

DEPARTMENT OF HUMAN RESOURCES FAMILY INVESTMENT ADMINISTRATION	FOOD SUPPLEMENT PROGRAM MANUAL	
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404.1 Purpose

The purpose of this section is to describe the policy and procedures regarding the head of household and authorized representative.

404.2 Head of Household

- A. The household may choose who is to be designated as head of household.
- B. Generally, the head of household is one of the following persons:
 - 1. An adult parent of a child (any age);
 - 2. An adult who has parental control over a child (under 18 years of age);
 - 3. One of the adults in an all adult household.

NOTE: All adult household members must agree on the selection of the head of household.

- C. The head of household is only used for case identification purposes.
- D. Do not use the head of household designation to impose special requirements on the household such as requiring that the head of household, rather than another responsible member of the household, make application or appear for the interview.
- E. The local department will designate the head of household if the household declines to designate a head of household or cannot agree on a selection.

NOTE: One of the children of the household may be designated as the head of the household and an adult living in the home (non-FSP household member) may be named the authorized representative if there is no adult member of the FSP household.

For the purposes of application and interview procedures, a responsible household member is any member capable of representing the household by providing the local department with sufficient and accurate information concerning the household's circumstances.

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404.3 Authorized Representative

- A. The head of household, spouse or other responsible member may designate an authorized representative to act on its behalf if the authorized representative is aware of the household's circumstances **and** the designation is in writing.

NOTE: Only an adult authorized representative may make application on behalf of the household.

- B. An authorized representative may:

1. Appear for interviews;
2. Apply for benefits for the household;
3. Use the Independence Card to purchase food for the household;
4. Be named to use the Independence Card to purchase food for the household in an emergency.

NOTE: In an emergency situation, the household may designate an emergency authorized representative to use the Independence Card to purchase food for the household. Written authorization must be obtained from the head of household and signed by both the head of household and the emergency authorized representative

- C. Except for situations in which a drug or alcohol treatment center or other group living arrangement acts as the authorized representative, the local department must inform the household that the household will be held liable for any overissuance that results from erroneous information given by the representative.

404.4 Drug/Alcohol Treatment Centers

- A. Residents of drug addiction or alcohol treatment programs (and their children who live with them) may elect to participate in the Food Supplement Program (FSP).
- B. The residents of drug or alcohol treatment centers will apply and be certified for program participation through the use of an authorized representative. The authorized representative must be an employee of and designated by the publicly operated community mental health center administering the treatment program or the private nonprofit organization or institution that is administering the treatment and rehabilitation program.

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404.4 Drug/Alcohol Treatment Centers (continued)

NOTE: See manual section 109, Other Special Households, for more information about drug/alcohol treatment centers.

404.5 Group Living Arrangement (GLA) Facilities

- A. Residents of GLA facilities may apply and be certified on their own behalf or through the use of an authorized representative.
- B. The authorized representative may be someone of the resident's choice or a person employed and designated by the GLA facility.
- C. GLA facility personnel must determine if any resident may apply on his or her own behalf. The determination is based on the resident's physical and mental ability to conduct his or her own affairs.
- D. The facility may consult with state agencies, physicians or other health care personnel prior to a determination.

NOTE: See manual section 109, Other Special households, for more information on group living arrangements.

404.6 Restrictions on Authorized Representatives

The following restrictions apply to authorized representatives:

- A. Local department employees involved in the certification or issuance processes and retailers authorized to accept the Independence Card **cannot** act as an authorized representative unless the local department determines that no other representative is available.
- B. Individuals who are disqualified for an intentional program violation cannot act as an authorized representative during the period of the disqualification, unless the following conditions are met:
 - 1. The individual is the only adult member of the household able to act on its behalf, and
 - 2. The local department determines that no one else is available to serve as an authorized representative.
- C. Homeless meal providers may not act as authorized representatives for homeless FSP recipients.

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404.7 Disqualification of an Authorized Representative

- A. Local departments may disqualify individuals from participation as an authorized representative for up to one year if they have obtained evidence that an authorized representative misrepresented a household's circumstances or makes improper use of the Independence Card.

NOTE: The provision described above (404.7A) does not apply in the case of drug and alcohol treatment centers and the heads of group homes that act as authorized representatives for their residents. However, local departments will promptly report to the Food and Nutrition Service any drug and alcohol treatment centers and heads of group homes that act as authorized representatives that intentionally misrepresent a household's circumstances. Drug and alcohol treatment centers and the heads of group living arrangements acting as representatives who intentionally misrepresent household circumstances may be prosecuted under applicable Federal and State statutes.

- B. If a local department obtains evidence that an authorized representative misrepresented a household's circumstances or makes improper use of the Independence Card, the local department will:
1. Send written notification to the affected household and the authorized representative 30 days prior to the date of the disqualification.
 2. Include in the notification the following information:
 - (a) The nature of the proposed action;
 - (b) The reason for the proposed action;
 - (c) The household's right to request a fair hearing;
 - (d) The telephone number of the local department; and
 - (e) The name of a local department representative.
- C. A household may not designate an individual disqualified for fraud as an authorized representative during the period of the disqualification unless:
1. The individual is the only adult in the household; and
 2. The local department is unable to arrange for another authorized representative