

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 660 Department of Human Resources  
Rule No. 660-2-2 Appendix A  
Rule Title: Family Assistance Attachments  
         New          Amend          X Repeal          Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? .....          yes         

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? .....          yes         

Is there another, less restrictive method of regulation available that could adequately protect the public? .....          no         

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? .....          no         

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? .....          no         

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? .....          yes         

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? .....          no         

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Does the proposed rule have an economic impact? .....          no         

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer         Amy G. Burkner        

Date         6-1-18        

(DATE FILED)  
(STAMP)

Department of Human Resources  
Family Assistance Division

**NOTICE OF INTENDED ACTION**

**RULE NO. & TITLE:** Chapter 660-2-2 Appendix A Attachments

**INTENDED ACTION:** Proposed repealer


**SUBSTANCE OF PROPOSED ACTION:** Repeal obsolete attachments

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** All interested parties may submit data, views, or arguments respecting the proposed rule by mail, by telephone or in person through the close of business on August 3, 2018. Persons wishing to submit data, views, or arguments orally should contact the Department's Administrative Procedure Secretary between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding State holidays, at (334) 242-9330, or set up an appointment for such oral/in person presentations.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:** August 3, 2018

**CONTACT PERSON AT AGENCY:**

Ms. Gail Grobe, AP Secretary  
State Department of Human Resources  
Gordon Persons Building  
50 Ripley Street, Room 2122  
Montgomery, Alabama 36130-4000

  
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Nancy T. Buckner, Commissioner  
Department of Human Resources

DEPARTMENT OF HUMAN RESOURCES

APPENDIX A ATTACHMENT 660-2-2-.03 (REPEALED)

CHAPTER 2 ATTACHMENT 660-2-2-.03

FAMILY ASSISTANCE (FA) PROGRAM  
SUMMARIZED ELIGIBILITY REQUIREMENTS

Persons who apply for or receive cash benefits must meet certain requirements. They must help determine eligibility for benefits. They must participate in activities that will help them become able to support their families. This includes cooperating with child support and JOBS. Persons who do not cooperate may be denied or may lose benefits.

TECHNICAL REQUIREMENTS

- A. The child must live in the home of a parent or other close relative.
- B. A person can only receive FA benefits as an adult for 5 years in his or her lifetime.
- C. The child must be under age 18 unless in school. If in school the child may receive benefits through the month before the 19<sup>th</sup> birthday or the last month in school, whichever is earlier.
- D. The child must be a U.S. citizen or a legal, eligible alien.
- E. The child must live in Alabama. A person who has been convicted of giving a false address to get help from two States at the same time cannot receive benefits for ten years.
- F. The child cannot be receiving foster care from the Department of Human Resources.
- G. The child must not be participating in a strike. No family member may receive FA if a parent or stepparent is on strike.
- H. The relative must cooperate with Child Support unless the Department decides s/he has a good reason not to cooperate.

Child support received for a child is assigned to the State Department of Human Resources when an application for FA is made for the child.

- I. The relative must turn over all child support payments to the State.
- J. The relative must give a Social Security number for each member of the assistance unit. If a member does not have a Social Security number, the relative must apply for a number. The number must be provided when received.
- K. The relative must participate in the JOBS Program. The relative must accept a job unless the County Department tells him or her otherwise. Parents under age 18 who are dependent children are required to participate.
- L. The relative must apply for any other benefits for which they may be eligible, such as Veteran's Benefits, Social Security, Unemployment Compensation, etc.
- M. A parent who is under age 18 and his or her children must live with an adult. This adult must be a relative or a legal guardian. If an adult relative or guardian is not available, the parent under 18 and his or her children must live in an adult-supervised supportive living arrangement.
- N. The relative must tell the worker about family circumstances. The relative may be asked to prove some or all of the family circumstances with documents.
- O. A parent under age 18 with a child that is at least 12 weeks old must have a high-school diploma or be in school or a training program.
- P. The child or relative must not be breaking a condition of parole or probation. The child or relative must not be a convicted felon who is on the run to avoid arrest, trial or jail. The child or relative must not have been convicted of a felony for the use or sale of a controlled substance or having a controlled substance.
- Q. A parent must sign and meet the terms of their Family Responsibility Plan.

#### FINANCIAL REQUIREMENTS

- R. The child must be in need by agency rules and not have parents or stepparents who can support him/her. "In need" means the family does not have net monthly income that equals or is more than the payment standard and is eligible for at least \$10. The payment standard is listed below. In determining need, the income of all persons in the assistance unit is counted. Before

earned income is counted, a 20% work expense and child care are subtracted from gross income.

### FA STANDARDS

FAMILY SIZE	PAYMENT STANDARDS
1	165
2	190
3	215
4	245
5	275
6	305
7	335
8	365
9	395
10	425
11	455
12	485
13	515
14	545
15	575
16	605

"Family" means all persons included that make up the family size. Generally, persons to be included are the parents and brothers and sisters of the child(ren) living in the home. Other children related to the parent(s) such as stepchildren and nieces, etc. may be included.

(If a child in a group of brothers and sisters is included, all of his/her brothers and sisters who live in the home must be included if eligible.) The income of all persons in the unit is used to determine eligibility. A family with income that is equal to or more than the payment standard for the family size is not eligible for FA.

#### Examples of Income:

- Wages, commissions, salaries
- Social security benefits, VA benefits
- Child support
- Unemployment compensation benefits
- Cash contributions from friends, relatives or others

Family assistance will be paid for recipients who are eligible for at least \$10 for up to five years. Benefits are not paid for less than \$10.

ADDITIONAL INFORMATION

• **WHERE TO APPLY**

You must apply for FA at the Department of Human Resources in the county where you live. You must take part in an in-office, private interview with a worker. The application interview may start with a general explanation of the program to a group of applicants.

• **REPORTING REQUIREMENTS**

**Applicants:** You must report any changes in your family's situation that occur after your interview and before your case is awarded.

**Recipients:** You must notify the Department within 10 days of any change in your family's situation after your case has been approved. You must give the Department all information needed for a complete review at least every twelve months. The County Department may ask for some of the information needed in a group interview with other recipients.

**OVERPAYMENTS**

You will have to pay back any overpayment you receive for any reason. If you receive an overpayment due to fraud, you may be subject to prosecution or other penalty.

**REVIEW OF ACTION TAKEN ON YOUR CASE**

You may notify the County Department or the State Department of Human Resources in Montgomery, Alabama if you are dissatisfied. You may ask for a conference with the County Department, a review by the State Department, or a formal hearing. (The State Department and the County Department operate under the same rules.)

You may make a written request for a hearing within 60 days of the action taken. The parent, other relative, legally appointed representative, or other authorized person must make the request.

Your hearing may be conducted by telephone.

Your attorney or someone representing you may be present with you at a hearing or conference.

You may withdraw your request for a hearing when concerns are otherwise resolved.

- **CHILD SUPPORT SERVICES**  
You will be eligible for child support services while you receive FA. Child support services will continue when FA payments are stopped unless you request that services stop.
- **DAY CARE**  
You may be eligible for childcare after your FA benefits have stopped. You must need childcare because you are working and you must apply for the care within six months of FA closure and meet other requirements.
- **FOOD ASSISTANCE**  
You may be eligible for food assistance even if you do not get FA. For more information, contact your worker or your County Food Assistance Office.
- **MEDICAID**  
You may get Medicaid even if you do not get FA. If you have any questions or want to apply for Medicaid, contact your County Health Department or call 1-800-362-1504 to find a Medicaid office near you.
- **ALL KIDS**  
Your child or teen may be able to get low-cost healthcare coverage. Call toll-free: 1-888-373-5437 if you have questions or apply on-line at [www.adph.org/allkids](http://www.adph.org/allkids).
- **LEGAL ASSISTANCE**  
You may be able to get free legal help. You may contact a local Legal Services office or other community agency. Your county office can help you find them.
- **OTHER HELP AVAILABLE**  
You may want to access the Camellia Health and Human Services website [www.camellia.alabama.gov](http://www.camellia.alabama.gov) for information about other program and services available in the State.
- **NONDISCRIMINATION:** Your race, color, birthplace, sex, handicap, beliefs, age or religion do not matter. Program rules are the same for everyone. Tell us if you have a physical, mental or learning problem that limits a major life activity. We may be able to help you to fully use existing programs and services.

Reference Only

**Author:** Jeri Farrior

**Statutory Authority:** Social Security Act, Title IV-A; 45 C.F.R. 206.10, 233.36 et seq.; P.L. 98-369, effective October 1, 1984; State Plan for Title IV-A; Code of Ala. 1975, Title 38. **History:** Effective June 28, 1983. Emergency amendment effective October 1, 1984. Permanent emergency amendment effective June 1, 1988. Succeedent permanent amendment effective September 13, 1988. Succeedent emergency amendment effective October 1, 1989. Succeedent permanent amendment effective December 11, 1989. Succeedent emergency amendment effective October 1, 1990. Succeedent permanent amendment effective January 9, 1991. Succeedent emergency amendment effective December 30, 1991. Succeedent permanent amendment effective April 10, 1992. Succeedent emergency amendment effective December 17, 1992. Succeedent permanent amendment effective March 11, 1993. Succeedent permanent amendment: Filed February 6, 1995; effective March 13, 1995. Permanent amendment effective March 13, 1995 superseded by emergency amendment effective March 3, 1995. **Amended:** Filed May 4, 2007; effective June 8, 2007. **Amended:** Filed October 6, 2009; effective November 10, 2009. Repealed: June 21, 2018



## APPENDIX A ATTACHMENT 660-2-2-.13 (REPEALED)

## CHAPTER 2 ATTACHMENT 660-2-2-.13

RECOUPMENT STANDARDS FOR  
FAMILY ASSISTANCE PAYMENTS

FAMILY SIZE	PAYMENT STANDARD	15% RECOUPMENT AMOUNT
1	165	24
2	190	28
3	215	32
4	245	36
5	275	41
6	305	45
7	335	50
8	365	54
9	395	59
10	425	63
11	455	68
12	485	72
13	515	77
14	545	81
15	575	86
16	605	90

**Author:** Jeri Farrior

**Statutory Authority:** Social Security Act, Title IV-A; 45 C.F.R. 233.20; P.L. 98-369, effective October 1, 1984; State Plan for Title IV-A; Code of Ala. 1975, Title 38.

**History:** Effective June 28, 1983. Emergency amendment effective October 1, 1984. Permanent amendment effective December 10, 1984. §§402 and 403 of the Social Security Act; §9102 of P.L. 100-203; permanent amendment effective

October 7, 1988. Succeedent emergency amendment effective  
October 1, 1990. Succeedent permanent amendment effective  
January 9, 1991. Succeedent emergency amendment effective  
December 30, 1991. Succeedent permanent amendment effective April  
10, 1992. Succeedent emergency amendment effective December 17,  
1992. Proposed Permanent amendment to replace identical  
emergency amendment effective December 17, 1992. Succeedent  
permanent amendment effective March 11, 1993. Succeedent permanent  
amendment: Filed February 6, 1995; effective March 13, 1995.  
Permanent amendment effective March 13, 1995 superseded by  
emergency amendment effective March 3, 1995. Succeedent permanent  
amendment: Filed May 8, 1995; effective June 12, 1995.  
**Amended:** Filed September 6, 2000; effective October 11, 2000;  
operative November 1, 2000. **Amended:** Filed May 4, 2007;  
effective June 8, 2007. Repealed: June 21, 2018

APPENDIX A ATTACHMENT 660-2-2-.23 (REPEALED)

CHAPTER 2 ATTACHMENT 660-2-2-.23

STATE DEPARTMENT OF HUMAN RESOURCES  
COOPERATION IN CHILD SUPPORT  
YOU SHOULD READ THIS NOTICE

If you receive Family Assistance (FA) for a child(ren) living with you, any child support you receive for the child(ren) or for yourself will be assigned to the State. You must cooperate with the Department of Human Resources (DHR) in getting support from all absent parents unless you have "good cause" for not cooperating. This is the law.

If you feel you have "good cause" for not cooperating with child support, your worker will help you to establish the facts needed for the "good cause" claim. The Department of Human Resources will decide if you have "good cause".

HOW CAN THE CHILD SUPPORT PROGRAM HELP ME?

The program can help the child by:

- finding the absent parent,
- establishing who the father is,
- getting financial support from the absent parent and,
- getting the right to inheritance and the right to social security (RSDI), veterans or other government benefits.

HOW DO I SHOW "GOOD CAUSE" FOR NOT COOPERATING?

To show "good cause," you must show that cooperating in getting support from the absent parent would be against the best interest of the child.

HOW DO I KNOW IF COOPERATION MIGHT BE AGAINST MY CHILD'S BEST INTEREST?

Cooperation might be against the child's best interest if:

- contacting the absent parent would be likely to cause physical or emotional harm to you or to the child
- the child was born as a result of incest or rape
- you are planning to put the child up for adoption or
- you are working with any agency to decide if you want to keep the child or give him/her up for adoption.

WHAT SHOULD I DO IF I BELIEVE I CAN SHOW "GOOD CAUSE" FOR NOT COOPERATING?

First, tell your worker. Second, you must make an application in writing on a form that your worker will give you.

WHAT HAPPENS AFTER I APPLY FOR "GOOD CAUSE"?

You must provide any proof or information that your worker says is needed within 20 days after you apply. In certain situations, you may be given more time if you ask for it. The Department of Human Resources will study the situation and decide if you have good cause. The Department will base its decision on the evidence provided or on its investigation if no evidence is available when you claim physical harm. Child Support staff may review the findings and basis for "good cause" and may come to any hearings.

WHAT KINDS OF INFORMATION WILL BE NEEDED FROM ME?

Ask your worker to tell you what papers you must provide. They might include any of the following:

- Records showing that the child was born as a result of incest or forcible rape. These may include birth certificate or medical or police records.
- Legal documents showing proceedings for adoption have been started.
- Records showing the absent parent might physically or emotionally harm you or the child. These could include court, medical, criminal, social services, psychological or law enforcement records.
- Any medical records that show the emotional health of you or the child.
- A written statement from a social agency showing that they are helping you to decide if you want to keep the child or give him/her up for adoption.
- Any other information that your worker says is needed before the Department of Human Resources can decide if you have "good cause."

WHAT WILL HAPPEN IF I NEED HELP IN COMPLETING THE APPLICATION FOR "GOOD CAUSE"?

If you ask your worker, he or she will help you in gathering any needed information.

WHAT KIND OF DECISION CAN I EXPECT?

If it is decided that you do not have "good cause", you must cooperate with the Department of Human Resources to get child support from all absent parents. If it is decided that you do have "good cause", you will not have to cooperate with the Child Support Program. The Department of Human Resources may drop all efforts to establish paternity or get support or may try to get support without your help. This would depend on your situation based on the best interest of the child.

WHAT WILL HAPPEN TO MY FA BENEFITS WHILE THE DECISION OF "GOOD CAUSE" IS BEING MADE?

Your FA benefits will continue if you submit the requested evidence within 20 days. Assistance will not be delayed, denied, or terminated until a decision is made. You will be advised of the decision in writing.

WHAT IF I DO NOT AGREE WITH THE DECISION ON MY APPLICATION FOR "GOOD CAUSE"?

If you do not agree with the decision, you may request a conference with the County Department, review by the State Department of Human Resources or a formal hearing. **Author:** Jeri Farrior

**Statutory Authority:** Social Security Act, Title IV-A; 45 C.F.R. 233.20; P.L. 98-369, effective October 1, 1984; State Plan for Title IV-A; Code of Ala. 1975, Title 38.

**History:** Effective June 28, 1983. Emergency amendment effective October 1, 1984. Permanent amendment effective December 10, 1984. §§402 and 403 of the Social Security Act; §9102 of P.L. 100-203; permanent amendment effective October 7, 1988.

Succedent emergency amendment effective October 1, 1990.

Succedent permanent amendment effective January 9, 1991.

Succedent emergency amendment effective December 30, 1991.

Succedent permanent amendment effective April 10, 1992.

Succedent emergency amendment effective December 17, 1992.

Proposed Permanent amendment to replace identical emergency amendment effective December 17, 1992. Succedent permanent amendment effective March 11, 1993. Succedent permanent amendment:

Filed February 6, 1995; effective March 13, 1995. Permanent amendment effective March 13, 1995 superseded by emergency amendment effective March 3, 1995. Succedent permanent amendment:

Filed May 8, 1995; effective June 12, 1995. **Amended:** Filed September 6, 2000; effective October 11, 2000; operative November 1, 2000. **Amended:** Filed May 4, 2007; effective June 8, 2007. Repealed: June 21, 2018

## APPENDIX A ATTACHMENT 660-2-2-.31 (REPEALED)

## CHAPTER 2 ATTACHMENT 660-2-2-.31

## STANDARDS FOR FAMILY ASSISTANCE (FA) FAMILIES

<u>ASST. UNIT SIZE</u>	<u>PAYMENT STANDARD</u>
1	165
2	190
3	215
4	245
5	275
6	305
7	335
8	365
9	395
10	425
11	455
12	485
13	515
14	545
15	575
16	605

Reference Only**Author:** Jeri Farrior**Statutory Authority:** Social Security Act, Title IV-A; 45 C.F.R. 233.20; P.L. 98-369, effective October 1, 1984; State Plan for Title IV-A; Code of Ala. 1975, Title 38.**History:** Effective June 28, 1983. Emergency amendment effective October 1, 1984. Permanent amendment effective

## APPENDIX A ATTACHMENT 660-2-2-.34 (REPEALED)

## CHAPTER 2 ATTACHMENT 660-2-2-.34

## STANDARDS FOR FCMP CHILDREN\*

Monthly amount to be budgeted is dependent upon the age of the foster child.

	<b>2 Years &amp; Under</b>	<b>3-5 Years</b>	<b>6-12 Years</b>	<b>13-18 Years</b>
FCMP	\$181	\$192	\$202	\$213
Maximum Payment	181	192	202	213
Home Nursing Care	100	100	100	100
Maximum Payment with Home Nursing Care	241	252	262	273
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185% Income Cap	334	355	373	394

\*Standards in effect for board payments made for January 1989 and thereafter.