
POLICY TRANSMITTAL NO. 04-12	DATE: MARCH 9, 2004
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:10-3-26.

EXPLANATION: **Policy revisions were approved by the Commission and the Governor as required by the Administrative Procedures Act.**

OAC 340:10-3-26 Instructions to Staff 3 is revised to add the reference to Oklahoma Department of Human Services (OKDHS) Appendix C-1, Schedule of Maximum Income, Resources, and Payment Standards, Schedule XVII.

Original signed on 3-9-04

Mary Stalnaker, Director
Family Support Services Division

Marilynn Knott, Administrator
Office of Planning, Policy & Research

WF # 04-B (NAP)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following a "DHS" number, such as personnel policy at DHS:2-1 and personnel rules at OAC 340:2-1. The "340" is the Title number that designates DHS as the rulemaking agency; the "2" specifies the Chapter number; and the "1" specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, DHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, DHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at (405) 521-3611.

REMOVE

340:10-3-26

INSERT

340:10-3-26, pages 1-2, revised 3-1-04

340:10-3-26. General provisions regarding income

Income is defined as gain, payment, or proceed from labor, business, property, retirement, and other benefits. All available income, except that required to be disregarded by law or the Oklahoma Department of Human Services (OKDHS) policy, is taken into consideration in determining need. ■ 1 Income is considered available when actually received. When an individual's income is reduced due to recoupment of an overpayment or a garnishment, the gross amount before the recoupment or garnishment is counted as income. The individual is responsible for reporting all income, the source, amount, and regularity of receipt.

(1) Income received on behalf of a member of the assistance unit by another individual such as, but not limited to, a guardian or conservator, is considered available to the assistance unit.

(2) Money received and used for the care and maintenance of a third party who is not included in the assistance unit is not counted as income if it can be identified and verified as intended for third party use. ■ 2 This is not applicable to a stepparent or a person acting in the role of a spouse. [OAC 340:10-3-57(f)]

(3) If it appears any member of the assistance unit or an individual whose income and resources are considered when computing the cash assistance is eligible for any type of income or benefits, OKDHS notifies the assistance unit in writing. The notice contains the information that failure to apply for and take all appropriate steps to obtain such benefits within 30 days from the date of the notice results in a determination of ineligibility. Supplemental Security Income (SSI) does not fall under these types of benefits.

(4) If a husband and wife are living together or are living apart but there has not been a clear break in the family relationship, income received by either spouse and income received jointly is considered as family income. Income of individuals receiving Temporary Assistance for Needy Families (TANF) benefits cannot be diverted to members who receive State Supplemental Payments. Income of a natural or adoptive parent cannot be diverted to meet the needs of a stepparent. Any family member who receives SSI is not included in a TANF benefit and consideration is not given to any of the SSI income in computing the TANF benefit.

(5) When it is determined the assistance unit's net income meets or exceeds the payment standard for that month, the application is denied or the cash assistance is terminated the next possible effective date. ■ 3

INSTRUCTIONS TO STAFF

1. See OAC 340:10-3-58 for income determination procedures.
2. See OAC 340:10-3-40(15) for income disregards.
3. The payment standard is shown on OKDHS Appendix C-1, Schedule of Maximum Income, Resource, and Payment Standards, Schedule IX for Temporary Assistance for Needy Families (TANF) or Schedule XVII for the Supported Permanency Program.