

Readopt with amendment He-W 636.02, He-W 636.03, and He-W 636.09, effective 11-26-13 (Document #10471), to read as follows:

He-W 636.02 Verification of Identity.

~~—(a)~~ All financial assistance to needy families (FANF) applicants, including parents, caretaker relatives, and children, shall verify their identity, pursuant to He-W 606.28~~(b)~~ ~~(f)~~, as a condition of eligibility.

He-W 636.03 School Attendance.

(a) To be classified as a student, the individual shall:

(1) Be listed as a current student by the school, educational institute, or training program;

(2) Be ~~physically~~ present in person or online ~~at~~for the class or program; and

(3) Be considered to be in regular attendance when verification is provided that proves:

a. Full-time attendance, as defined by the school, the educational institute or training program, or the curriculum of study or training leading to a certificate, diploma, or degree;

b. At least half-time attendance, as defined by the school, the educational institute or training program, or the curriculum of study or training leading to a certificate, diploma, or degree, while also regularly employed in, or available for and actively seeking, part-time employment; or

c. At least half-time attendance, as defined by the school, the educational institute or training program, or the curriculum of study or training leading to a certificate, diploma or degree, and precluded from full-time attendance or part-time employment because of a verified ~~disability~~physical handicap.

(b) The conditions for classification as a student as described in (a) above shall not be considered to have been met when the individual:

(1) Enrolls in, but does not regularly attend, classes; or

(2) Takes correspondence courses.

(c) Individuals shall be considered ~~to be~~ students during months in which they are not ~~physically~~ attending a school, an educational institute, or a training program when the absence ~~from school~~ is due to:

(1) Official school, educational institute, or training program semester breaks or vacations; or

(2) Illness, convalescence, or family emergency, as long as the individual plans on returning to the school, educational institute, or training program when the reason for the absence has ended.

(d) An individual who has already received a certificate, degree, or diploma, but is repeating the course or program to obtain better grades or skills in an effort to improve employment opportunities, shall be classified as a student if all other criteria are met.

(e) An individual shall be considered a student through the end of the month in which the individual~~he or she~~ completes or discontinues attending the~~his or her~~ school, the educational institute, or the training program.

(f) Once student status is verified, the individual shall be considered a student until the next redetermination, unless the district office~~department~~ is notified otherwise by the individual, ~~or~~ the school, the educational institute, or the training program.

(g) If student status is not verified, the individual shall not be considered a student.

He-W 636.09 Good Cause for Failure to Cooperate.

(a) Good cause reasons for failure to cooperate with child support requirements shall be one of the following:

(1) ~~That~~ The effort to establish paternity or secure child support is against the best interests of the child and could result in:

a. Physical or emotional harm to the child; or

b. Physical or emotional harm to the parent or caretaker relative ~~sufficient to reduce the capacity of that person to care for the child adequately;~~

(2) The child was conceived as a result of incest or rape;

(3) Proceedings for adoption of the child are pending in a court; or

(4) A public or private social service agency is helping the parent or caretaker relative decide whether to relinquish the child for adoption.

(b) No child support action shall be taken while a good cause claim is being verified by the department.

(c) As long as good cause is verified~~found to exist pursuant to He-W 606.31~~, no child support action shall be taken by the department.

APPENDIX

Rule	Specific State or Federal Statutes or Regulations the Rule Implements
He-W 636.02	RSA 167:79, III(i); 42 CFR 435.407; 42 CFR 435.913
He-W 636.03	RSA 167:6, V; RSA 167:78, XIV; RSA 167:80, IV(b); RSA 167:82, II(b)
He-W 636.09	RSA 161:4-a, V; RSA 167:79, III(c) & VI(a); RSA 167:82, III(b) & V; RSA 167:83, II(c) & (l)