

CHAPTER 67:10:01
GENERAL PROVISIONS

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67:10:01:05. Individuals ineligible for assistance. The following individuals are ineligible for assistance under this article:

(1) An individual who is fleeing to avoid prosecution, custody, or confinement for committing or attempting to commit a felony or for violating a condition of probation or parole;

(2) An individual who is convicted in a federal or state court of having made a fraudulent statement or representation regarding the individual's place of residence in order to receive Medicaid, supplemental nutrition assistance, supplemental security income, or TANF benefits from two or more programs simultaneously. The period of ineligibility is ten years and begins with the date of the conviction;

(3) Unless the child is required to be included in the assistance unit under § 67:10:01:04, a dependent child not meeting the relationship criteria of § 67:10:01:06;

(4) A parent or sibling who is an alien and is ineligible for TANF because the parent or sibling does not meet the citizenship and alienage requirements;

(5) A caretaker relative other than the parent;

(6) SSI recipients; and

(7) Other than a parent, an individual not meeting the definition of a dependent child.

Source: 24 SDR 24, effective August 31, 1997; 36 SDR 103, effective December 21, 2009.

General Authority: SDCL 28-7A-3(1).

Law Implemented: SDCL 28-7A-3(1).

Cross Reference: ~~Individual ineligible if convicted of certain offenses,~~
~~§ 67:10:01:13.~~

67:10:01:12. Mandatory participation in work activities. As a condition of eligibility, an individual requesting assistance under this article ~~must~~ shall participate in the work activities established in chapter 67:10:06.

If an individual is ineligible for assistance under subdivision 67:10:01:05(1), (2), or (4) ~~or § 67:10:01:13~~, or is disqualified under the provisions of chapter 67:10:09, the individual ~~must~~ shall participate in the work activities established in chapter 67:10:06 as a condition of eligibility for the assistance unit.

Source: 24 SDR 24, effective August 31, 1997; 24 SDR 177, effective June 22, 1998; 26 SDR 168, effective July 1, 2000.

General Authority: SDCL 28-7A-3(2)(12), 28-7A-10.

Law Implemented: SDCL 28-7A-3(2)(12), 28-7A-10.

67:10:01:13. Individual ineligible if convicted of certain offenses. ~~An individual is ineligible for assistance under this article if the individual is convicted of a felony under federal or state law which felony has as an element the possession, use, or distribution of a controlled substance.~~

~~An individual applying for assistance must, during the application process, state in writing on a form available from the department whether the individual or any member of the individual's household has been convicted of such a crime.~~

~~This section does not apply to convictions which occurred before August 23, 1996~~
Repealed.

Source: 24 SDR 24, effective August 31, 1997.

General Authority: ~~SDCL 28-7A-3(1)(12).~~

Law Implemented: ~~SDCL 28-7A-3(1)(12).~~

Cross Reference: ~~Denial of assistance for certain drug related convictions, Pub. L. No. 104-193, § 115 (110 Stat. 2180) (August 22, 1996).~~

67:10:01:16. Assistance unit ineligible after 60 months. An assistance unit that includes a parent who has received assistance for 60 months is ineligible for assistance under this article unless the unit meets the hardship criteria contained in § 67:10:01:16.01. This limit applies to those cases in which the parent is ineligible for assistance under the provisions of subdivision 67:10:01:05(1), (2), or (4) ~~or § 67:10:01:13~~ and to those cases in which the parent is disqualified from assistance under the provisions of chapter 67:10:09. The 60 months do not have to be consecutive and do not begin to count until December 1996.

In determining the number of months the parent received assistance, the department shall disregard any months during which the individual was a minor child and not the head of a household or married to the head of the household and any months during which the parent lived on an Indian reservation if, during the month, at least 50 percent of the adults living on the reservation were unemployed.

Source: 24 SDR 24, effective August 31, 1997; 24 SDR 177, effective June 22, 1998; 26 SDR 168, effective July 1, 2000; 28 SDR 84, effective December 20, 2001.

General Authority: SDCL 28-7A-3(1)(3)(12).

Law Implemented: SDCL 28-7A-3(1)(3)(12).

Cross-References: No assistance for more than five years, Pub. L. 104-193, § 408(a)(7) (110 Stat. 2137) (August 22, 1996); Disregard of months of assistance received by adult while living on an Indian reservation or in an Alaskan native village with 50

percent unemployment, Pub. L. No. 105-33, § 5505(d)(2)(D) (111 Stat. 611) (August 5, 1997).