

The Connecticut General Assembly

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Memorandum

To: Legislative Regulation Review Committee
From: Legislative Commissioners' Office
Committee Meeting Date: June 26, 2012

Regulation No:	2012-22
Agency:	Department of Social Services
Subject Matter:	Eligibility Criteria for Felons, Fleeing Felons and Probation or Parole Violators
Statutory Authority: (copy attached)	17b-3

	Yes or No
Mandatory	N
Federal Requirement	Y
Permissive	Y

For the Committee's Information:

Substantive Concerns:

Technical Corrections:

1. On page 6, in section 3050.15.A.3, "The above prohibitions" should be "The prohibitions set forth in subdivisions 1 and 2 of this subsection" for clarity and proper form.
2. On page 7, in the fifth line of section 8080.30.A, "(Cross Reference: [UPM Section:] 3000)[.]" should be "(Cross Reference: 3000)[.]" for accuracy in reflecting the existing regulation.
3. On page 7, section 8080.30.B.2. should be rewritten as follows, for accuracy in reflecting the existing regulation:
 2. For SMA, citizenship and non-citizen requirements are met if individuals would meet these requirements under either the SMANC program [(cross-ref. 8016) (Cross Reference: 8016) or the MA program [(cross-ref. 3005.08)] (Cross Reference: 3005.08), except that there is no eligibility for persons who do not meet the requirements and who have an emergency medical condition. In addition, citizenship and special identity verification requirements do not apply. (Cross Reference: 1599.05 and 3099.04)
4. On page 7, in the first line of section 8080.30.C.2.a, "Establishes" should be "[establishes] Establishes" for accuracy in reflecting the existing regulation.
5. On page 12, in the third line of section 8540.20.B.3, "applied" should be "applied to any individual" and in the last line of said subdivision "conviction" should be "conviction of such individual" for clarity. The same changes should be made on page 13, in section 8540.20.C.2.
6. On page 13, in the fifth line of section 8540.20.D, "(cross reference: 8550.20 and 8560.15)" should be "[cross reference] Cross Reference: 8550.20 and 8560.15" for internal consistency.

Recommendation:

<input checked="" type="checkbox"/>	Approval in whole
<input checked="" type="checkbox"/>	with technical corrections with deletions with substitute pages
	Disapproval in whole or in part
	Rejection without prejudice

Reviewed by: Allison McKeen / Shannon McCarthy

Date: June 13, 2012

Sec. 17b-3. Commissioner of Social Services: Powers and duties. (a) The Commissioner of Social Services shall administer all law under the jurisdiction of the Department of Social Services. The commissioner shall have the power and duty to do the following: (1) Administer, coordinate and direct the operation of the department; (2) adopt and enforce such regulations, in accordance with chapter 54, as are necessary to implement the purposes of the department as established by statute; (3) establish rules for the internal operation and administration of the department; (4) establish and develop programs and administer services to achieve the purposes of the department as established by statute; (5) contract for facilities, services and programs to implement the purposes of the department as established by statute; (6) process applications and requests for services promptly; (7) with the approval of the Comptroller and in accordance with such procedures as may be specified by the Comptroller, make payments to providers of services for individuals who are eligible for benefits from the department as appropriate; (8) make no duplicate awards for items of assistance once granted, except for replacement of lost or stolen checks on which payment has been stopped; (9) promote economic self-sufficiency where appropriate in the department's programs, policies, practices and staff interactions with recipients; (10) act as advocate for the need of more comprehensive and coordinated programs for persons served by the department; (11) plan services and programs for persons served by the department; (12) coordinate outreach activities by public and private agencies assisting persons served by the department; (13) consult and cooperate with area and private planning agencies; (14) advise and inform municipal officials and officials of social service agencies about social service programs and collect and disseminate information pertaining thereto, including information about federal, state, municipal and private assistance programs and services; (15) encourage and facilitate effective communication and coordination among federal, state, municipal and private agencies; (16) inquire into the utilization of state and federal government resources which offer solutions to problems of the delivery of social services; (17) conduct, encourage and maintain research and studies relating to social services development; (18) prepare, review and encourage model comprehensive social service programs; (19) maintain an inventory of data and information and act as a clearing house and referral agency for information on state and federal programs and services; and (20) conduct, encourage and maintain research and studies and advise municipal officials and officials of social service agencies about forms of intergovernmental cooperation and coordination between public and private agencies designed to advance social service programs. The commissioner may require notice of the submission of all applications by municipalities, any agency thereof, and social service agencies, for federal and state financial assistance to carry out social services. The commissioner shall establish state-wide and regional advisory councils.

(b) The Commissioner of Social Services is authorized to do all things necessary to apply for, qualify for and accept any federal funds made available or allotted under any

federal act for social service development, or any other projects, programs or activities which may be established by federal law, for any of the purposes or activities related thereto, and said commissioner shall administer any such funds allotted to the department in accordance with federal law. The commissioner may enter into contracts with the federal government concerning the use and repayment of such funds under any such federal act, the prosecution of the work under any such contract and the establishment of and disbursement from a separate account in which federal and state funds estimated to be required for plan preparation or other eligible activities under such federal act shall be kept. Said account shall not be a part of the General Fund of the state or any subdivision of the state.

(c) The powers and duties enumerated in this section shall be in addition to and shall not limit any other powers or duties of the commissioner contained in any other law. **From 2012 Supplement**

Sec. 17b-191. Operation of state-administered general assistance program. Cash assistance. Eligibility. (a) Notwithstanding the provisions of sections 17b-190, 17b-195 and 17b-196, the Commissioner of Social Services shall operate a state-administered general assistance program in accordance with this section and sections 17b-131, 17b-193, 17b-194, 17b-197 and 17b-198. Notwithstanding any provision of the general statutes, on and after October 1, 2003, no town shall be reimbursed by the state for any general assistance medical benefits incurred after September 30, 2003, and on and after March 1, 2004, no town shall be reimbursed by the state for any general assistance cash benefits or general assistance program administrative costs incurred after February 29, 2004.

(b) No earlier than September 1, 2003, but not later than October 1, 2003, the state-administered general assistance program pursuant to this section and any general assistance program operated by a town shall provide cash assistance of (1) two hundred dollars per month to a single unemployable person upon determination of such person's unemployability; (2) two hundred dollars per month for a single transitional individual who is required to pay for shelter; and (3) fifty dollars per month for a single transitional individual who is not required to pay for shelter. No earlier than September 1, 2003, but not later than October 1, 2003, eligible families shall receive cash assistance in an amount that is fifty dollars less than the standard of assistance such family would receive under the temporary family assistance program. The standard of assistance paid for individuals residing in rated boarding facilities, shall remain at the level in effect on August 31, 2003. No individual shall be eligible for cash assistance under the program if eligible for cash assistance under any other state or federal cash assistance program.

(c) To be eligible for cash assistance under the program, a person shall (1) be (A) eighteen years of age or older; (B) a minor found by a court to be emancipated pursuant to

section 46b-150; (C) under eighteen years of age and a member of a family eligible for cash or medical assistance under the program; or (D) under eighteen years of age and the commissioner determines good cause for such person's eligibility, and (2) not have assets exceeding two hundred fifty dollars. No person who is a substance abuser and refuses or fails to enter available, appropriate treatment shall be eligible for cash assistance under the program until such person enters treatment. No person whose benefits from the temporary family assistance program have terminated as a result of time-limited benefits or for compliance with a program requirement shall be eligible for cash assistance under the program.

(d) Prior to or upon discontinuance of assistance, a person previously determined to be a transitional individual may petition the commissioner to review the determination of his or her status. In such review, the commissioner shall consider factors, including, but not limited to: (1) Age; (2) education; (3) vocational training; (4) mental and physical health; and (5) employment history and shall make a determination of such person's ability to obtain gainful employment.

42 USC 1382 (e)(4)

(4)(A) No person shall be considered an eligible individual or eligible spouse for purposes of this subchapter with respect to any month if during such month the person is -

(i) fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the person flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the person flees, or, in jurisdictions that do not define crimes as felonies, is punishable by death or imprisonment for a term exceeding 1 year regardless of the actual sentence imposed; or

(ii) violating a condition of probation or parole imposed under Federal or State law.

(B) Notwithstanding subparagraph (A), the Commissioner shall, for good cause shown, treat the person referred to in subparagraph (A) as an eligible individual or eligible spouse if the Commissioner determines that -

(i) a court of competent jurisdiction has found the person not guilty of the criminal offense, dismissed the charges relating to the criminal offense, vacated the warrant for arrest of the person for the criminal offense, or issued any similar exonerating order (or taken similar exonerating action), or

(ii) the person was erroneously implicated in connection with the criminal offense by reason of identity fraud.

(C) Notwithstanding subparagraph (A), the Commissioner may, for good cause shown based on mitigating circumstances, treat the person referred to in subparagraph (A)

as an eligible individual or eligible spouse if the Commissioner determines that -

(i) the offense described in subparagraph (A)(i) or underlying the imposition of the probation or parole described in subparagraph (A)(ii) was nonviolent and not drug-related, and

(ii) in the case of a person who is not considered an eligible individual or eligible spouse pursuant to subparagraph (A)(ii), the action that resulted in the violation of a condition of probation or parole was nonviolent and not drug-related.