

**TITLE 8 SOCIAL SERVICES**  
**CHAPTER 102 CASH ASSISTANCE PROGRAMS**  
**PART 110 GENERAL OPERATING POLICIES - APPLICATIONS**

**8.102.110.1 ISSUING AGENCY:** New Mexico Human Services Department.  
[8.102.110.1 NMAC - Rp 8.102.110.1 NMAC, 07/01/2001]

**8.102.110.2 SCOPE:** The rule applies to the general public.  
[8.102.110.2 NMAC - Rp 8.102.110.2 NMAC, 07/01/2001]

**8.102.110.3 STATUTORY AUTHORITY:**

**A.** New Mexico Statutes Annotated 1978 (Chapter 27, Articles 1 and 2) authorize the state to administer the aid to families with dependent children (AFDC), general assistance (GA), shelter care supplement, the burial assistance programs and such other public welfare functions as may be assumed by the state.

**B.** Federal legislation contained in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 abolished the AFDC program. The federal act created the temporary assistance for needy families (TANF) block grant under Title IV of the Social Security Act. Through the New Mexico Works Act of 1998, the New Mexico works program was created to replace the aid to families with dependent children program.

**C.** Under authority granted to the governor by the federal Social Security Act, the human services department is designated as the state agency responsible for the TANF program in New Mexico.

**D.** Effective April 1, 1998, in accordance with the requirements of the New Mexico Works Act and Title IV-A of the federal Social Security Act, the department is creating the New Mexico works program as one of its cash assistance programs.

**E.** In close coordination with the NMW program, the department administers the food stamp employment and training program (E&T) pursuant to the Food Security Act of 1985 and federal regulations at Title 7, Code of Federal Regulations.

[8.102.110.3 NMAC - Rp 8.102.110.3 NMAC, 07/01/2001; A, 11/15/2007]

**8.102.110.4 DURATION:** Permanent.  
[8.102.110.4 NMAC - Rp 8.102.110.4 NMAC, 07/01/2001]

**8.102.110.5 EFFECTIVE DATE:** July 1, 2001.  
[8.102.110.5 NMAC - Rp 8.102.110.5 NMAC, 07/01/2001]

**8.102.110.6 OBJECTIVE:**

**A.** The purpose of the New Mexico works (NMW) program is to improve the quality of life for parents and children by increasing family income, resources and support. The further purpose of the program is to increase family income through family employment and child support and by utilizing cash assistance as a support service to enable and assist parents to participate in employment.

**B.** The objective of education works program (EWP) is to provide cash assistance to a benefit group where at least one individual is enrolled in a post-secondary, graduate or post-graduate institution. Education and training are essential to long-term career development. The applicant or recipient benefit group would be otherwise eligible for NMW cash assistance, but chooses to participate in EWP.

[8.102.110.6 NMAC - Rp 8.102.110.6 NMAC, 07/01/2001; A, 11/15/2007]

**8.102.110.7 DEFINITIONS:** [Reserved]  
[8.102.110.7 NMAC - Rp 8.102.110.7 NMAC, 07/01/2001]

**8.102.110.8 GENERAL**

**A. Application form:** The application shall be submitted on a form designated by the department either electronically or in writing and is made under oath by an applicant with whom a dependent child resides. The department shall assist an applicant in completing the application for cash assistance or services. The application must contain a statement of the age of the child; residence; a statement of property in which the applicant has an interest; a statement of the income that the applicant or other benefit group members have at the time the application is filed; a signature under penalty of perjury from the applicant; and other information required by the department.

**B. Interview:**

(1) A face-to-face interview with the applicant shall be required in order to obtain information needed to determine eligibility, verify, and record the facts supporting the application; and to give the applicant information about department programs and program requirements. When circumstances warrant, the household shall be interviewed by telephone or another place reasonably accessible and agreeable to by the applicant and the caseworker in accordance with 8.102.110.11 NMAC.

(2) The applicant must identify all individuals living in the residence whether or not the individuals are requesting assistance. The applicant and the department shall identify all individuals who must be included in the benefit group.

(3) Other information, documents, and collateral contacts may be required to determine eligibility. Requests for verification are made in accordance with provisions set forth in 8.100.130 NMAC.

**C. Resource planning session:** The applicant shall be provided a resource planning session no later than 30 days after an application is filed. The department shall attempt to provide a resource planning session prior to approving the application, but it is not mandatory. Failure to provide a resource planning session shall not impede registration or processing of the application. The focus of the resource planning session is to ascertain the applicant's immediate needs, assess the applicant's financial and non-financial options, and to provide general information about departmental assistance programs. The caseworker shall assist the applicant in exploring and accessing any other financial or non-financial options that may meet the benefit group's needs. If there is any indication that the applicant might be eligible for SSI, the relative advantages of the SSI program shall be explained and the applicant shall be referred to the local social security office.

**D. EBT orientation:** NMW cash assistance benefits shall be authorized and available through an electronic benefit transfer (EBT) account. The department shall provide EBT training to an applicant in order to be able to access cash assistance benefits.

**E. Application processing time limit:** An application for NMW cash assistance shall be processed no later than 30 days after an application is filed. No later than five days after the application is approved, a reimbursement for childcare shall be provided, subject to the appropriation and availability of state or federal funds. [8.102.110.8 NMAC - Rp 8.102.110.8 NMAC, 07/01/2001; A, 11/15/2007; A, 07/01/2013; A, 07/15/2013]

#### **8.102.110.9 RIGHT TO APPLY**

**A.** An individual has the right to make a formal application for any cash, food or medical assistance program administered by the department, regardless of whether the individual appears to meet the conditions of eligibility. Any individual requesting information or assistance, who wishes to apply for assistance, shall be encouraged to complete the application that same day. The individual shall be informed:

- (1) of the right to apply, whether or not it appears the individual may be found eligible; and
- (2) that the date of application affects the benefits.

**B. Availability of applications:** The department shall provide the YES- New Mexico web portal address to submit an application online or paper applications for cash assistance to anyone requesting an application, and to local agencies and organizations that have regular contact with the public. When the department receives a request for an application for assistance, the department will either mail or hand deliver a paper application, provide the web portal address for YES-New Mexico (for online applications), or provide both as indicated by the requestor. [8.102.110.9 NMAC - Rp 8.102.110.9 NMAC, 07/01/2001; A, 11/15/2007; A, 07/01/2013]

#### **8.102.110.10 SUBMISSION OF THE APPLICATION FORM**

**A. Items completed:** To be accepted and registered, the cash assistance application, at a minimum, must be submitted on a form designated by the department either electronically or in writing, identify the benefit group member applying, the program applied for, and have a signature of a responsible benefit group member or authorized representative.

**B. Who completes the application:** The application form must be completed by the applicant, an authorized representative, guardian, or another appropriate individual.

- (1) Authorized representatives must be:
  - (a) designated in writing by the applicant/ head of household; and
  - (b) be an adult who has sufficient knowledge about the applicant's circumstances to complete the application form correctly.
- (2) If an authorized representative or another appropriate individual completes an application form, the applicant must review and approve the completed form. The applicant is liable for improper payments resulting from erroneous information given by the authorized representative or another appropriate individual.
- (3) The caseworker may assist in completing the form if there is no one else to help the applicant.

**(4) Application for minor children:** Application for cash assistance for minor children, including unemancipated minor parents, must be made by the adult with whom the child resides and who is assuming responsibility for the support and care of the child.

**(a)** If a minor parent is living in a second-chance home, maternity home, or other adult-supervised supportive living arrangement, the application must be made by the supervising adult as the authorized representative for the minor parent.

**(b)** An emancipated minor may file an application in the emancipated minor's own right.

**C. Signature:**

**(1)** The application form must be signed by the applicant and authorized representative if one is designated. A signature means that the applicant is verifying the information provided by the household and has read and agrees with all of the statements on the application or other form requiring a signature. A signature is the depiction of the individual's name either, handwritten, electronic or recorded telephonically. Electronic and telephonically recorded signatures are valid only if provided in a format or on a system approved by the department, which includes verification of the identity of the person providing the signature.

**(2)** If an applicant receives help from someone other than a caseworker in completing the form, that individual must also sign at the bottom of the form.

**(3)** An individual who cannot sign the individual's own name must sign the application with a mark and have it witnessed. A mark, which is not witnessed, shall not be accepted as a valid signature. A caseworker may not witness signatures on an application the caseworker will be processing.

**(4)** If the application is made on behalf of a child, the form shall be signed by the relative or caretaker with whom the child is living, or by the authorized representative.

**(5)** If the individual, relative, or caretaker has a legally appointed guardian, the guardian must complete and sign the form.

**D. Where filed:** An application may be submitted to the department in person, by mail, via facsimile or by other electronic means which may include the YES-New Mexico web portal.

**E. Incomplete applications:** If an application is incomplete, prompt action shall be taken by the department to notify the applicant. The individual who completed the application form must add the missing or incorrect information and initial and date the entries. All reasonable action shall be taken by the department to avoid any unnecessary delay of the applicant's eligibility determination.

**F. Out-of-state applicants:** An application mailed in from out of state shall be accepted, but shall not be registered until the applicant contacts ISD to confirm presence in the state. If the applicant does not contact the ISD within 30 days, the application shall be returned to the applicant.

**G. Application registration:** Completed and signed in-state applications shall be registered effective the date on which the application is received during regular business hours; this includes applications that are dropped off, submitted in person and electronically. Applications that are dropped off or submitted electronically after regular scheduled business hours, holidays and weekends will be considered received as of the next business day.

**H. Tribal TANF programs:** An application for NMW benefits received from an applicant residing in a tribal TANF service delivery area shall be accepted by ISD and registered as of the date the application was received during regular business hours. Applications that are dropped off or submitted electronically after regular scheduled business hours, holidays and weekends will be considered received as of the next business day.

**(1)** Effective upon implementation of a tribal TANF program, the applicant shall be required to apply for the tribal TANF program in the service delivery area in which the applicant resides.

**(2)** Prior to finalizing an application for NMW benefits received from an applicant residing in a tribal TANF service delivery area, the applicant shall be informed he or she must apply for tribal TANF.

**(a)** The applicant shall be informed in writing that the applicant must provide verification of the disposition of the applicant's tribal TANF application.

**(b)** The applicant shall be referred to the appropriate tribal TANF service delivery area serving the community or county in which the benefit group lives.

[8.102.110.10 NMAC - Rp 8.102.110.10 NMAC, 07/01/2001; A, 02/14/2002; A, 11/15/2007; A, 07/01/2013]

#### **8.102.110.11 INTERVIEWS**

**A. Application interview:** All applicants shall be interviewed in person at the local office or, when circumstances warrant, at another place reasonably accessible and agreeable to both the applicant and the caseworker. The applicant may bring any individual to the interview.

**B. Alternative interviews:**

(1) A cash assistance applicant shall not be required to have a face-to-face interview if the applicant is unable to appoint an authorized representative and the household has no member(s) able to come to the department due to one of the hardship conditions listed in Paragraph (2) of Subsection B this section.

(2) **Hardship conditions:** The face-to-face interview for cash assistance households shall be waived when the applicant meets one of the following conditions:

- (a) over the age of 60;
- (b) disabled;
- (c) employed 20 or more hours per week;
- (d) has transportation difficulties;
- (e) prolonged severe weather;
- (f) other hardship identified as situations warrant; as authorized by the county director.

(3) A face-to-face interview must be granted to any recipient who requests one. If the recipient is unable to come to the office due to the issues listed in Paragraph 1 or 2 of this subsection, then an interview may be scheduled at a location agreed upon by the caseworker and the applicant.

**C. Home visits:** A home visit may be made to conduct the interview and obtain the information needed, as long as the department gives adequate prior notice of the visit.

**D. Scheduling interviews:** An interview shall be scheduled upon receipt of the application. The interview shall take place within 10 working days of the date an application is filed and, to the extent possible, at a time that is convenient for the applicant.

**E. Missed interviews:** The applicant shall be responsible for scheduling a second appointment. If the applicant does not contact the office or does not appear for the rescheduled interview, the application shall not be denied until the 30th calendar day (or the next workday if the 30th is not a workday) after the application was filed.

**F. Purpose and scope of interview**

(1) Prior to approval there shall be an interview with the applicant. The purpose and scope of the interview shall be explained to the applicant. The interview is an official and confidential discussion of benefit group circumstances between the applicant and the caseworker. The interview allows the caseworker to explore and clarify unclear or incomplete information reported on the application and is intended to provide the applicant with information regarding the work program, child support benefits and requirements, the temporary nature of the program, eligibility requirements, and to provide the caseworker with the necessary facts to make an accurate eligibility determination.

(2) For cash assistance cases, at initial application, a brief history shall be required in the case narrative explaining the circumstances, which led to the application. The narrative shall include information clearly describing the child's situation with respect to child support from a non-custodial parent or parents.

**G. Applicant information:** During the course of the interview all reasonable steps shall be taken to make the applicant feel at ease and protect the applicant's right to privacy. The interviewer shall tell the applicant about the following:

- (1) services available and requirements which must be met under the cash assistance program and the child support enforcement programs;
- (2) school attendance and reporting requirements;
- (3) complaint and hearing procedures;
- (4) work program procedures;
- (5) work requirements;
- (6) application processing standards;
- (7) procedures in cases of overpayment or underpayment;
- (8) responsibility to report changes;
- (9) non-discrimination policy and procedures;
- (10) timeliness standards; and
- (11) semiannual reporting requirements.

[8.102.110.11 NMAC - Rp 8.102.110.11 NMAC, 07/01/2001; A, 02/14/2002; A, 01/01/2004; A, 11/15/2007; A, 07/01/2013]

**8.102.110.12 APPLICATION PROCESSING TIME LIMITS**

**A. Timeliness:** The caseworker shall explain time limits and the applicant's right to request an administrative hearing if the application is not processed within the applicable time limits.

**B. Processing time limit:** Cash assistance applications shall be completed within 30 calendar days from the date of application.

**C. "Clocking" of time limits:** "Clocking" of time limits begins on the day after the date of application.

**D. Delayed assistance:** If an eligibility determination is not made within the required time limits, the applicant shall be notified in writing of the reason for the delay. The notice shall also inform the applicant of the applicant's right to request an administrative hearing regarding the issue of ISD's failure to act within the time limits. [8.102.110.12 NMAC - Rp 8.102.110.12 NMAC, 07/01/2001; A, 11/15/2007; A, 07/01/2013]

#### **8.102.110.13 DISPOSITION OF APPLICATION/NOTICE**

**A. Denials:** If an application is denied, ISD shall issue a written notice to the applicant of a denial. The denial notice shall include the date of denial, reason for denial, the regulation section under which the denial was made, the applicant's right to a fair hearing concerning the denial, and the time limits for filing a fair hearing request. The notice shall also explain that the applicant may discuss the decision with the caseworker, supervisor, or county director.

**B. Approvals:** If the application is approved, the applicant shall be notified by mail or by electronic means which may include the YES-New Mexico web portal. The notice shall report the initial month of eligibility, amount of payment, how the payment is calculated, and the members who have been determined eligible.

**C. Application withdrawal:** An applicant may voluntarily withdraw the application at any time before eligibility determination. An effort shall be made to confirm the applicant's desire to withdraw the application. Applicants shall be advised that withdrawal of the application has no effect upon the right to apply for assistance in the future.

#### **D. Tribal TANF requirements:**

(1) If an applicant fails to provide documentation of denial for tribal TANF within thirty days, the NMW application shall be:

- (a) held for thirty days beginning with the day after the date of application;
- (b) denied on the thirtieth day or on the next business day if the thirtieth is not a business day.

(2) If the applicant provides documentation of denial for tribal TANF within thirty days, ISD shall determine the cause for denial prior to processing the NMW application. Applicants who verify denial of tribal TANF within thirty days shall be processed according to current NMW policy.

(a) An applicant denied tribal TANF benefits for the following reasons shall be immediately denied NMW cash assistance:

- (i) failure to provide information;
- (ii) failure to cooperate with the application process;
- (iii) failure to comply with any tribal TANF non-financial eligibility criteria; or if
- (iv) the benefit group is currently within a sanction period involving total benefit group

ineligibility.

(b) Individuals qualifying for or receiving tribal TANF benefits shall be denied NMW cash assistance.

[8.102.110.13 NMAC - Rp 8.102.110.13 NMAC, 07/01/2001; A, 02/14/2002; A, 07/01/2013]

**8.102.110.14 APPROVAL EFFECTIVE DATE:** NMW cash assistance shall be approved effective the date of authorization or no later than 30 days following the date of application, whichever is earlier. Payment in the initial month shall be prorated from the date of authorization.

[8.102.110.14 NMAC - Rp, 8.102.110.14 NMAC, 07/01/2001]

#### **8.102.110.15 ELECTRONIC CASE FILE**

**A.** Documents in paper format will be imaged into an electronic case file (ECF). The ECF is located within the automatic system program and eligibility network (ASPEN). ASPEN will digitize the volume of paper documents received from individuals and manage them electronically in a centralized repository.

**B.** Implementation of the electronic document management solution provides ISD the capability to administer and manage eligibility related processes and tasks.

**C.** Once the existing paper case files are imaged the electronic record will be considered the official record.

[8.102.110.15 NMAC - N, 07/01/2001; A, 07/01/2013]

#### **History of 8.102.110 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center

and Archives:

ISD 210.0000, The Application Process for Financial and Medical Assistance, 2-22-80.

ISD FA 210, Application Process, 2-9-88.

**History of Repealed Material:** 8 NMAC 3.FAP, Financial Assistance Program - Repealed, 07/01/97.

8.102.110 NMAC General Operating Policies - Applications - Repealed, 07/01/01