

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 660 Department or Agency Human Resources

Rule No. 660-2-2-.36

Rule Title: Persons to Include in Assistance Unit (Budget Group)

New Amend 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 rule making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? yes

Does the proposed rule have an economic impact? yes

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 § 41-22-23, ALA.CODE 1975.

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, ALA.CODE 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service:

Signature of certifying officer:

Roney G. Gresham

Date: 10-28-15

DATE FILED
(STAMP)

Department of Human Resources
Family Assistance Division

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 660-2-2-.36 Persons to Include in Assistance Unit (Budget Group)

INTENDED ACTION: Proposed permanent amendment

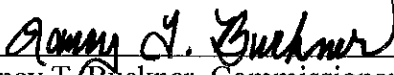
SUBSTANCE OF PROPOSED ACTION: Permanent amendment to provide for waiver of federal prohibition of eligibility for individuals with felony convictions as required by State Law.

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 January 4, 2016. 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: January 4 , 2016.

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



Nancy T. Buckner, Commissioner
Department of Human Resources

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No. 660 Department or Agency Human Resources

Rule No: 660-2-2-36

Rule Title: Persons to Include in Assistance Unit (Budget Group)

New Amend Repeal Adopt by Reference

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

Compliance with State Law, specifically Act # 2015-185. Clients whose eligibility in this regard is restored must participate in work program activity and time limited assistance is applicable.

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

Provides for eligibility for persons who have previously been excluded by federal law for felony convictions. For those affected clients completion of sentences or periods of probation serves to conclude their exclusion from the assistance unit. These clients, if otherwise eligible, may now receive time limited benefits as well as work program services so as to become self sufficient.

3. EFFECT OF THIS RULE ON COMPETITION:

None

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

None

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

None

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

Temporary Assistance for Needy Families Block Grant

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

The short term impact on clients is benefits are time limited. The long term benefit is that clients can now be included in the assistance unit making them eligible to participate in the work program.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

None

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

None.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

None.

****Additional pages may be used if needed.**

**RULES
of the
Department of Human Resources
Family Assistance Division
Chapter 660-2-2
Family Assistance Program**

660-2-2.36 Persons To Include In Assistance Unit (Budget Group) .

(1) An assistance unit consists of those parents receiving or applying for aid. Parents, stepparents and siblings must be included in the assistance unit, unless they are ineligible to receive assistance due to, age or relationship, or as aliens, or are recipients of FCMP. Failure of a grantee relative (payee) to provide information necessary for determining eligibility and payment amount makes the entire assistance unit ineligible for assistance.

(2) In order for the child to be eligible, the assistance unit must include the following persons in the same family unit:

(a) A legal parent(s) in the home as defined in 660-2-2-.19 and/or stepparents not excluded under (3) or (5) below. EXCEPTION: Convicted parent-prisoners sentenced to do unpaid public work and permitted by court order to reside with their families.

(b) All the child's blood-related siblings or adoptive siblings under 18 or under 19 if participating in a State approved educational or training program living in the home who meet the age requirements with the exception of children who receive FCMP. Stepsiblings whose legal parent resides in the home and stands as a stepparent to the applicant/recipient group are not required to be included in the assistance unit.

(3) Notwithstanding the above, certain parents, stepparents and siblings must be excluded from the assistance unit because they are not eligible for assistance. This includes:

(a) Individuals who receive FCMP and effective June 1, 1994, ACFC, or adoption assistance payments. The exclusion with respect to individuals who receive adoption assistance does not apply if excluding the child would reduce the family's FA benefits.

(b) Aliens who would be included but for certain citizenship and alienage requirements.

(c) Aliens who would be included but are ineligible due to the deemed income of resources of their sponsors, or due to the sponsorship by an agency or organization.

(d) Individuals who would be included but for ineligibility on the basis of age or relationship.

(e) Individuals who are fleeing to avoid prosecution, or custody or confinement after conviction of a felony, or violating a condition of probation or parole imposed under Federal or State law.

(f) Individuals found guilty under Federal or State law to have fraudulently misrepresented residence in order to obtain benefits from two or more State's federally funded programs under Title IV-A of the Social Security Act, Medicaid, Food Stamps or SSI. Ineligibility for cash assistance is for a 10 year period beginning on the date of conviction.

(g) Individuals convicted under Federal or State law of a felony based upon conduct occurring on or after August 22, 1996 which has as an element the possession, use or distribution of a controlled substance unless the individual has completed his or her sentence or is satisfactorily serving a sentence of probation. This applies to convictions occurring after August 22, 1996.

(4) With respect to persons not required to be included in the assistance unit, the caretaker relative retains the right to choose who may be included or excluded from the unit as follows:

(a) Other related children, including stepchildren, nieces, etc., of the grantee may be included, if such children meet the age requirements and are otherwise eligible. (If one child of a sibling group is included, all his siblings who reside in the home and who meet age requirements must be included. When a single caretaker is providing parental guidance and control over multiple, distinct sibling groups, the groups must be consolidated into one assistance unit.)

(5) Parents, stepparents and siblings included in the assistance unit must comply with all requirements for example JOBS and enumeration. Persons otherwise required to be included but who are ineligible due to failure to meet an eligibility requirement, must be included when no longer ineligible.

Author: Melody Armstrong

Statutory Authority: Social Security Act, Title IV-A; 45 C.F.R. 206.10; P.L. 98-369, effective July 18, 1984; State Plan for Title IV-A; Code of Ala. 1975, Title 38; SSA-AT-86-1, dated January 13, 1986; Act # 2015-185.

History: Emergency adoption effective November 5, 1984. Permanent adoption effective February 11, 1985. Succeedent emergency amendment effective April 1, 1986. Succeedent permanent amendment effective July 25, 1986. Succeedent emergency amendment effective September 18, 1987. Succeedent permanent amendment effective December 9, 1987. Succeedent permanent amendment: Filed September 6, 1994; effective October 11, 1994. **Amended:** Filed January 3, 1997; effective February 7, 1997. **Amended:** Filed November 18, 1998; effective December 23, 1998. Succeedent permanent amendment : Filed November 18, 2015; effective January 30,2016.