 2640, or the Intent to Claim Good Cause form, CF-ES Form 2641 (No penalties are assessed if the individual refuses to sign either form, but the eligibility specialist should record on CLRC that the individual refused to sign.); and~~
- ~~3. deny the application for Medicaid for the noncompliant adult unless the adult is pregnant and meets all other factors of eligibility. Medicaid for children will be approved if they meet all other factors of eligibility.~~

Note: If the individual who failed to cooperate was a child in a parent's grant (a teen parent), the child would not be removed from Medicaid eligibility and the child's parent would not be eligible for Medicaid.

Deny Medicaid assistance for an adult subject to child support cooperation if he/she does not express an intent to claim good cause or the intent to cooperate with Child Support Enforcement and authorize benefits for the other household members, if eligible. A referral to the Department of Revenue, Child Support Enforcement Agency to establish cooperation is not necessary when the individual expresses intent not to cooperate or claim "good cause".

1610.0309.03 Residents of Shelters (FS)

The entire value of an asset owned jointly by an individual in a shelter for battered [persons women and children](#) and a member of the individual's former assistance group is considered unavailable if the individual cannot access the asset without the consent of the joint owner who still resides in the former household.

2210.0316 Residents of Institutions (FS)

Most residents of institutions are not eligible for food stamps. Individuals are residents of an institution when the institution provides them with the majority of their meals (fifty percent of three meals a day) as part of the institution's normal services and the institution has not been authorized to accept Electronic Benefits Transfer (EBT) access. In a few cases, some individuals living in institutions are eligible to be a food stamp SFU. The following are eligible as a food stamp SFU:

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1. residents of federally subsidized housing for the elderly, built under Section 222 of the Housing Act of 1959;
2. narcotic addicts or alcoholics and their children who live with them at a facility or treatment center for the purpose of participation in a drug or alcoholic treatment and rehabilitation program;

Note: The requirement that 50% of the child's meals are provided by the institution in order to be considered eligible in a public institution does not apply to families and children in which the parent is a resident of a drug and/or alcohol treatment center.

3. disabled or blind individuals who are residents of private nonprofit group living arrangements that serve no more than 16 residents. These individuals are residents of the facility based on their disability, not their age, and receive benefits under Title II or XVI of the Social Security Act;
4. ~~individuals women or individuals women~~ with children temporarily residing in a shelter for battered ~~persons women and children~~ may be considered as a separate SFU; and
5. residents of public or private nonprofit shelters for homeless persons.

2210.0319.01 Residents of Shelters for Battered ~~Persons Women and Children~~ (FS)

A shelter for battered ~~persons women and children~~ is a public or private nonprofit residential facility that serves battered ~~individuals 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 ~~individuals women and children~~.

2210.0319.02 Department Responsibilities (FS)

Prior to approving any residents, the Department must complete the following.

Determine if the shelter meets the definition of shelter for battered ~~persons women and children~~ given above. Shelters having FNS authorization to redeem food stamps through wholesalers are considered to meet the definition. Therefore, no further determination is necessary for these shelters. The eligibility specialist must record the basis for this determination.

Possible methods of determining nonprofit status of a shelter include, but are not limited to:

1. Internal Revenue Service (IRS) tax-exempt status,
2. State tax-exempt status, and
3. Articles of Incorporation filed with the Secretary of State's Office as a nonprofit corporation.

If the Department is unable to determine nonprofit status using one of the methods listed above, pertinent information should be submitted to the Headquarters for a determination.

2210.0319.03 Certification of Residents (FS)

Residents of shelters for battered ~~persons women and children~~ who wish to participate in the Food Stamp Program are subject to the same policy and procedures that apply to other households with certain exceptions. Shelter residents may apply on their own behalf; however, they are free to designate a shelter staff member or volunteer or some other individual as an authorized representative. The eligibility specialist should consider the possibility that shelter residents could be endangered should they leave the shelter and waive the office interview on a case-by-case basis. ~~Individuals Women and individuals women~~ with children temporarily residing

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in a shelter for battered ~~persons women and children~~ will be considered individual SFUs for the purpose of applying for and participating in the program.

2210.0319.05 Residents Who Leave SFUs to Enter Shelter (FS)

Many shelter residents have recently left an assistance group containing the individual who has abused them. Their former assistance group may be participating in the Food Stamp Program, and its entitlement may be based on an SFU size that includes the ~~individuals women and children~~ who have just left. Shelter residents who are included in such SFUs may, if otherwise eligible, be approved and participate as separate SFUs if their former SFU contains the individual who subjected them to abuse. In other words, shelter residents who are included in such SFUs may receive food stamps beginning with the month they enter the shelter even though they were included in the allotment for the former assistance group. However, residents may receive additional food stamps only once a month.

3210.0107 Special Circumstances (FS)

Special provisions exist for authorized representatives/secondary cardholders for residents of drug or alcohol rehabilitation centers, residents of facilities for the blind and disabled, and residents of shelters for battered ~~persons women and children~~. ~~These situations are discussed in passages 3210.0108 through 3210.0111.03.~~

3210.0111.01 Food Stamps Used in Shelter for Battered ~~Persons Women/Children~~ (FS)

Food stamp benefits may be used by shelter residents in any one of the following ways:

1. shelter residents may use the food stamps to purchase meals prepared specifically for them at the shelter,
2. a shelter resident may designate the shelter as a secondary cardholder so that the shelter can purchase food for meals served to the resident, or
3. shelter residents may use the food stamps to purchase food for their own consumption.

3210.0205 Recurring and Auxiliary Benefits (FS)

Around the 20th of each month FLORIDA executes the recurring benefit pulldown. This function creates the regular monthly benefits for the next month for each eligible assistance group. A monthly file is created and transmitted to the Electronic Benefits Transfer (EBT) system to post to the recipient's accounts in the benefit month.

Food stamps authorized for reasons other than the regular recurring monthly benefit are auxiliary benefits. Auxiliary benefits may be automatically generated by the FLORIDA system or created by the eligibility specialist.

FLORIDA creates auxiliary benefits for the initial month of application's prorated benefits, the month of application and any month prior to the recurring month.

The eligibility specialist may create auxiliary benefits for the following reasons:

1. casualty loss replacements;
2. supplements;
3. restoration of lost benefits;
4. special issuances when the system erroneously indicates that an assistance group has already received benefits for the month; or
5. benefits to be issued when an assistance group is formed from an existing assistance group due to a battered ~~individual spouse~~ situation. Refer to 0810.0508.

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All eligibility specialist generated auxiliaries must be authorized by the supervisor. The supervisor can approve, hold or cancel any auxiliary request. The eligibility specialist can cancel an auxiliary request prior to supervisory approval; however, once the auxiliary has been approved by the supervisor, it cannot be canceled. Auxiliaries that have been approved in error must be intercepted to prevent issuance.

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