

General Assistance Manual

*Burleigh Human Service Zone Board
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GENERAL ASSISTANCE MANUAL

CHAPTER 100 INTRODUCTION

- 101 Section 50-01-01 of the North Dakota Century Code provides “Within the limits of the Human Service Zone appropriation, each Human Service Zone in this State is obligated, upon receipt of a written application, to provide General Assistance to persons who are residents of the Human Service Zone and who are eligible.”
- 102 The Burleigh Human Services Zone defines General Assistance as monetary payment made on behalf of an applicant and their family to provide the minimum amount of assistance to meet the basic needs of the household or provide for payment of burial costs.
- 103 Based on the above quoted section and other sections of Chapter 50-01 of the North Dakota Century Code, the Burleigh Human Service Zone has adopted the following policies to meet its responsibility to the legal residents of Burleigh Human Service Zone, North Dakota, and in certain cases, to transient individuals.

The purpose of this manual is to provide guidelines to staff of the Burleigh Human Service Zone in determining which applications meet the definition, as established by the Burleigh Human Service Zone, of which individuals are in need of General Assistance.

CHAPTER 200 POLICIES

- 201 The Burleigh Human Service Zone has the responsibility to adopt policies necessary for the fair and equal administration of General Assistance. The term “Board” shall mean the members of the Burleigh Human Service Zone Board. The employees of the Burleigh Human Service Zone are charged with the responsibility of carrying out the adopted policies for the administration of General Assistance. The term “Staff” or “Agency” shall mean the employees of the Burleigh Human Service Zone.
- 201.1 An applicant for the purpose of General Assistance must be a United States citizen or a qualified alien.
- 202 Application Process: All individuals shall have the opportunity to apply for General Assistance. Any individual may apply either in person by coming to any office within the Human Service Zone, by writing or phoning the office and requesting an application, or by applying electronically if available.

202.1 Consideration of other resources and referrals: All General Assistance applicants are required to explore all other potential resources and referrals as a part of the application process. General Assistance funds will only be disbursed after all other resources and referrals have been exhausted. The following resources and referrals to be explored may include: Red Cross, Salvation Army, Community Action, SSA, Job Insurance, Workforce Safety, Ministerial Association, Food Pantry, Housing Assistance, Legal Aid, relative contributions, public assistance benefits, Indian Health, etc. Failure to do so will result in denial of the application. Consideration will only be given after applicant has attempted to negotiate with provider and failed to come to any resolution. In addition, applicants ineligible for federal or state resources because of fraud or program disqualifications will result in denial of the application. Based on the availability of local resources, each Human Service Zone will determine what needs are met with General Assistance, as per their addendum and noted in Section 300 of this policy. Counties within Human Service Zones may handle requests differently as local resources vary.

203 Decision: The Human Service Zone, once having received the information from the applicant necessary to determine all eligibility conditions, has ten calendar days to make a decision upon the completed application. Upon making a decision, the Human Service Zone shall issue a written notice of decision specifying the date of the application, the reason for the request, the action taken, the reasons for the determination, the date of the decision and an explanation of the applicant's right to appeal to the Board if aggrieved by the decision. The written notice of decision will be mailed or handed to the applicant within three working days of the date of decision. The Zone Director or designee will review all notices of decision prior to notifying the applicant.

203 Appeal Process: The notice of decision shall inform the applicant of their right to appeal decisions if the applicant is aggrieved by the decision, including: the eligibility determination, the amount of assistance, or the payee.

The right to appeal shall be a two-step process on a form prescribed by the agency (see Chapter 1100). The appeal must be in writing and the applicant shall state the reason for disagreeing with the Human Service Zone decision. The appeal must be received by the Human Service Zone within ten calendar days from the date of the notice of decision. The applicant shall have the opportunity for an Administrative Review prior to an appeal before the Board. An Administrative Review is a review of the decision made by the Human Service Zone.

204.1 The Administrative Review consists of a review of the applicant's circumstances. Should the applicant wish to pursue the appeal, the Zone Director will review the action taken, (a) uphold the decision and schedule a hearing before the Board, or (b) take action to resolve the issue being

appealed. A written withdrawal of the appeal by the applicant shall be required.

- 204.2 The applicant shall be entitled to a hearing before the Board within 30 calendar days of the notice of decision. The hearing will be held in executive session of the Board. The Board Chair should delegate a member of the board to serve as the chair at the appeal hearing. The chair shall have available necessary information from staff concerning the appeal and shall permit the appealing applicant sufficient time to present any additional information pertinent to the Issue under appeal. The issue being appealed shall be considered by the Board in total and a written notification of the Board's decision shall be made available to the applicant concerning the action taken by the Board on the appeal within 15 working days. The applicant shall also be notified in writing of the right to judicial review according to North Dakota Century Code Chapter 28-32.
- 205 Payment Process: Benefits for General Assistance for those applicants who have been determined eligible for benefits shall be made as soon as the appropriate payment can be processed through the County Auditor's/finance Office. All payments of General Assistance will be made by Human Service Zone voucher to a vendor unless approval is granted by the Zone Director or appropriate staff designee.
- 206 General Assistance Budget: Funding for the General Assistance is a line item in the annual calendar year Human Service Zone budget approved by the Department of Human Services and adopted by the respective Boards of County Commissioners, to be effective January 1 of each year. North Dakota Century Code § 50-01-01
- 206.1 Repayment of County General Assistance: Families wishing to repay any General Assistance expended on their behalf, or on the behalf of a member for whom Burial Assistance was received from a Human Service Zone may do so at any time, not to exceed the amount expended.
- 207 Every Human Service Zone who administers General Assistance shall maintain reasonable records. North Dakota Century Code § 50-01-04
- 208 Preferred Claim against Estate: Preferred claims against the estate of a recipient of General Assistance or Burial Assistance shall follow the process established under North Dakota Century Code § 50-01-21.

CHAPTER 300 NEED

General Assistance is emergency assistance intended to provide the minimum amount of assistance necessary to maintain the basic needs and health of the applicant and their dependents, and for payment of burial costs. Assistance for needs is limited to the maximum line item appropriation of Burleigh Human Service Zone.

For the following items listed in {CHAPTER 300 NEED} the ____ Human Service Zone has provided an addendum if their zone will consider the specific need.

301 RENT: Human Service Zones will look for resources in their communities and refer individuals to DHS Rental Bridge for rental assistance. Page that links to ND Rent Help page: www.applyforhelp.nd.gov/nd-rent-help or contact ND Rent HELP at 701.328.1907.

302 MEDICAL NEEDS: General Assistance payment of medical expenses is considered only after all other public and private resources have been exhausted. The Burleigh Human Service Zone General Assistance will not provide assistance to any individual eligible for North Dakota Medicaid, Medicaid Expansion, or Children's Special Health Services. Those not covered during the emergency must make a good faith effort to establish eligibility for Health Care.

302.1 PRESCRIPTION MEDICATION: The Human Service Zone will refer to Prescription Discount cards for prescription requests.

302.2 MEDICAL SUPPLIES: The Human Service Zone will refer all requests for Medical Supplies to local resources.

302.3 EYE EXAM AND GLASSES: All requests for eye examinations and glasses will be referred to the local Lions Club or other available resources.

302.4 HOSPITALIZATION COSTS: All hospitalization expenses will be referred to Medicaid/healthcare coverage and to charity care programs through local hospitals.

302.5 PHYSICIAN AND CLINIC COSTS: All medical needs related to physician and clinics costs will be referred to Medicaid/healthcare coverage.

302.6 DENTAL CARE: All requests for routine and emergency dental care will be referred to agencies providing dental care to low-income individuals.

303 TELEPHONE: Costs associated with installation or payment of monthly phone bills are not provided through General Assistance.

- 304 UTILITIES: All applications for payment of utilities will be referred to the LIHEAP, emergency LIHEAP, Community Action programs, and [ND Rent Help · ND Apps Portal](#). Payments will be considered when those resources are exhausted, and the health of the applicant is endangered.
- 305 FOOD: All requests for food are referred to the SNAP program and local food pantry.
- 306 CLOTHING: All clothing requests will be referred to local organizations.
- 307 TRANSIENT AID: Applicants will be referred to other resources for transportation needs.
- 308 REPAIRS: General Assistance is not provided for vehicle, household, or other types of repair.
- 309 HOUSEHOLD/PERSONAL NEED ITEMS: Referrals will be made to local food pantry or ministerial associations.
- 310 DEPOSITS: General assistance is not provided for deposits of any kind.
- 311 PAYMENT ON RESOURCES: Payment is not available toward any costs that are considered a resource such as a house, automobile, or mobile home payments.
- 312 LODGING: All requests for lodging will be referred to other resources.
- 313 CHILD CARE: Referral will be made to the Child Care Assistance Program.
- 314 MISCELLANEOUS: Other requests not mentioned above will be considered on an individual basis. The same criteria of necessity and ability to pay will be used as with all General Assistance requests; not to exceed the maximum of _____ unit/individual per calendar year.
- 315 BURIAL ASSISTANCE: See Chapter 700.

CHAPTER 400

INCOME

- 401 Income to consider: All income of all members of the applicant's household will be considered for availability prior to approval for General Assistance.
- 401.1 Income is defined as earned, unearned, or a lump sum income payment.
- 401.2 Anticipated income: Income, which can be expected to be received by the applicant within 30 days to meet the requested need.

CHAPTER 600

RESIDENCE

600 Residence status will be determined in accordance with the North Dakota Century Code 50-01.

Human Service Zone of Residence for General Assistance Purposes: A person who has residence in this State, for General Assistance purposes, is a resident of the County in the Human Service Zone in which the person is living on other than a temporary basis. If a person is living in a County in the Human Service Zone on a temporary basis, the person is a resident of the Human Service Zone in which the person most recently lived other than on a temporary basis. North Dakota Century Code § 50-01-26

State of Residence for General Assistance Purposes: A person who is a resident of this State for purposes of Chapter 50-24.5 is a resident of this State for General Assistance purposes. If a person moves from this State for other than a temporary purpose, the person's residency in this State for General Assistance purposes is lost. Residency in this State is presumed lost if:

1. The person plans to be absent or has been absent from this State for one year or longer; or
 2. The person receives any form of public assistance, while in another State, which is available only to residents of that State.
- North Dakota Century Code § 50-01-27

Persons with Uncertain Residence: If the residence of a person is uncertain for General Assistance purposes, the Human Service Zone in which the person lives shall provide General Assistance until that person's residence is determined. North Dakota Century Code § 50-01-29

Persons in public institutions (State Hospital, Life Skills and Transition Center, and State Penitentiaries): If the deceased was a resident or inmate of a public institution, the human service zone in which the deceased was a resident for general assistance purposes immediately before entering the institution shall provide burial assistance.

If a person with no known address, the Human Service Zone in which the person dies shall provide Burial Assistance.

CHAPTER 700 GENERAL ASSISTANCE BURIALS

701 This chapter contains the Burleigh Human Service Zone policy for determining eligibility of applicants requesting General Assistance for payment of final disposition of the body of a deceased individual, pursuant to North Dakota Century Code 23-06-03.

701.1 If the individual with the duty of final disposition under this section or the personal representative of the decedent's estate is aware of the decedent's instructions regarding the disposition of the remains, that person shall honor those instructions, to the extent reasonable and possible, as long as the instructions do not impose an economic or emotional hardship. A decedent's instructions may be reflected in a variety of methods, including pre-need funeral arrangements articulated and funded in a pre-need funeral service contract, a health care directive, a durable power of attorney for health care, a power of attorney, a will, a document created under section 23-06-31, or a document of gift for an anatomical gift.

701.2 If the decedent died while serving in any branch of the United States armed forces, the United States reserve forces, or the national guard, as provided by 10 U.S.C. 1481 section (a)(1) through (8) as effective through December 2001, and completed a United States department of defense record of emergency data, DD form 93, or its successor form or its equivalent branch's form, the duty of final disposition of the decedent or to provide other funeral and disposition arrangements for the decedent devolves on the person authorized by the decedent pursuant to that form.

The Department of Human Services, through the Human Service Zone, may provide for the use of a military casket or urn, if the deceased was a veteran as defined in North Dakota Century Code § 37-01-40, unless the additional cost exceeds the negotiated expenses of this section or a surviving spouse or the nearest of kin of the deceased elects a nonmilitary casket.

701.3 Inasmuch as it is impossible for the Human Service Zone to make regulations known to all potential clients of funeral homes, it is the responsibility and obligation of the funeral director to determine the need for financial assistance and to make referrals to the Human Service Zone when appropriate. The General Assistance Burial Policy ensures that all bodies of deceased indigent individuals are disposed of according to state health statutes. This policy does not pay for nor prohibit the provision of a family service.

702 Upon receipt of a request for burial assistance, an Application for Burial Assistance form must be completed on behalf of the decedent. In addition, the Responsible

Relative affidavit must be completed by the following responsible relatives: decedent's spouse, or in the absence of the decedent's spouse the decedent's adult children and parents. This information is used to determine the responsible relative's ability to be responsible for the disposition of the body costs. According to North Dakota Century Code, they are responsible for those expenses, unless otherwise stated in this manual, and will be required to participate in those costs if they are able.

The Responsible Relative Affidavit form asks questions about income and assets from the family members of the deceased. Information on the Burial Application and Responsible Relative Affidavit must be verified at the Human Service Zone.

If the Application for Burial Assistance is not completed and submitted on behalf of the decedent, eligibility cannot be determined and the request will be denied.

If the Responsible Relative Affidavit is required and not completed and submitted by the decedent's surviving spouse, or in the absence of the decedent's spouse the decedent's adult children and parents; eligibility cannot be determined and the request will be denied. Required relatives will have no more than 5 days to submit a complete affidavit; though the Human Service Zone may allow additional time at their discretion.

NOTE: If a required family member is estranged and refusing or is unable to complete the Responsible Relative Affidavit, the zone shall waive the requirement of completion for the family member. For purposes of this subsection, "**estranged**" means having a relationship characterized by mutual enmity, hostility, or indifference.

- 703 In determining eligibility for burial assistance, all available assets of the decedent and decedent's spouse, or in the absence of the decedent's spouse the decedent's parents and adult children, must be considered. This includes liquid assets and real property, any assistance available from the Social Security Administration, Civil Service, Railroad Retirement, Veteran's Administration, and life insurance—regardless of the named beneficiary, .

Any payment of final disposition costs must be reduced by any other assistance deemed available to pay the cost of final disposition. Forms of assistance that must

be considered include charity contributions, GoFundMe accounts, and other monetary assistance after allowing the disregard for the nominal amount described in section 705.

When determining asset eligibility for burial assistance, the surviving spouse, or in the absence of the decedent's spouse, the decedent's parents and adult children, shall be allowed to disregard \$10,000 **per household** plus \$5000 for each household member 60 years of age or older, based on the asset limits as established by the LIHEAP Program on October 10, 2017. **Note:** The asset disregard does not apply to the decedent's assets except those jointly owned with a surviving spouse.

The decedent's assets (except those jointly owned with a surviving spouse) must be considered first. If the available assets of the decedent are equal to or exceed the amount approved for an indigent interment, the burial application must be denied.

Should eligibility exist after consideration of the decedent's assets, the assets owned solely or jointly by the decedent's spouse, or in the absence of the decedent's spouse, the decedent's parents and adult children, must be considered. Asset eligibility is determined by applying the asset disregard limits listed above.

703.1 The information on the Application for Burial Assistance for the surviving spouse, if there is one, is used to determine if the surviving spouse has income (and resources) that results in his/her ability to pay for the burial costs utilizing the policies set forth in the Low Income Home Energy Assistance (LIHEAP) Program, with the exception listed in 703.2. If there is a surviving spouse, the Human Service Zone shall not consider the income and resources of any adult children or surviving parents in determining eligibility for indigent burial.

703.2 If there is no surviving spouse, the information on the Responsible Relative Affidavit(s) is used to determine if the income of the household for the adult children and parents is such that they have the ability to pay for the burial costs utilizing the policies set forth in the Low Income Home Energy Assistance (LIHEAP) Program, with the exception that a 'household' is defined as all members residing in the household who are related to the decedent (including those related as step parents and step children but not step-siblings). Individuals

who are NOT related to the deceased are not included in the household size and their income is not considered.

703.3 When determining the surviving spouses, or if no surviving spouse, the responsible relative's ability to pay for the cost of the burial expenses, a determination of eligibility is made for each household's utilizing the Human Service Zone Burial Eligibility Determination Budget Spreadsheet. The current income levels for the LIHEAP Program are based on 60% of the state's median income, which is approximately 246% of the Federal Poverty Level. Eligibility must be based on the income level on the Federal Poverty Level versus the state's median income as almost all of the Economic Assistance and Medicaid programs utilize the Federal Poverty Level to create their income levels. Therefore, to align as closely as possible with the LIHEAP income levels (based on 60% of the state's median income) but base it on the Federal Poverty Level, the income levels has been set at 250% of the Federal Poverty Level.

704 When the Human Service Zone becomes involved with payment of final disposition costs, the Human Service Zone shall inform the funeral home of payment. Any request for burial assistance made after the cremation, burial, services, and interment have been completed will be denied unless the decedent's family is unable to contact Burleigh Human Service Zone because of a weekend/holiday or other emergency.

705 The Human Service Zone shall pay the charge for funeral expenses as negotiated by the Department of Human Services. The Human Service Zone may not decrease the Human Service Zone payment due to a nominal amount left by the deceased or contributed by kin or any other party to defray the expenses of final disposition. Funds adequate to allow for an indigent burial instead of an indigent cremation are considered nominal under this section. If funds are contributed by one kin of the deceased for expenses other than allowing for an indigent burial instead of an indigent cremation, they can contribute up to 10% of the designated burial rate and have that contribution be considered a nominal amount. If more than one kin contributes, the maximum contribution considered to be a nominal amount will be 20% of the burial rate.

The Department of Human Services may negotiate with the interested funeral directors or funeral homes regarding final disposition expenses but the total charges for burial services, including transportation of the deceased to the place of burial, the grave box or vault, grave space, and grave opening and closing expenses, may not be less than one thousand five hundred dollars.

706 Burleigh Human Service Zone shall not participate in any arrangements where the

deceased, or surviving family member, has entered into a signed agreement with the University of North Dakota's Deeded Body Program, as funding is available to funeral homes through that program.

- 707 It is the policy of the Burleigh Human Service Zone that cremation must be the method of caring for the body of the deceased. Consideration will be given to strongly expressed religious convictions or moral convictions of the decedent or the decedent's family. Costs of cremation must be reimbursed at the current rate as established by the Department of Human Services.
- 708 This policy will be reviewed each biennium or at the formal request of the Department of Human Services or at the request of the North Dakota Funeral Directors Association.

CHAPTER 800 NON-DISCRIMINATION

- 801 General Assistance is administered to all persons on a fair and equal basis without regard to race, color religion, national origin, age, sex, disability, political beliefs, or status with respect to marriage or public assistance, in accordance with Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Age Discrimination Act, the Americans with Disabilities Act, and the North Dakota Human Rights Act.

CHAPTER 900 FRAUD AND IMPROPER PAYMENTS

- 901 Upon a determination that improper payments were made based on false or incorrect information provided by the General Assistance recipient, the staff of the Human Service Zone will send a minimum of two letters demanding repayment of the improper payment.
- 902 Upon a determination that fraud may have occurred because of incorrect information provided by the General Assistance recipient, the information gathered will be given to the Human Service Zone's designated State's Attorney for any legal action deemed appropriate.

CHAPTER 1000 BOARD CERTIFICATION

- 1001 The Burleigh Human Service Zone Board has adopted the above policies.

Adopted on _____ by motion of the Board.

CHAPTER 1100 FORMS

General Assistance Application

GA Burial Application

Responsible Relative Affidavit

Notice of Decision/Request for Hearing

Eligibility Spreadsheet

POSSIBLE ADDENDUMS/GUIDANCE FOR CHAPTER 300: NEED

301 RENT: Human Service Zone recognizes that there will be instances in which an applicant will need assistance with rent. If other resources (CAP, Housing Authority, etc.) are exhausted, assistance for payment of rent, if approved, will be limited to a one-time payment for one month's rent. If the income available to the applicant is not sufficient to maintain their needs and it does not appear that the situation will change in the near future, the applicant will be advised to seek more economical housing. Failure of the applicant to seek more economic housing may result in denial of the application.

301.1 EVICITION NOTICE: An eviction notice or some verification from the landlord is required stating that an action to evict is pending.

301.2 RENT GUIDELINES: Past due rent may not be considered in determining the amount of payment. The voucher issued will reflect payment for current month's rent.

301.3 RENT PAYMENT GUIDELINES:

- Employees shall direct applicants to site for rental and utilities assistance: "Submit your information to find out if you may qualify" at portalapps.nd.gov/dhsps/emergency-rent
The site is used in determining the maximum amount of assistance the household may be eligible for, up to \$500.

302.1 PRESCRIPTION MEDICATION: The Human Service Zone shall pay for medically necessary prescription medication, subject to the North Dakota Medicaid maximum payment. Eligibility for coverage is defined by North Dakota Medicaid, which are located at: <http://www.hidesigns.com/ndmedicaid> and select 'NDC Drug Lookup.' A maximum of \$100 may be paid for prescription medication. Prescription Discounts Cards must be utilized, when available annually.

302.2 MEDICAL SUPPLIES: The Human Service Zone shall consider payment for necessary medical supplies when prescribed by a physician, subject to the definitions of North Dakota Medicaid, which are located at: <http://www.hidesigns.com/ndmedicaid>. Clients may then select 'Preferred Diabetic Supplies' to apply. . A maximum of \$100 may be paid for medical supplies annually.