

TITLE 8 SOCIAL SERVICES
CHAPTER 106 STATE FUNDED ASSISTANCE PROGRAMS
PART 110 GENERAL OPERATING POLICIES - APPLICATIONS

8.106.110.1 ISSUING AGENCY: New Mexico Human Services Department.
[8.106.110.1 NMAC - N, 07/01/2004]

8.106.110.2 SCOPE: The rule applies to the general public.
[8.106.110.2 NMAC - N, 07/01/2004]

8.106.110.3 STATUTORY AUTHORITY: 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.
[8.106.110.3 NMAC - N, 07/01/2004]

8.106.110.4 DURATION: Permanent.
[8.106.110.4 NMAC - N, 07/01/2004]

8.106.110.5 EFFECTIVE DATE: July 1, 2004, unless a later date is cited at the end of a section.
[8.106.110.5 NMAC - N, 07/01/2004]

8.106.110.6 OBJECTIVE:

A. The objective of general assistance is to provide financial assistance to dependent needy children and disabled adults who are not eligible for assistance under a federally matched financial assistance program, such as New Mexico works (NMW) or the federal program of supplemental security income (SSI).

B. The objective of the supplement for residential care program is to provide a cash assistance supplement to SSI recipients who reside in licensed adult residential care homes.

C. The objective of the burial assistance program is to assist in payment of burial expenses for an individual who was a low-income individual at the time of death.

[8.106.110.6 NMAC - N, 07/01/2004]

8.106.110.7 DEFINITIONS: [Reserved]
[8.106.110.7 NMAC - N, 07/01/2004]

8.106.110.8 GENERAL: The application shall be submitted on a form designated by the department either electronically or in writing and shall be made under oath by an applicant or an applicant on behalf of a dependent child who resides in the home. The application must contain a statement of the age of the applicant or, dependent child, residence in New Mexico, all property in which the applicant has an interest, the income of the applicant or other benefit group members at the time the application is filed; the signature of the applicant, and other information required by the department.

[8.106.110.8 NMAC - N, 07/01/2004; A, 12/01/2009; A, 07/01/2013]

8.106.110.9 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 or not the individual appears to meet the conditions of eligibility. Any individual requesting information or assistance, or who wishes to apply for assistance, shall be encouraged to complete an application that same day.

B. An individual shall be informed of the right to apply, whether or not it appears the individual will be found eligible.

C. An individual shall be informed that the date of application affects the benefit amount for the first month of issuance.

D. Availability of applications: The department shall provide the YES-New Mexico web portal to submit the application online or paper applications for general assistance to anyone requesting an application and to local agencies and organizations that have regular contact with the public. Requests, written, electronic or by phone,

for an application for assistance shall be provided with a mailed paper application or the YES-New Mexico web portal address to submit an online application.
[8.106.110.9 NMAC - N, 07/01/2004; A, 12/01/2009; A, 07/01/2013]

8.106.110.10 THE APPLICATION:

A. Submission of an application: 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.

(1) **Out-of-state applicants:** An application received from out-of-state shall be accepted, but shall not be registered until the applicant contacts ISD to confirm his or her presence in the state. If the applicant does not contact the ISD within 30 days from receipt of the application, the application shall be returned to the applicant.

(2) **Application for minor children:** An application for assistance for minor children, including an un-emancipated pregnant minor, must be made by the adult with whom the child or children reside and who is assuming responsibility for the support and care of the child or children.

(a) If a pregnant minor 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 pregnant woman.

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

B. Completeness of an application: To be accepted and registered, the cash assistance application, at a minimum, must identify the individual or individuals applying, the program(s) applied for, and must contain the signature of a responsible benefit group member, caretaker, authorized representative, or other legally responsible individual.

(1) The application form must be completed and signed by the applicant, the authorized representative or other responsible individual.

(2) If an authorized representative or another appropriate individual completes an application form on behalf of an applicant, the actual 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 other appropriate individual.

(3) The caseworker shall assist in completing the form if there is no other individual who can help the applicant. If an application is incomplete, ISD shall take action to notify the applicant. The individual who completed the application form must add the missing or incorrect information and initial and date the entries.

C. Application registration: A signed application shall be registered effective the date in which the application is received by the department 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 business hours or on weekends or holidays will be considered received as of the next business day.

[8.106.110.10 NMAC - N, 07/01/2004; A, 12/01/2009; A, 07/01/2013]

8.106.110.11 INTERVIEWS:

A. Application interview:

(1) All applicants shall have a face to face interview.

(2) The interview may take place at a location reasonably accessible and agreeable to both the applicant and the caseworker.

(3) The applicant may bring any individual to the interview.

(4) The interview shall take place within ten days of the date an application is filed and, to the extent possible, at a time that is convenient for the applicant.

B. Alternatives to an office interview: Waiver of the requirement that the interview be conducted in the ISD office shall be determined on a case-by-case basis for any individual who is unable to appoint an authorized representative, has no one able to accompany the applicant to the office because of transportation difficulties, or similar hardships that the county director determines warrants a waiver of the office interview. These hardship conditions include, but are not limited to: illness, care of benefit group member, prolonged severe weather, or work hours which prevent an in-office interview during work hours. If an office interview is waived, the caseworker shall conduct a telephone interview or a home visit. Home visits shall be scheduled in advance with the benefit group as provided for at 8.100.180.17 NMAC. Waiver of the office interview, in and of itself, shall not be justification for extending the eligibility determination deadlines.

C. Scheduling an interview: An interview shall be scheduled upon receipt of the application. The interview shall take place within ten working days of the date an application is filed and, to the extent possible, at a

time that is convenient for the applicant. Applications that are dropped off or submitted electronically after the close of business or on weekends or holidays will be considered received as of the next business day.

D. Missed interview: An applicant who fails to appear for the first interview shall be responsible for scheduling a second appointment for an interview. If the applicant does not contact the office or does not appear for a rescheduled interview, the application shall be denied on the 30th day (or the next workday if the 30th day is not a workday) after the application was filed.

E. Purpose and scope of interview: The interview is an official and confidential discussion of benefit group circumstances between the applicant and the caseworker.

(1) Prior to processing an application, there shall be a face-to-face interview with the applicant. The purpose and scope of the interview shall be explained to the applicant.

(2) The interview is intended to provide the applicant with information regarding eligibility requirements for the program and to provide the caseworker with the necessary information and documentation to make an accurate eligibility determination. In addition, the interview allows the caseworker to clarify unclear or incomplete information reported on the application.

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

- (1) the requirements that must be met by the applicant under the requested cash assistance program;
- (2) responsibility to report changes;
- (3) complaint and fair hearing procedures;
- (4) application processing standards;
- (5) procedures in cases of overpayment or underpayment of benefits;
- (6) non-discrimination policies and procedures;
- (7) timeliness standards.

[8.106.110.11 NMAC - N, 07/01/2004; A, 12/01/2009; A, 07/01/2013]

8.106.110.12 APPLICATION PROCESSING TIME LIMITS:

A. Application processing time limit: The time limit begins on the day after the signed application is received by the ISD office.

(1) ARSCH program supplemental payments shall be processed no later than 30 calendar days after receipt.

(2) Set and variable term general assistance applications shall be processed no later than 90 calendar days, after receipt. Reconsideration determinations shall occur no later than 120 calendar days after receipt of the initial application.

B. Reconsideration: A reconsideration of a disability determination may be requested, verbally or in writing, by a client within 15 days of the date of the denial for not meeting conditions of disability. The reconsideration period shall not exceed 30 days from the date of denial. Disability will be evaluated based on additional medical evidence provided by the client during the reconsideration period. Should no request be made or the client does not provide additional medical evidence during the reconsideration period the denial shall remain and the client may reapply.

C. Delayed determination: If an eligibility determination is not made within the required application processing time limit due to department failure to assist the applicant or pursue eligibility timely, the applicant shall be notified in writing. The notice shall include the reason for the delay, and that the applicant has the right to request a fair hearing regarding the department's failure to act within the time limits.

[8.106.110.12 NMAC - N, 07/01/2004; A, 12/01/2009]

8.106.110.13 DISPOSITION OF APPLICATION/NOTICE: Applicants shall receive written notice of application disposition, as indicated below:

A. Denials: Provide the reason for denial including regulation citation; the applicant's rights and time limits for requesting a fair hearing; and the applicant's right to discuss the denial with the caseworker, supervisor or county director.

B. Approvals: Inform the applicant who is eligible to receive benefits of the amount of payment and the certification period.

C. Withdrawal: An applicant may voluntarily withdraw the application orally or in writing any time before eligibility determination. Notice shall confirm the applicant's expressed desire to withdraw the application and be informed that the withdrawal does not affect the right to apply for assistance in the future.

[8.106.110.13 NMAC - N, 07/01/2004; A, 12/01/2009]

8.106.110.14 APPROVAL EFFECTIVE DATE: General assistance benefits for an approved application shall be effective the date of approval or from the 30th day after the date of application; whichever is earlier. Payment in the first month shall be prorated from the date of authorization.

[8.106.110.14 NMAC - N, 07/01/2004, A/E, 01/30/2009; A, 03/31/2009; A, 07/01/2009]

8.106.110.15 CASE RECORD TRANSFERS: If a recipient moves to an area administered by another project area, the recipient's case record shall be transferred as follows:

A. Responsibilities of sending project area:

(1) The project area to which the recipient is moving or has moved to shall be notified within 10 days. The record shall not be transferred to the new project area until a new address for the recipient is provided to the sending project area.

(2) Before transferring the case record, the sending project area shall review the case record to ensure the information is complete and updated. The sending project area shall enter the recipient's new address and the geographic and administrative number in the computer system.

B. Responsibilities of receiving project area:

(1) The case is reviewed for changes and continued eligibility at the time of the transfer.

(2) The receiving project area shall transfer in the case by contacting the recipient to update the circumstances of the case and, at a minimum, document the benefit group's current circumstances. The receiving project area shall act on any change that becomes known by the sending project area, the recipient or any other means.

C. Transfer pending approval of an application: If transfer of a benefit group's case record is necessary before eligibility has been determined on an application, the sending project area shall transfer the pending application and associated documents to the receiving project area. The receiving project area shall continue the determination of eligibility based on the new circumstances. The application shall be completed based on the original application date.

[8.106.110.15 NMAC - N, 07/01/2004; A, 12/01/2009]

8.106.110.16 APPLICATION MORATORIUM:

A. Based on limited state funds the department may limit the number of benefit groups by imposing a moratorium, subject to quarterly review, upon all GA applications. All applications for GA shall be denied under this provision without consideration of eligibility.

B. Program suspension: When state funds are unavailable the GA program may be suspended for a designated time period. GA payments will not be made to any benefit group and all rights to payment during the suspension period are lost. All applications for GA shall be denied without consideration of eligibility.

C. Notice: Notice shall be issued within 60 days, to all applicants denied due to moratorium or suspension in accordance and shall explain the applicant's right to discuss the denial with the caseworker, supervisor or county director.

(1) **Notice to applicant:** Applications denied based on a moratorium shall include the state statute and regulation, the date of denial, reason for denial, the regulation citation under which the denial was made, the applicant's right to a fair hearing, and the time limits for filing a fair hearing request.

(2) **Public notice:** The department shall issue a public notice 60 days prior to the imposition of a moratorium or suspension.

D. Interviews: GA applications denied on the basis of a moratorium or suspension shall not require an interview to meet the requirements specific to GA, other categories of assistance requested by the applicant may require an interview to determine eligibility.

[8.106.110.136 NMAC - N, 12/01/2009]

History of 8.106.110 NMAC: [RESERVED]