CHAPTER 2-000 APPLICATION AND ELIGIBILITY

2-001 Requests: Any person may contact the local office by telephone, in writing, or in person to obtain information, explore eligibility, or to make arrangements to apply for services for him~~self~~/herself or as a representative of another person.

2-001.01 Response to Requests: Staff ~~shall~~ must accept requests at the local office or at other places in the community. Each local office ~~shall~~ must establish a method of recording requests. Form DPW-1, "Request for Assistance and/or Services," may be used although a completed application is sufficient documentation of a request.

2-001.02 Request Time Limits: Staff ~~shall~~ must take action to secure an application as soon as possible. If the client does not keep appointments or cannot be contacted within 30 days of the request, the worker ~~shall~~ must document the circumstances and file the request.

2-001.03 Interview: A face-to-face interview is required at initial eligibility determination. The interview may take place in the office, in the client's residence, or at any other place in the community which provides maximum privacy. The worker ~~shall~~ must hold the face-to-face interview with:

1. A prospective adult client;
2. The client's legal guardian or conservator; or
3. An adult representing the client.

2-001.04 Application: The worker ~~shall~~ must assist the applicant or the representative in completing Form DSS-3A, "Social Services Application." The worker ~~shall~~ must take action on the application within 30 days of the date the application is signed. Form DSS-6, "Client's Notice of Action," must be used to inform the applicant of the action.

2-001.04A Right to Apply: Any person residing in Nebraska has the right to apply for social services ~~without regard to citizenship.~~

2-001.04B Family Size: Family size is defined as a unit consisting of one or more adults (individuals at least age 19 or age 18 for Adult Protective Services) and children, if any, related by blood, marriage, or adoption who reside in the same household. (An unborn child may be included if proof of pregnancy is obtained.) The following are not considered in the family size for adult services:

1. Related adults other than spouses and unrelated adults who reside together;
2. Children living with non-legally responsible relatives;
3. Emancipated minors; and
4. A minor parent.

2-002.04C Verification of Without Regard to Income (WI) Status: The worker ~~shall~~ must:

1. Determine, if possible, that the client is neither eligible as a current recipient nor willing to be determined eligible as a low income client;
2. Document the adult's need for Adult Protective Services by completing Form ~~DSS~~ MILTC-60, "Adult Abuse/Neglect Report";
3. Complete only Parts I, II, and VI of Form ~~DSS~~ MILTC-3A, "Social Services Block Grant Application," (within 60 days, Part V must be signed by the client or the client's representative unless court action has been initiated; see 473 NAC 5-015.09, item 5); and
4. Authorize Adult Protective Services.

2-002.05 Burden of Proof: The worker may require the client to provide any necessary verification. All applicants ~~shall~~ must present proof of age or family size if the worker has reason to suspect that incorrect information has been provided. If the applicant fails to provide required proof within 30 days of application, the worker ~~shall~~ must reject the application or close the case, as appropriate.

2-003 ~~(Reserved)~~ Citizenship and Alien Status: To be eligible for social services, an individual's status must be documented as one of the following using acceptable documents, as defined by federal regulations and listed in 473-000-603:

1. A citizen of the United States;
2. An alien lawfully admitted for permanent residence (see 473-000-604);
3. A refugee admitted to the U.S. under Section 207 of the Immigration and Nationality Act (INA);
4. An asylee under Section 208 of INA;
5. An alien whose deportation is withheld under Section 243(h) of INA;
6. An alien from Cuba or Haiti who was admitted under Section 501(e) of the Refugee Education Assistance Act of 1980;
7. A refugee who entered the U.S. before April 1, 1980, and was granted conditional entry;
8. An alien who is paroled into the U.S. under Section 212(d)(5) of INA for a period of at least one year;
9. An Amerasian immigrant under Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as amended; or
10. An alien who has been battered or subjected to extreme cruelty in the U.S. by a spouse or a parent or by a member of the spouse's or parent's family who is residing in the same household as the alien.

Receipt of SSI, SSDI, or Medicare is sufficient proof of citizenship or lawfully admitted alien status.

Individuals who declare to be U.S. citizens must be given a reasonable opportunity to present satisfactory documentation of citizenship or nationality. Benefits must not be denied, delayed, reduced, or terminated pending receipt of the requested citizenship verification. Reasonable opportunity is defined as ten days from the date documentation was requested. The worker may authorize an additional ten day extension for verification if the necessary information has been requested by the client. If DHHS has requested verification, such as an out of state birth certificate, benefits will not be denied or terminated while awaiting receipt. Once an individual has declared s/he is a U.S. citizen or national and has provided all other information to determine eligibility, benefits must be provided.

If the client is not cooperating in providing documentation, the client must be closed.

2-003.01 Verification of Alien Status: When a client states that one or more of the unit members is an alien, the worker must require the client to present verification for each alien member. If the client has documentation containing an alien registration number, the worker must verify the alien status using the Systematic Alien Verification for Entitlements (SAVE) system. For further verification procedures, see 473-000-603 and 473-000-604.

2-004 Needs Eligibility

2-004.01 Social Services Goals: Social services are authorized based on the client's income eligibility and needs and are not provided based on demand. Need for a particular service implies that the provision of that service will assist the client or his/her family members to advance toward the achievement of one of the five program goals:

1. Achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency;
2. Achieving or maintaining self-sufficiency, including reduction or prevention of dependency;
3. Preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating, or reuniting families;
4. Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care; or
5. Securing referral or admission for institutional care when other forms of care are not appropriate.

2-004.01A Economic Self-Support (Goal 1): Economic self-support means that a client no longer receives any public assistance (e.g., AABD, medical assistance, social services, SSI, or food stamps).