

13931, (eff 4-24-24)

**Readopt with amendment He-W 622.01, effective 3-25-14 (Document #10551), cited and to read as follows:**

PART He-W 622 LIABILITY OF RELATIVES TO SUPPORT

He-W 622.01 Liability of Relatives to Support.

(a) When a married couple lives together in an independent living arrangement, income belonging to either spouse shall be considered available in accordance with He-W 652.03 in determining eligibility for all categories of financial assistance.

(b) For financial assistance to needy families, in accordance with RSA 167:3 and RSA 167:3-a, parents shall be liable for their children who are considered to be minor children or minor parents as defined under RSA 167:78, XVI and 45 CFR 233.107(e)(1).

(c) For the adult categories of financial assistance, the ability of a liable relative in accordance with RSA 167:3 to contribute to an individual's support shall be determined as follows:

(1) The amount of the expected contribution shall be based on the gross annual income of the liable relative;

(2) The income considered shall be all money or monies that are defined as income in the individual's category of assistance;

(3) Money or monies defined as resources in the individual's category of assistance shall not be considered in determining the ability of the relative to contribute;

(4) The gross annual income of the liable relative or a legal dependent shall be reduced by the amount of the following unreimbursed and unreimbursable expenses:

a. Medical care costs;

b. Educational expenses;

c. Any court-ordered payments, including, but not limited to, child support, alimony, or guardianship fees;

d. Repayments, including garnishments, or prior indebtedness excluding shelter costs; or

e. Life-threatening circumstances as described in He-W 654.03(h);

(5) The legally liable relative's income, less expenses noted in (c)(4) above, shall be compared to 200% of the federal poverty income guidelines, as described in 42 USC 9902(2) and annually updated by the department pursuant to (8) below, for the appropriate number of persons dependent on the legally liable relative's income noted in (6) below;

(6) The number of persons dependent on the income shall include the liable relative and any persons legally claimed as dependents for federal income tax purposes by that relative except for the recipient;

(7) In the case of self-employed persons, the gross income shall be the income remaining after deducting business expenses allowed by the Internal Revenue Service for federal income tax purposes;

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(8) The income limit of 200% of the federal poverty income guidelines shall be effective no later than the first of the month following the first complete month after the federal poverty income guidelines have been published in the federal register; and

(9) If the income is:

a. Less than or equal to 200% of the federal poverty income guidelines for the number of persons dependent on the legally liable relative’s income, no contribution shall be expected from the liable relative; or

b. Greater than 200% of the federal poverty income guidelines for the number of persons dependent on the legally liable relative's income, a contribution equal to 10% of that portion of income over 200% of the federal poverty income guidelines for the number of persons dependent on the legally liable relative's income shall be expected to be made by the liable relative towards the individual's support.

(d) If contributions are actually made by a legally liable relative on a regular, recurring basis to an individual, the monthly contribution amount shall be treated as unearned income in determining the individual's eligibility and benefit level.

(e) Refusal of the liable relative to supply adequate information regarding their ability to contribute shall have no impact on the individual's eligibility.

**APPENDIX**

<b>Rule</b>	<b>Specific State or Federal Statute or Regulations the Rule Implements</b>
He-W 622.01	RSA 167:2; RSA 167:3; RSA 167:3-a; RSA 167:3-b; RSA 167:3-c, I; RSA 167:78, XV; 42 USC 9902(2); and 45 CFR 233.107(e)(1)