

#13361, (eff 3/30/22)
Interim EXPIRES: 9-26-22

Readopt He-W 652.03, effective 04-04-12 (Document #10108), to read as follows:

He-W 652.03 Deemed Income For Financial and Medical Assistance.

- (a) The income of a caretaker relative who is not a parent and is not included in the assistance group (AG), shall not be considered available to the children in the assistance group.
- (b) If all family members living together apply for assistance as one group, deeming of the parents' or legal guardians' income shall not apply.
- (c) The minor casehead's income and resources, and the income and resources of the minor casehead's parent(s) or legal guardian(s), shall not be counted when determining eligibility for the FANF AG when the minor casehead is:
 - (1) Not a parent; and
 - (2) Not included in the AG.
- (d) When determining eligibility for FANF financial and medical assistance, the parent's income shall be deemed to the minor casehead in the following manner:
 - (1) The countable gross earned income, if any, for each employed parent shall be determined pursuant to He-W 654;
 - (2) The employment expense disregard as specified in He-W 654.13 shall be deducted from the gross earned income for each employed parent resulting in the net earned income for each;
 - (3) Countable unearned income shall be added to net earned income, as described in (2) above, which shall result in available income;
 - (4) The following shall be subtracted from available income, as described in (3) above, resulting in the amount of deemed income:
 - a. The FANF standard of need, as described in He-W 658.01, for the appropriate group size, for a group with the following members:
 - 1. Parents living in the home;
 - 2. Any other individuals living in the home who are legal dependents of the parents; and
 - 3. Any individuals outside the home whom the parent claims as dependents for federal income tax purposes; and
 - b. The amount of child support or alimony paid by the parents to individuals outside the home;
 - (5) The amount of deemed income above shall be treated as unearned income when determining income eligibility for the FANF case;
 - (6) The amount of income that is deemed available to the FANF case shall remain constant until the next redetermination, unless a change is reported or discovered by the department; and
 - (7) The parent's income, resources, and expenses shall be verified pursuant to He-W 606.

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(e) For the adult categories of assistance, the following shall apply:

- (1) Treatment of income and resources shall be pursuant to He-W 654;
- (2) The standard of need for a group size of 2 shall be compared to the available income to determine the amount of deemed income, when an adult category applicant or recipient lives with an applicant or non-applicant spouse, or a needy essential person; and
- (3) The standard of need for a group size of 3 shall be compared to the available income to determine the amount of deemed income when an adult category applicant or recipient lives with an applicant or non-applicant spouse and a needy essential person.

(f) When determining eligibility and benefit amount for an aid to the needy blind (ANB) financial assistance applicant or recipient under the age of 18, the available income (AI) to be deemed from the ANB applicant's or recipient's parent or parents, as defined by He-W 601.06(b), to the ANB child shall be determined as follows:

- (1) Deduct from the parent or parents' combined countable unearned income, as defined in He-W 601.08(k):
 - a. An allocation for each ineligible child in the house, pursuant to 20 CFR 416.1165(b); and
 - b. A general income exclusion, pursuant to 20 CFR 416.1165(d)(1);
- (2) Deduct from the parent or parents' combined earned income, as defined in He-W 601.03(k):
 - a. Verified expenses as described in He-W 606.74 and He-W 654.21; and
 - b. The earned income disregards described in 20 CFR 416.1165(d)(2); and
- (3) Add together the remaining unearned income from (1) above and the remaining earned income from (2) above and deduct a parental living allowance for each parent residing with the ANB applicant or recipient child, pursuant to 20 CFR 416.1165(d)(3).

(g) The AI, as determined by (f)(3) above, shall be deemed from the parent or parents to the ANB applicant or recipient under the age of 18 as unearned income pursuant to 20 CFR 416.1165(e)(1)–(2).

(h) To be eligible for the allocation described in (f)(1)a. above, the ineligible child shall be:

- (1) Under the age of 18, or under the age of 20 if a full-time student in a secondary school or the equivalent level of vocational or technical training;
- (2) Unmarried and not applying for or receiving ANB financial assistance; and
- (3) Residing in the home of the ANB financial assistance applicant or recipient who is under the age of 18.

(i) When determining eligibility for an ANB financial assistance applicant or recipient under the age of 18, the available resources (AR) to be deemed from the parent or parents, as defined in He-W 601.06(b), to the ANB child shall be the parent or parents' countable resources that exceed the resource limits described in 20 CFR 416.1205(c).

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(j) For an ANB financial assistance applicant or recipient under the age of 18 to be considered eligible for ANB financial assistance, the sum of the following shall not exceed the ANB financial assistance resource limit described in He-W 656.06(a)-(b):

- (1) The AR from (i) above; and
- (2) The ANB child’s countable resources, as defined by He-W 601.02(v).

(k) The AI and AR deemed available to the ANB financial assistance case pursuant to (g) and (i) above shall remain constant until the next redetermination, unless a change is reported to or discovered by the department.

(l) The parent or parents’ income and resources shall be verified pursuant to He-W 606, unless otherwise designated.

(m) A verbal declaration shall suffice as proof of the parent or parents’ name, date of birth, and marital status.

(n) The parent or parents of the ANB applicant or recipient shall provide all of the following verifications to receive the deduction described in (f)(1)a. above:

- (1) A copy of the birth certificate for each sibling for which a deduction is requested;
- (2) A signed statement from the parent or parents living in the home certifying, under penalty of perjury, that the sibling or siblings are unmarried and live in the home with the ANB applicant or recipient under the age of 18; and
- (3) For siblings 18 and older but under the age of 20, proof of full-time student enrollment in a secondary school or the equivalent level of vocational or technical training, including but not limited to a current student identification card, a school report card, or a letter of enrollment from the school on school letterhead.

(o) Failure or refusal to fulfill the criteria described in (l)-(m) above shall result in the denial or termination of ANB financial assistance for the ANB applicant or recipient under the age of 18.

(p) Failure or refusal to fulfill the criteria described in (n) above shall result in no deduction being allowed for each sibling for which the criteria was not fulfilled.

(q) Parental deeming to an ANB applicant or recipient child shall end as of the month following the month in which the child turns 18, pursuant to 20 CFR 416.1165(g)(7).

APPENDIX

Rule	Specific State Statute the Rule Implements
He-W 652.03	RSA 167:3-b; RSA 167:3-c,I; RSA 167:78; RSA 167:79,V(b); RSA 167:83,II(m); RSA 167:80; 20 CFR 416.1165; 20 CFR 416.1202 20 CFR 416.1205;Section 1902(a)(17)(d) of the Social Security Act [42 USC 1396a(a)(17)(d)]