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GENERAL LETTER NO. 4-C-49

ISSUED BY: Bureau of Financial, Health and Work Supports
Division of Adult, Children and Family Services

SUBJECT: Employees' Manual, Title 4, Chapter C, **NONFINANCIAL ELIGIBILITY**, Title page, revised; Contents (page 2), revised; pages 19, 40, 58, 72, 76, 77, 83, 84, 87, 89, 91, 95, 96, 152, and 153, revised; and page 40a, new.

Summary

Chapter 4-C is revised to:

- ◆ Add policy that participants cannot access their FIP benefits with their electronic access card (EAC) at a:
 - Liquor store or any place that mainly sells liquor,
 - Casino or other gambling or gaming establishment, or
 - Business which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state (such as a strip club).
- ◆ Add penalties for accessing FIP benefits with the EAC at a prohibited location.
- ◆ Update references to form 470-0462, and its Spanish translation, form 470-0462(S), to reflect the change of the form's name from *Health and Financial Support Application* to *Financial Support Application*.

Effective Date

February 1, 2014

Material Superseded

This material replaces the following pages from Employees' Manual, Title 4, Chapter C:

<u>Page</u>	<u>Date</u>
Title page	October 8, 2010
Contents (page 2)	October 8, 2010
19, 40, 58, 72, 76, 77, 83, 84, 87, 89, 91, 95, 96, 152, 153	October 8, 2010

Additional Information

Refer questions about this general letter to your area income maintenance administrator.

Revised February 14, 2014

Employees' Manual
Title 4
Chapter C

FAMILY INVESTMENT PROGRAM

NONFINANCIAL ELIGIBILITY



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Citizenship

Legal reference: 441 IAC 41.23(5)"b"

As a condition of eligibility, all applicants and participants must declare their citizenship or alien status by signing either:

- ◆ Form 470-0462 or 470-0462(S), *Financial Support Application*, or
- ◆ Form 470-2549, *Statement of Citizenship Status*.

In this policy, "participant" refers only to the person for whom assistance is being paid. It does not include an ineligible parent living in the home with the eligible child or a nonparental relative who receives the grant for the child.

If the applicant or participant is incompetent or incapacitated, a person acting responsibly on the applicant's or participant's behalf must sign. If both parents or a parent and stepparent are in the home, either parent or stepparent may sign the form to attest to citizenship for the household. An adult participant must sign the form for dependent children.

If form 470-2549 is not signed when requested, the entire group is ineligible. See [6-Appendix](#) for more information on form 470-2549.

Applicants and participants must attest to their citizenship or alien status **once**. When the participant has already attested to this status on form 470-0462 or form 470-0462(S), the participant is not required to complete the *Statement of Citizenship Status*. Once a participant has attested to the citizenship or alien status on the *Statement of Citizenship Status*, the participant is not required to do so again.

When a person claims to be a U.S. citizen, verification of citizenship is not required unless the person's statement appears to be questionable. Refer to [4-L](#) for additional information.

When a child enters an existing FIP household and the child's citizenship or alien status was not previously declared on a FIP application or on form 470-2549, the adult FIP participant must attest to the child's citizenship or alien status on form 470-2881, *Review and Recertification Document (RRED)*, at the annual review.

A person is not considered a FIP participant in any month that FIP assistance was incorrectly paid and is subject to recovery. A person who moves from one eligible group to another can receive assistance in the new household if the payment received by the old household is subject to recovery.

On June 22, a child moved from household A to household B. Due to timely notice requirements, the child's needs are not removed from household A's case until August 1. However, the FIP that household A receives for the child in July is subject to recoupment since the child is ineligible to receive assistance on household A's case for that month.

Household B applies for FIP for the child on June 22. Provided all other eligibility requirements are met, the child is eligible for FIP in household B effective July 1.

A person may receive public assistance from another state and then apply in Iowa for the same period. The person is eligible for assistance in Iowa if assistance from the other state is:

- ◆ Subject to recovery by the other state.
- ◆ Retained by or returned to the other state and not available to the person.

When a state issues semimonthly payments and a person receives assistance for only part of the month, the person may be eligible in Iowa for the rest of that month. Eligibility in Iowa begins the day **after** the time period the other state's grant was intended to cover or seven days after the date of application, whichever is later. Do not count the assistance from the other state as income.

Electronic Access Card Usage

Legal reference: 441 IAC 41.25(11)

Policy:

A participant cannot use an electronic access card (EAC) to access FIP benefits at a:

- ◆ Liquor store or any place that mainly sells liquor,
- ◆ Casino or other gambling or gaming establishment, or
- ◆ Business which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state (such as a strip club).

When the Department receives a detailed complaint or suspects that a participant used an EAC at a prohibited location, refer the case to the Department of Inspections and Appeals (DIA) for further investigation.

When DIA finds that a participant accessed FIP benefits with an EAC at a prohibited location, the household:

- ◆ Will have committed fraud,
- ◆ Have to repay the amount of cash accessed at the location, and
- ◆ Will be ineligible for FIP for:
 - Three months for the first misuse and
 - Six months for each additional misuse.

When parents from a two-parent family separate during an ineligibility period, if the DIA report:

- ◆ Identifies the participant who used the EAC at a prohibited location, the ineligibility period will follow that participant.
- ◆ Does not identify the participant who used the EAC at a prohibited location, the ineligibility period will follow the participant who is the case name when the violation occurred.

Procedure:

At the application interview, at review, and whenever appropriate, explain to the applicant or participant that the EAC cannot be used at certain locations. This includes using the card at the cash register's point-of-sale terminals as either a debit or credit card and at any ATMs at the location.

When the Department receives a complaint that a participant has used an EAC at a prohibited location, gather as much of the following information from the person making the complaint:

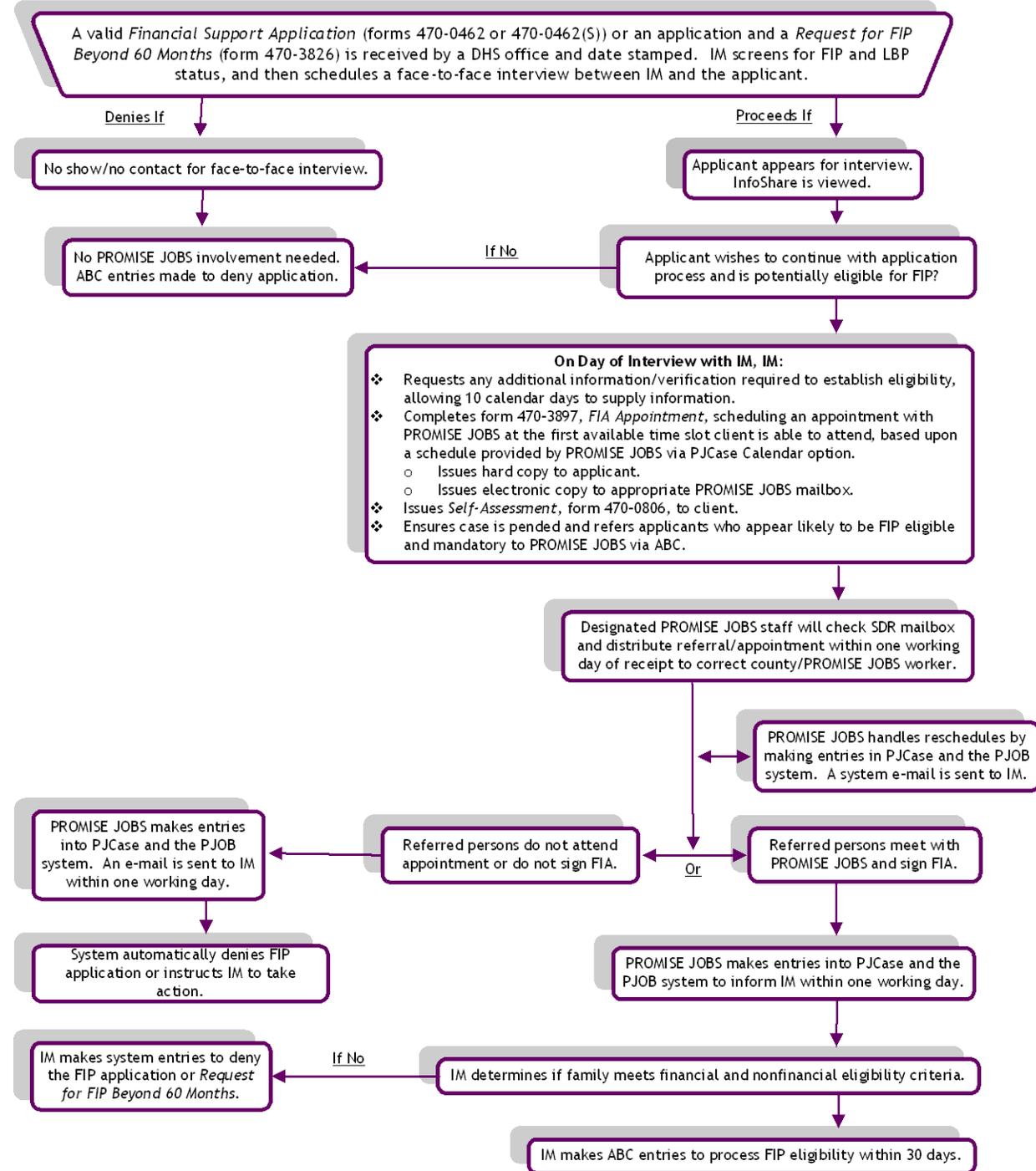
- ◆ The participant's demographic data (name, date of birth, social security number, address),
- ◆ Where the EAC was used (type of business where the card was used and the business's name and address), and
- ◆ When the EAC was used (month, day, year).

To make a referral to DIA we must have enough details to show that the person is:

- ◆ A FIP participant who has an EAC,
- ◆ The type of prohibited location where the card was used, and
- ◆ When the card was used at the prohibited location. (At a minimum, the month and year.)

When the Department has this information, make a referral to DIA for an investigation.

Pre-FIP FIA Process



- ◆ Written statements from people with knowledge of the family's hardship circumstance. Written statements from friends or relatives alone are not sufficient to grant a hardship exemption but may be used to support other evidence.
- ◆ Lack of employability may be substantiated by any entity that has had contact with the client and is in a position to know the client's limitations, such as the PROMISE JOBS, service, or FaDSS worker; a Vocational Rehabilitation or IWD counselor; or a former or current employer.

When a family claims hardship because of child abuse, in addition to the other possible sources of verification, ask the family to give permission for you to check the Central Abuse Registry to find out if an abuse determination has been made. See [Hardship Claim Due to Child Abuse](#) for procedures.

Hardship Exemption Requests

Legal reference: 441 IAC 41.30(3)"e"

Families with adults subject to the 60-month limit who have received or who are close to having received FIP for 60 months may request a hardship exemption. Families that have exhausted their 60-month FIP period may file a hardship exemption request at any time.

Requests for the exemption must be made on form 470-3826, *Request for FIP Beyond 60 Months*. Families that are no longer on FIP will also have to complete the *Financial Support Application*, form 470-0462 or 470-0462(S), as a condition for regaining FIP eligibility.

Form 470-3826 is also an authorization for release of information that allows IM, service, PROMISE JOBS, and FaDSS staff to share with each other substance abuse, mental health, and AIDS/HIV-related information about the family that may be relevant to the hardship exemption determination. Return a copy of form 470-3826 to the hardship exemption applicant as a record of this authorization.

The date of the hardship exemption request is the date a valid form 470-3826, *Request for FIP Beyond 60 Months*, is received in any DHS or PROMISE JOBS office. The form shall be date-stamped upon receipt in either office to preserve the date of the request. If received in a PROMISE JOBS office, the form must be forwarded to the local IM office within one working day.

Similarly, deny requests for a subsequent hardship exemption that are received before month four of the family's existing exemption period. Use notice reason 173. Process requests received in month five or six of the existing exemption period.

You may pend a valid request received in month four. However, the 30-day processing time frame does not begin until the first calendar day of month five of the exemption period.

Record the denial in ETS. Complete Part A of form 470-3876, *Hardship Exemption Determination*, as directed in [6-Appendix](#).

When a Hardship Determination Is Not Needed

A family may request a hardship exemption that is not needed because of other overriding FIP case circumstances. If so, deny the request for the applicable reason.

1. The family has received FIP for 57 months. The family's 60-month ending date is too far into the future. The hardship exemption request is premature and is denied.
2. The family is exempt from the 60-month limit because the only parent in the home is on SSI. A hardship exemption is not needed for the family to qualify for FIP. The request is denied.

Record the applicable denial reason in ETS. Complete Part A of form 470-3876, *Hardship Exemption Determination*.

Even though the hardship exemption request is denied, the family may still be eligible for FIP. If the family is currently on FIP, no further action is needed.

If the family is not on FIP, issue a *Financial Support Application* when the family has not already submitted an application. It's up to the family to return the application. No further action is needed to track return of the application.

If the family does not qualify for the hardship exemption because the family is not eligible for FIP, deny FIP for the applicable reason. Make corresponding entries on ETS. Complete Part A of form 470-3876.

The family has received FIP for at least 58 months but is in a six-month period of ineligibility of a subsequent LBP. There is no FIP eligibility until after the end of the ineligibility period. Use notice reason 268 to deny FIP.

There may be other situations not mentioned here when it is evident to you that the family does not qualify for FIP regardless of its hardship circumstances.

When an Application Is Needed

When form 470-3826, *Request for FIP Beyond 60 Months*, is received from a family that is no longer on FIP and has not submitted form 470-0462, *Financial Support Application*, hold form 470-3826 for later processing and request the application. An application is required for the family to regain FIP eligibility.

Issue the application within one working day from the date you receive form 470-3826. Enclose a written note explaining the reason the application is required and that the hardship exemption request will be denied if the family fails to return the application by the stated due date. Also include a request for supporting evidence.

Allow the family ten days to return the application and the supporting evidence. Extend the due date upon request, if appropriate. If the family returns the application and the supporting evidence as requested, continue with the steps in making the hardship determination.

Deny the hardship exemption request if the family fails to return the application or the requested evidence by the due date. Record the denial in ETS. In addition, complete Part A of form 470-3876, *Hardship Exemption Determination*, to document your decision.

NOTE: Unless otherwise specified, follow the policies and procedures in 4-B, [APPLICATION PROCESSING](#), when processing the FIP application.

PROMISE JOBS documents in Part B of form 470-3876, *Hardship Exemption Determination*, whether the family has met the family investment agreement requirement and returns a copy of the form to you.

The family is required to develop and sign a six-month family investment agreement **before** FIP can be approved. Therefore, failure to develop and sign the agreement results in denial of the family's hardship exemption request rather than a limited benefit plan.

See [PROMISE JOBS Participation](#) for requirements after the family is approved for hardship exemption.

Hardship Exemption Decision

Make the hardship exemption determination after you have determined whether the family:

- ◆ Has a hardship condition, and
- ◆ Has completed a six-month FIA with PROMISE JOBS.

Make the hardship exemption determination as soon as possible but no later than 30 days after the date a valid form 470-3826, *Request for FIP Beyond 60 Months*, is received in any DHS or PROMISE JOBS office.

When a *Financial Support Application* is required for the family to regain FIP eligibility, the 30 days begin the day after the application is received, if that date is later. Follow the instructions in 4-B, [Filing a FIP Application](#).

NOTE: For requests received in month 58 that are pended, the 30-day period begins on the first calendar day of month 59. Similarly, for subsequent requests received in month four of an existing exemption period, the 30-day period begins on the first calendar day of month five. See [When to Accept a Hardship Exemption Request](#) for details.

You have good cause if the 30-day limit cannot be met due to circumstances beyond the family's or your control, such as:

- ◆ Information has not been provided by the due date when you and the family have made every reasonable effort to secure it; or
- ◆ Emergencies, including, fire, flood, or other conditions occur that are beyond the administrative control of the DHS office.

However, you must issue a *Notice of Decision* the next working day after you have made the final hardship exemption determination to inform the family of its eligibility status for the exemption.

NOTE: You are also responsible for determining eligibility for other assistance programs for which the family may have applied when submitting a *Financial Support Application* as part of its hardship exemption request. Do not delay the eligibility determination for other programs pending the hardship exemption determination.

Make the final determination whether a hardship exemption will be granted upon receipt of form 470-3876 from PROMISE JOBS with Part B completed indicating whether the family has attended any required interview and signed the family investment agreement.

- ◆ If the family failed to attend the interview with PROMISE JOBS or failed to sign the FIA, the family is not eligible for a hardship exemption. Document the denial in Part C of the form by checking the "Denied – no FIA" box. Process the denial as directed under [Denial of Hardship Exemption](#).
- ◆ If the family's circumstances have changed since you completed Part A of the form and the family no longer meets all nonfinancial FIP eligibility criteria, the family is not eligible for a hardship exemption. Document the denial in Part C of the form by checking the "Denied - no FIP eligibility" box. Process the denial as described under [Denial of Hardship Exemption](#).
- ◆ If the family attended any required interview, signed the family investment agreement, and continues to meet all nonfinancial FIP eligibility criteria, process the approval as described under [Six-Month Hardship Exemption Period](#).

However, do not complete Part C of the form or make ETS entries until after your approval entries on ABC have updated and the system has determined whether the family is financially eligible for FIP.

- If the family is financially ineligible due to excess countable income or resources, the family is not eligible for a hardship exemption. Document the denial in Part C of the form by checking the "Denied – no FIP eligibility" box. Process the denial as described under [Denial of Hardship Exemption](#).
- If the family is financially eligible for FIP, the family is eligible for a hardship exemption. Document the final hardship exemption approval in Part C of the form by checking the "Approved" box. Complete processing the approval as described under [Six-Month Hardship Exemption Period](#).

Six-Month Hardship Exemption Period

Legal reference: 441 IAC 41.30(3)"d" and "e"

When form 470-3876, *Hardship Exemption Determination*, reflects approval of the hardship exemption request, the earliest effective date of the six-month hardship exemption period is the latest of:

- ◆ The effective date of the 60-month FIP cancellation, or
- ◆ The day after an existing hardship exemption period ends, or
- ◆ The date form 470-3826, *Request for FIP Beyond 60 Months*, is received in any DHS or PROMISE JOBS office, or
- ◆ Seven days after the date the *Financial Support Application* is received, if applicable.

Process the hardship exemption approval according to the family's FIP status, as follows:

- ◆ If you received form 470-3826 **before** the effective date of the family's 60-month FIP cancellation (or on or before the last day of an existing exemption period), a *Financial Support Application* is not needed.

If the family is otherwise eligible, reopen FIP to the effective date of the 60-month cancellation (or the day after the existing exemption period ends). Do so even if you do not receive the supporting evidence or determine hardship until on or after that date.

- ◆ If you did not receive form 470-3826 until **on or after** the effective date of 60-month FIP cancellation (or after the existing exemption period has ended), a *Financial Support Application* is required for the family to regain FIP eligibility. The family must meet all FIP eligibility requirements before the hardship exemption approval can be processed.

There is no limit on the number of times a family may receive a hardship exemption. The family must submit form 470-3826, *Request for FIP Beyond 60 Months*, for each hardship exemption request. A new hardship exemption determination is required for each subsequent request. Each subsequent hardship exemption requires a new six-month FIA.

1. Family E's 60-month FIP period ends effective January 1. On December 25, the family submits form 470-3826, *Request for FIP Beyond 60 Months*. Additional evidence is needed. On January 10, the family provides the additional information. On January 20, the family signs the six-month FIA.

The IM worker approves the family's hardship exemption request the next day. The six-month hardship exemption period is from January 1 through June 30.

2. Family B is in a six-month hardship exemption period from March through August. The family's hardship condition continues. On August 31, the family submits a new form 470-3826. More information is needed from a third party. On September 25, the family provides the information.

On October 4, the family signs the new six-month FIA. The IM worker approves the hardship exemption request the next day. The six-month hardship exemption period is from September 1 through February of the next year.

In both examples, a new application is not needed because the hardship exemption request is received on or before the ending date of the respective 60-month or six-month FIP period. Therefore, in both examples, entry reason "C" and FIP status code must be used when processing the approval on the system.

When form 470-3826 is received **on or after** the effective date of the 60-month FIP cancellation, a *Financial Support Application* is required for the family to regain FIP eligibility. If approved, the effective date of the six-month hardship exemption period shall not be earlier than the date form 470-3826 is received, or seven days after the date of the application, whichever date is later.

The same principle applies when a family submits form 470-3826 for a subsequent hardship exemption after the end of its current hardship exemption period.

If the ABC system denies FIP for financial reasons, deny the hardship exemption request as described under [Denial of Hardship Exemption](#).

FIP may be reinstated during an **existing** hardship exemption period when the family provides all needed information before the effective date of cancellation and FIP eligibility can be reestablished as described in 4-G, [Reinstatement](#).

Family A's six-month hardship exemption period will end June 30. In March, the family fails to provide requested verification and FIP is canceled for that reason for April 1. On March 31, the family provides the verification. FIP is reinstated for April and may continue through the remainder of the six-month period.

Duration of Exemption

Eligibility for a hardship exemption lasts for six consecutive calendar months even if the hardship condition is resolved before the end of the six-month period. ETS continues to count each adult's FIP months while in a hardship exemption period.

The exemption period includes:

- ◆ A month for which FIP issued is subject to recoupment, and
- ◆ A month when no FIP payment is made, e.g., due to the limit on FIP grants below ten dollars.

Entering the last month of the six-month hardship exemption period into the LIMIT DT field on TD02 prevents FIP benefits from being issued beyond the six-month period. Also, the *Notice of Decision* will specify the beginning and ending dates of the approved six-month period. You do not need to issue another *Notice of Decision* to notify the family when the period ends.

Refer to [Needy Specified Relative](#) for specific procedures when a needy specified relative requests a hardship exemption.

The six-month hardship exemption stops when the family's FIP case is canceled for any reason **other than** hardship and a *Financial Support Application* is needed for the family to regain FIP eligibility. The normal adverse action notice requirements apply.

- ◆ If FIP is not active for the child, in addition to form 470-3826 on behalf of the needy specified relative, a *Financial Support Application* is required to gain FIP eligibility for both people.

When you determine the child is eligible for FIP and the relative is eligible for the hardship exemption, first process the FIP approval for the child in the normal manner. The next processing day, add the needy specified relative to the case. Use person reason code 952. Set a tickler to remove the relative for the end of the hardship exemption period.

Remove the needy specified relative from the case in the normal manner for the end of the sixth month. Give timely notice. Use person reason code 951. Removing the relative's needs will cause the system to recalculate FIP and issue a *Notice of Decision*. If the relative appeals the action, only reinstate the relative's needs when the appeal is filed timely.

When you determine the needy specified relative is not eligible for the hardship exemption, first process the child's FIP approval. Then make the normal TD03 entries to deny the needy specified relative's hardship exemption request. Use the applicable hardship exemption denial reason. If the relative appeals the denial, there are no reinstatement rights.

- ◆ When the child is ineligible for FIP, this creates FIP ineligibility for the needy specified relative. Therefore, a hardship exemption cannot be granted. Deny FIP for the needy specified relative because there is no eligible child.

Make corresponding denial or approval entries on ETS as you would on a case-level hardship exemption determination. Denial of the needy specified relative's hardship exemption request does not affect FIP for the eligible child.

Follow all other instructions for a hardship exemption when processing the relative's hardship request. Refer to 4-A, [Appeals](#), for more information on appeal procedures.

Impact of Changes in the Eligible Group

To receive more than 60 months FIP assistance, families must be eligible for a hardship exemption and meet all other FIP eligibility requirements (unless otherwise specified). For example:

◆ **Returning parent or stepparent has received FIP for 60 months:**

In two-parent families and families with a parent and stepparent, the entire family becomes ineligible when either parent or the stepparent reaches the 60-month limit.

Therefore, when a parent or stepparent who has received FIP for 60 months joins a participant family that **has not received** FIP for 60 months, FIP eligibility can continue only if the participant family submits form 470-3826, *Request for FIP Beyond 60 Months*, and is approved for a hardship exemption.

When the FIP participant reports that an absent parent or stepparent has entered the home, check ETS for the returning parent or stepparent's FIP count.

If ETS indicates that the parent or stepparent has received FIP for 60 months, cancel the existing FIP case effective the first day of the next month. Use notice reason code 360. Give timely notice. Also issue form 470-3826 to the family. Include a return envelope.

If timely notice cannot be met, cancel FIP effective the second month. Excess assistance for the first month is subject to recoupment unless the family requests and is determined eligible for a hardship exemption that includes the first month. Make necessary entries on ETS to reflect either outcome.

If the family returns form 470-3826 **before** the effective date of the FIP cancellation and is subsequently approved for a hardship exemption, FIP may be reopened to the effective date of the FIP cancellation. A *Financial Support Application* is not required to reopen the FIP case.

If the family returns form 470-3826 **on or after** the effective date of the FIP cancellation, a *Financial Support Application* is required for the family to regain FIP eligibility and to be considered for a hardship exemption. For more information, refer to [Hardship Overpayments](#).

Use the prudent-person concept to determine whether a person meets the second cousin definition. Ask the applicant to describe how the child in question is related.

If the applicant is not sure or the applicant's description is questionable, ask for documentation to reveal how the parties are related (e.g., birth certificates of the applicant and second cousin, their parents and grandparents, or any court documents or other records that may contain clarifying information). Follow the policies in 4-B, [Verification](#), in those situations.

A guardian or conservator of the child can act as the applicant or participant and receive the FIP grant only if the person is a specified relative to the child and the child lives with that person.

Relatives of the "putative" father can qualify as a specified relative only after the court has established paternity, or the putative father has acknowledged paternity with written evidence and there is no other legal father.

| Written evidence can include a letter, an affidavit, or a signed *Financial Support Application*. Use the prudent-person concept regarding written evidence. A favorable determination made by another government agency (e.g., the Social Security Administration, the Veteran's Administration) is also reliable evidence of paternity.

The following sections address procedures for:

- ◆ [Determining the natural father](#)
- ◆ [Determining if a common-law marriage exists](#)
- ◆ [Determining if a child lives with a specified relative](#)

Determining the Natural Father

Legal reference: 441 IAC 41.22(3)"b," 41.28(1)"b"

The term "natural father" refers to the male who can be considered to be the child's father for the purpose of determining eligibility. Consider a man as the natural father if he:

- ◆ Was married to the mother at the time of the child's conception or birth (unless the court has declared this man **not** to be the father), or
- ◆ Has been declared by the court to be the father, even though not married to the mother at the time of the child's conception or birth, or
- ◆ Claims to be the father, **unless** the child already has a legal father.

When paternity has not been established through marriage or a court decision, allow a man claiming to be the natural father to be the payee or be included in the eligible group if he:

- ◆ Signs the *Financial Support Application* or
- ◆ Provides a signed statement that he is the father of the child.

“Biological father” is the male responsible for the conception of the child. “Legal father” is the male considered the father under Iowa law. When the child’s biological father is someone other than the child’s legal father, consider the legal father to be the parent. Do so until the court establishes that the legal father is not the parent of the child. See 4-B, [Referrals to CSRU](#), for more information.

Mrs. A, a FIP participant, is separated from Mr. A. She lives with Mr. K and has a child by him. Mr. A is considered the legal father of the child and must be referred to CSRU. The child is considered deprived based on Mr. A’s absence.

Although Mr. K is the child’s biological father, he cannot be included in the eligible group until the court declares Mr. A not to be the child’s father. Until then, Mr. K’s income and resources are not considered (except for amounts he makes available to the eligible group).

Determining if a Common-Law Marriage Exists

Legal reference: 441 IAC 41.28(1)

When determining if someone is a specified relative, there may be situations where a common-law marriage exists or the applicant or participant claims a common law marriage exists. A common law marriage exists if **both** people:

- ◆ Are free to marry,
- ◆ Have intended or have agreed to be married, and
- ◆ Publicly declare themselves to be husband and wife.

Since a common-law marriage affects who may be considered as a specified relative, determine if such an arrangement exists when the client claims a common-law marriage, even if the two parties are no longer living together when the claim is made.