
POLICY TRANSMITTAL NO. 08-52	DATE: OCTOBER 24, 2008
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:40-7-5.

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

OAC 340:40-7-5 is amended to add rules regarding citizenship for subsidized child care assistance. Previously the rule referenced OAC 340:10-15, Temporary Assistance for Needy Families (TANF) rules regarding citizenship. The TANF rules include a five-year ban on eligibility for qualified aliens. The Child Care Development Fund (CCDF) does not have the same ban for recipients of child care assistance.

Original signed on 10-17-08

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WF # 08-10 (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 an "OKDHS" number, such as personnel policy at OKDHS:2-1 and personnel rules at OAC 340:2-1. The "340" is the Title number that designates OKDHS 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, OKDHS 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, OKDHS: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 405-521-4326.

REMOVE

340:40-7-5

INSERT

340:40-7-5, pages 1-3, revised 11-1-08

340:40-7-5. Resources, residence, and citizenshipRevised 11-1-08

(a) Resources are not considered in determining eligibility for subsidized child care.

(b) A parent or caretaker's statement that he or she lives in Oklahoma meets the residence requirement for child care. ■ 1

(c) Only the child for whom child care is requested must meet the citizenship and alienage requirements. ■ 2

(1) A child eligible to be included in a child care benefit must be either a:

(A) citizen or a national of the United States (U.S.), including the 50 states, District of Columbia, Commonwealth of Puerto Rico, Virgin Islands, Guam, American Samoa, and Northern Mariana Islands. The child may be a citizen of the U.S. by being born in the U.S. or by being born in some other country but moving to the U.S. and being granted U.S. citizenship through the U.S. Citizenship and Immigration Services (USCIS), a bureau of the Department of Homeland Security; ■ 3 or

(B) qualified alien:

(i) who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);

(ii) who is paroled into the U.S. under Section 212(d)(5) of INA [8 United States Code (U.S.C.) 1182] for a period of at least one year;

(iii) who is granted conditional entry pursuant to Section 203(a)(7) of INA [8 U.S.C. 1153] as in effect prior to April 1, 1980;

(iv) who is granted asylum under Section 208 of INA;

(v) who is admitted to the U.S. as a refugee under Section 207 of INA [8 U.S.C. 1157];

(vi) whose deportation is withheld under Section 241(b)(3) of INA;

(vii) who is a Cuban or Haitian entrant as defined in Section 501(e) of the Refugee Education Assistance Act of 1980;

(viii) who was battered or whose parent or caretaker was battered as defined in Section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act as amended [8 U.S.C.1641(c)]; or

(ix) who was a victim or whose parent or caretaker was a victim of a severe form of trafficking pursuant to Section 107(b) of the Trafficking Victims Protection Act of 2000 which was reauthorized and amended by the Trafficking Victim's Protection Reauthorization Act of 2003. ■ 4

(2) A declaration of citizenship and alien status is required for all children included in the child care benefit. This requirement is met when an adult member of the household completes and signs the application or review form attesting to the citizenship and alien status for all children included in the benefit. Refer to OAC 340:65-3-1(g) for additional citizenship requirements for persons 14 years of age and older pursuant to Section 71 of Title 56 and Section 20j of Title 74 of the Oklahoma Statutes. ■ 5

(3) An alien child determined to have satisfactory alien status must have the status verified through Systematic Alien Verification for Entitlements (SAVE). In situations which require a written inquiry to the USCIS, the worker must not delay, deny, terminate, or reduce benefits to an alien pending USCIS verification of submitted documentation. ■ 6

INSTRUCTIONS TO STAFF 340:40-7-5

Revised 11-1-08

- 1. In situations where a non-custodial parent needs child care while his or her child is visiting from another state, the parent's residence qualifies the family for this eligibility criteria. Persons who maintain a residence out-of-state and commute to Oklahoma for work, school, or any other reason do not meet the residence requirement.**
- 2. The parent or caretaker's citizenship status is not a condition of eligibility. See OAC 340:50-5-67 and 340:50-5-8.1 for citizenship requirements for food benefit recipients. See OAC 317:35-5-25 for citizenship requirements for medical assistance recipients.**
- 3. All persons born in the United States (U.S.) are, with rare exceptions, U.S. citizens. Documents of citizenship or national status of persons from certain U.S. territories or possessions may not be in their possession nor available. Their status can usually be determined by birth certificate, passport, or other**

official document. Any questions regarding whether any other official document provides reliable evidence of citizenship or national status are referred to the Family Support Services Division Child Care Section.

4. The Office of Refugee Resettlement (ORR) provides a certification letter to a person 18 years of age or older and an eligibility letter to a person who has not attained 18 years of age. These persons are also provided T Visas which indicates eligibility for federally funded or administered benefits to the same extent as a refugee. The T Visas are T-2, T-3, T-4, and T-5 referred to collectively as derivative T Visas. To determine the validity of the letters issued by ORR and to inform ORR which benefits the person has applied for, the worker must call the toll-free trafficking verification number 1-866-401-5510.
5. See OAC 340:40-9-2 for additional requirements when adding a child to the benefit after certification.
6. Refer to OAC 340:65-3-4(5) and Instructions to Staff 15 for information regarding the Systematic Alien Verification for Entitlements (SAVE).