

# MCPHERSON COUNTY POOR RELIEF GUIDELINES

Guidelines for McPherson, SD County Welfare

Adopted by McPherson County Commissioners  
4/2/2013

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## **SECTION 1: STATEMENT OF PURPOSE**

McPherson County Commission recognizes its legal responsibility to provide assistance to indigent residents of the County under SDCL 28-13. Further, as specified in State Law (SDCL Ch. 10-12; SDCL 7-8-20.7), the County realizes the fiscal limitations of its tax base and any resources available for the provisions of assistance to indigent persons. South Dakota Codified Laws may be found at <http://legis.state.sd.us/statutes/index.aspx>.

McPherson County resolves to administer poor relief equitably and efficiently to provide the necessary resources to those most in need. Accordingly, the County adopts these written guidelines to insure a fair and equitable process for distribution of assistance.

To assure the efficient and equitable allocation of the County's resources, which are limited by a determined property tax base, eligibility and limitations are necessary and are guided by program requirements and Guidelines. The Guidelines may be waived for good cause at the discretion of the Welfare Director and County Commissioners. In the event of any conflict, State and/or Federal statute shall supersede.

## **SECTION II: Definitions**

Unless the context requires otherwise, the terms used in these Guidelines are defined as follows:

1. **APPLICANT:** The person seeking assistance, the person on whose behalf assistance is sought by a representative, or the person for whom assistance is sought by a hospital in an "emergency" case as that term is defined in SDCL 28-13-27 or in the event of a death, by a relative, friend or funeral home as discussed in SDCL 28-17.
2. **BOARD:** The McPherson County Commission, which is the authority that sets guidelines and policy.
3. **COUNTY:** The McPherson County Welfare Director and McPherson County Commissioners designated to administer the Poor Relief Program in the county.
4. **GOOD CAUSE:** A serious or life threatening emergency whereas harm would likely come to the applicant if assistance was to be withheld.
5. **INDIGENT PERSON:** Any person who is determined to be indigent in accordance with SDCL 28-13 and these guidelines.
6. **NOTICE OF ACTION (NOA):** Each applicant shall receive a Notice of Action documenting their request and action taken by the McPherson County Board of Commissioners or Welfare Director.
7. **RECIPIENT:** The person receiving assistance under these Guidelines.

8. RESIDENT: Any person who has established residency in the County, as residency is defined in SDCL 28-13-2 to 28-13-16.2, inclusive.
9. RESOURCES: Current assets and income and all financial support to which a recipient is legally entitled or could procure through reasonable efforts including health insurance which was available to an applicant prior to a need for such insurance.
10. REPRESENTATIVE: The person who is making application on behalf of the applicant.

### **SECTION III: General Administration**

- A) PUBLIC ACCESS TO GUIDELINES: A copy of the current Guidelines will be on file with the County Auditor for public review and inspection during normal business hours. The County may make them available via other means. The guidelines are subject to periodic review and may be changed by the Board. Any changes made to the guidelines shall take effect prospectively.
- B) CONFIDENTIALITY: Information given by or concerning any applicant or recipient of assistance shall be considered confidential. Such information shall not be publically divulged by County employees except:
  1. Upon written authorization of the applicant or recipient
  2. Upon appropriate order from a competent court
  3. When the safety of an individual is at risk or a person or society is threatened
  4. As otherwise provided by South Dakota law

The McPherson County Welfare Director and McPherson County Commissioners are required to report any child or elderly abuse and neglect.

- C) NON-DISCRIMINATION: The McPherson County Welfare Director and County Commissioners shall not discriminate applicants for or recipients of assistance on the basis of the individual's race, color, creed, religion, sex, ancestry, national origin, handicap, marital status, sexual orientation, age or any other characteristic afforded protection by the Federal or State laws. Reasonable access shall be provided to applicants with a disability.
- D) RESOURCE OF LAST RESORT: County assistance shall be a resource of last resort, available only after all other personal resources, governmental programs, insurance benefits, family assistance, and housing resources such as low-income housing and shelters have been exhausted.
- E) CONTINUING ASSISTANCE: County assistance is not a program of general assistance on a continuing basis. Each request for assistance is considered a one-time request.

Any additional assistance will be considered only upon a new request and application or recertification of a prior application. Exceptions to this would be for a specific McPherson County Welfare and County Commissioner case management program or situations where a temporary issue warrants longer term assistance at the McPherson County Welfare Director and County Commissioners discretion.

F) OBLIGATION IN THE PRESENCE OF PUBLIC ASSISTANCE: The County shall consider all other forms of public assistance/benefits (Federal and State) in determining eligibility. The recipient of federal, state, or other assistance/benefits (such as but not limited to Social Security) may be considered satisfaction, in whole, of the County's obligation under SDCL 28-13.

G) CONDITIONS OF COUNTY ASSISTANCE: The following conditions may be made a part of any grant of assistance:

1. WORKFARE: When assistance is granted, the applicant may be required to perform labor or other services of public nature commensurate with the amount of assistance granted. (SDCL 28-13-20)
2. CONTRACT TO REPAY: When assistance is granted, the County may enter into an agreement for the repayment of assistance under the terms and conditions the County deems appropriate. Any agreement may be evidenced by a note or contract. (SDCL 28-13-20)
3. LIENS: When assistance is granted, the lien provisions SDCL 28-14 apply. In accordance with SDCL 28-14-15, the County shall be entitled to enter into agreements for the satisfaction or compromise of such liens, and it shall only release such liens under circumstances which the County deems appropriate.
4. JOB CONTRACTS: Applicants and recipients for assistance may be required to verify attempts that have been made to obtain employment.
5. CHILD SUPPORT: Applicants are to be identifying and securing all financial assistance options, including child support.

H) DISQUALIFICATIONS: Assistance may be denied or terminated for any of the following reasons:

1. The person has knowingly made a false statement, with the intent to defraud, as to his/her financial status or other required information, or in

any way has intentionally deceived the County in order to receive assistance. (SDCL 28-13-16.2)

2. The person has assigned or transferred property at any time before or after making application for purposes of becoming eligible for assistance (SDCL 28-13-43)
3. The person has failed to responsibly perform the duties set forth in these Guidelines.
4. The person has refused with just cause to report for work required as a condition of the assistance or has failed to comply with any other requirements made as a condition of the assistance. The county may bring an action to recover any or all assistance obtained under improper qualifications.

I) SUBROGATION: When assistance is provided under this program or under the laws of this State to any person who subsequently becomes eligible for benefits from another program or source, any retroactive benefits or payments from such other program or source must be repaid in full.

J) REIMBURSEMENT: The Board shall exercise its right to reimbursement for the assistance provided to anyone pursuant to SDCL 28-13.

K) SEVERABILITY: If any provision of these Guidelines or the application of the same is held to be invalid by a competent court, the remainder, of the extent reasonably possible, shall remain in full force and effect.

#### **SECTION IV: The Applicant's Right to Know**

Applicants shall be informed of the following upon making application:

1. The eligibility requirements;
2. The types of assistance available to eligible applicants and recipients as noted in SDCL 28-13;
3. The applicant's responsibility for reporting all the information necessary to determine eligibility;

4. The applicant's responsibility for notifying the County of any change in circumstances which may affect eligibility;
5. The types of verification needed;
6. The fact that an investigation will be conducted to substantiate the facts and statements made by the applicant and that this investigation may take place prior to, during, and/or after the applicant's receipt of assistance;
7. Other programs of assistance or service for which the applicant may qualify;
8. The implications of a lien being placed, pursuant to SDCL 28-14, on property owned by the applicant for any financial assistance given; and
9. The McPherson County Welfare Director shall inform the applicant in writing that assistance of a stated kind or amount has been approved or denied, with reasons for denial.
10. The applicant's right to review if denied assistance, the manner in which such review may be obtained.

**SECTION V: EMERGENCY SERVICES (Shelter, Utilities, Food, Burial, Dental, Medications)**

1. Eligibility

ORDINARY ELGIBILITY

- A) **REQUIREMENTS:** Before receiving any assistance, each applicant must be determined indigent as required by SDCL Ch. 28-13 as amended. This determination shall be made by examining the applicant's total resources (including current assets and income) and total economic needs. Whatever appropriate (i.e where there exists a legal duty of support among family members), that determination shall also include a review of family size, total family economic resources and total family economic needs.
- B) **RESIDENCY:** In order to be entitled to assistance of ordinary eligibility, each applicant must:
  1. Prove County residency by demonstrating personal presence in a fixed, permanent abode with intent to remain there, in conformity with SDCL 28-13-3 or as otherwise provided by state law.

2. Present proof of identification by providing a photo ID (governmental issued) and Social Security card.
  3. If the applicant is not a citizen of the United States, they shall present their passport and/or documentation of their legal status in the U.S. Applicants who have been sponsored into the U.S., whereby that sponsor has attested that they are financially responsible for the applicant, will be denied assistance for five years.
  4. Await County verification of the application pursuant to administrative procedures and comply with all requests made by the county, as authorized and established herein.
- C) ELGIBILITY- INCOME AND RESOURCES: In order to qualify for assistance, each applicant must satisfy the following criteria simultaneously, subject to the conditions explained under each:
1. Ownership of personal property with a fair market value of \$10,000 for a family or \$5,000 for an individual, or real estate held as a personal homestead exceeding \$60,000 in equity may disqualify an applicant from receiving county assistance.
  2. The McPherson County Welfare Director in computing the total value of individual resources owned shall consider all property presently owned according to the amount of equity presently accessible to said owner at the time of application, regardless of whether or not such property may be exempt from process under South Dakota law. Such ownership includes items such as real property and personal property (except the homestead as previously set out), investment property, royalties, contract claims, insurance, and retirement benefits, motor and recreational vehicles, personal household goods and furnishings and any other assets with monetary value.
  3. The McPherson County Welfare Director shall also consider all other forms of public assistance/benefits already vested in the applicant such as Federal and State housing subsidies up to the amount the client would be eligible to receive from the County. The dollar amounts vested into the applicant by Federal and State housing subsidies shall not be double counted and will be identified as a resource that the County may not supplement. The receipt of monthly Federal or State assistance/benefits



(such as, but not limited to Social Security) may satisfy any obligation of the County under SDCL 28-13.

4. The McPherson County Welfare Director will use the income guidelines based upon the Federal Poverty Standard (Appendix A). No applicant may have gross monthly income in excess of the amounts shown in Appendix A and be eligible for assistance. These Guidelines will be automatically updated per release of new Federal Poverty Standards on an annual basis.

D) UNEMPLOYMENT: In the absence of emergency conditions, applicants who refuse or quit employment, without cause, shall be ineligible for assistance for a period of 30 days from the receipt of the last paycheck. Cause for refusing or quitting employment is limited to the reasons found in SDCL 61-6-13.1.

### **TEMPORARY ELGIBILITY**

Regardless of actual residency, but upon a proper showing of need, the county may grant the applicant temporary assistance for a period not to exceed 30 days. All temporary assistance shall cease upon a showing of ordinary eligibility. Temporary assistance may be awarded in any amount up to, but not exceeding, the assistance that would otherwise be available under ordinary eligibility. Although the applicant shall simultaneously seek out other available resources, temporary assistance may be allowed in situations such as:

- A. An emergency threatening the applicant's life or health (i.e. tornado, flood, fire, sudden illness or injury, ect.)
- B. An unexpected misfortune during travels;
- C. An administrative delay in receiving other available assistance; or
- D. A stranded non-resident without other resources

## **2. Application**

A) Applicant: Any person has the right to apply for assistance; however; minors or legally declared incompetent persons may apply only through a parent or legal guardian. The applicant may appear in person or through a representative with a signed, notarized and dated authorization to act as representative.

The applicant or representative must complete and sign the necessary McPherson County Welfare application forms. The McPherson County Welfare Director shall review the application and secure a complete case history from the applicant (or the applicant's representative as appropriate).

B) **APPLICANT'S RESPONSIBILITIES:** The applicants responsibilities at time of the initial application and continuing thereafter are:

1. The applicant shall provide accurate, complete, and current information relevant to the applicant's individual resources and needs, location and circumstances of next of kin or other lawfully responsible persons.
2. The applicant shall produce acceptable photo identification, social security number and other identifying information necessary to facilitate the placing of a lien pursuant to SDCL 28-14. If the applicant is unable to produce the required identification, the county may extend temporary assistance, but not to exceed 30 days, while the necessary ID is produced, but no continuing assistance will be provided without appropriate identification.
3. If continued or additional assistance is requested, a new application or request and recertification must be completed. The prior receipt of assistance from the County shall not automatically eliminate an applicant from receiving assistance.
4. The applicant shall comply with the McPherson County Welfare Director on any reasonable investigation to determine eligibility.
5. The applicant shall cooperate to seek and secure employment.
6. The applicant shall apply for and/or use other available resources known, made known, or available to the applicant which may reduce or eliminate the need for assistance if the applicant is eligible for such alternative resources.
7. The application shall not be considered complete until all information necessary to determine eligibility has been provided.
8. The applicant shall notify the County of any changes in circumstances which may affect eligibility.

C) **INTERVIEW:** The McPherson County Welfare Director will interview the applicant to review the application and make a determination. If the person appears to be intoxicated, the County may postpone to a later time any consideration of the request for assistance.

D) **DECISION/NOTIFICATION:** The County shall make a final decision and give written notice concerning the applicant's eligibility within 30 business days after the signature on a completed application and all information needed for eligibility purposes has been provided and verified. Once a decision has been made, The McPherson County Welfare Director shall inform the applicant in writing (Notice of Action) that assistance of a stated kind or amount has been approved or denied, with the reasons for denial.

### **3. Types of Assistance**

#### **A) SHELTER**

1. Rent, deposits, or mortgage assistance (only principle or interest), are available in the amounts set forth in Appendix B, and are set by the McPherson County Commission.
2. Assistance will NOT be granted for the following:
  - A. Rental application fees
  - B. Rent paid to immediate family members
  - C. Rent for minor children who are living outside their parents'/guardians' home
  - D. Rent for residents of subsidized housing except those applicants who pay a minimum rent regardless of their incomes
  - E. Rent for garage
  - F. Late fees or attorney fees
3. Emergency Shelter. Community resources such as emergency shelters are to be utilized first. When emergency shelters and all other possible resources are not an option, County assistance may be provided at the discretion of the McPherson County Welfare Director and County Commissioners to pay for a motel room on a temporary basis.

B) **UTILITIES ASSISTANCE:** Assistance for utilities may be provided when notice of termination has been given by a utility company or energy provider. The County may, in direct negotiation with such company or supplier, pay for the applicant's actual arrearages, but will not be responsible for the deposit, late fees, or reconnect fees. A maximum of \$240.00 per calendar year may be approved. When providing assistance for utilities, all other possible resources, i.e., TANF, LIEP, ECIP, NEDSCAP, etc. must have been exhausted prior to assistance being provided by the County.

C) FOOD ASSISTANCE

1. Applicants for emergency food requests shall apply for benefits available under the Federal SNAP Program
2. As partial or full satisfaction of an applicant's need for food assistance, the applicant may be referred to any available public or private food program.
3. The dollar amount of the Emergency food voucher will be based on SNAP allowances.

D) BURIAL AND FUNERAL ASSISTANCE: When an indigent person dies, the County has a responsibility for burial. Statute 34-26-16 states that when a person is married, duty of burial falls to the husband or wife. If there is not a husband or wife, duty falls to the kindred being of adult age.

All County burials must be pre-approved by the McPherson County Welfare Director and County Commissioners. Primarily, requests for county funding must be made through the funeral home. In a case where the McPherson County Welfare Director is absent, the County Commission will be contacted for approval. County assistance must be authorized prior to the funeral services. In considering eligibility for assistance with costs of a burial, the ability of the surviving family members to pay the burial costs will be the determinant factor for county funding rather than the indigency of the deceased. There will be no approval of County assistance after a burial has taken place.

The selection of a funeral home shall be determined by the decedent prior to death, the decedent's family, or by any other person legally entitled to make such a decision. In providing standard funeral services, the funeral home shall:

1. Provide for all transportation of the body within McPherson County
2. Provide for the professional care of the remains to include embalming (unless objected by the family), cosmetology, minor restorative work, dressing and preparing the remains.
3. Allow use of funeral home facilities for a funeral service if needed.
4. Assure one public notice is given of the death and when the funeral service will be held.

5. Provide an opportunity for viewing of the body, as appropriate (viewing of the body shall not be prohibited simply because the decedent was indigent).
6. Transport the body and casket by funeral coach to the cemetery.
7. Present to the McPherson County Welfare Director a financial statement itemizing the service and merchandise provided along with a signed voucher.

The McPherson County Welfare Office shall not supplement any of costs of the funeral service or be obligated for any more than spelled out in Appendix C. When the decedent has a death benefit paid to the survivor, social security, or veterans benefits the charges to the County may be adjusted by that amount.

When a request for cremation is made, the county shall reimburse at the rates set forth in Appendix C.

In the case of a donated body, the expense will be handled as specified in SDCL 7-14-4.

Each year the McPherson County Commissioners will review such rates as set forth in Appendix C.

#### E) OTHER

1. Dental: Assistance may be provided for emergency dental care in accordance with Medicaid rates and rules. This assistance will be provided after other community resources have been exhausted. Pre-authorization is required and retroactive payments for services already rendered will not be approved.
2. Medications: The County may purchase only medically prescribed medications or over-the-counter medications ordered by a physician and needed on an emergency basis. No payment will be made for medications not approved by the FDA. Generic medications shall be used unless otherwise prescribed and medically required and physician approved. Pre-authorization is required and retroactive payments for medications already filled will not be approved.

## **SECTION VI: MEDICAL ASSISTANCE**

### **1. Eligibility**

- A) **INDIGENT REQUIREMENTS:** Before receiving any assistance, each applicant must be determined indigent as required by SDCL Ch. 28-13 as amended. This determination shall be made by examining the applicant's total resources (including current assets and income) and total economic needs. Wherever appropriate (i.e., where there exists a legal duty of support among family members), that determination shall also include a review of family size, total family economic resources and total family economic needs.

No medical assistance shall be provided unless the person is qualified as "indigent" both at the time of admission to the hospital and at the time of the application for assistance. If the applicant is indigent, but later achieves self-sufficiency and the capacity to meet obligations as they become due, the amount of assistance shall reflect this later capacity and the applicants' attainment of self-sufficiency.

McPherson County shall follow SDCL 28-13-27 for determination of "Indigent by Design".

- B) **RESIDENCY:** When an applicant moves to the County from another County in South Dakota, medical costs for the new resident will be the responsibility of the county from which the applicant moved for the first sixty days. As defined in SDCL 28-13-14, residency is not established by residence in a health care facility.

The hospital or care-provider is expected to make an initial determination of the residency of any applicant given emergency medical assistance. The hospital or care provider is responsible for notifying the County pursuant to SDCL 28-13-34.1; however, the County reserves the right to review and re-determine that initial decision.

In order to be entitled to assistance, each applicant must:

1. Prove County residency by demonstrating personal presence in a fixed, permanent abode with intent to remain there, in conformity with SDCL 28-13-3 or as otherwise provided by state law.
2. Present proof of identification by providing a Photo ID (government issued) and Social Security card.

3. If the applicant is not a citizen of the United States, they shall present their passport and/or documentation of their legal status in the U.S. Applicants who have been sponsored into the U.S., whereby that sponsor has attested that they are financially responsible for the applicant, will be denied assistance for five years.
  4. Await County verification of the application pursuant to administrative procedures and comply with all requests made by the county, as authorized and established herein.
- C) ELIGIBILITY-INCOME AND RESOURCES: Financial eligibility is based on several factors.
1. McPherson County uses the Federal Poverty Standard (Appendix A) for medical care that is non-emergency, also referred to as preauthorized. McPherson County is not required by state statute to provide assistance for non-emergency care and approval of such care is at the discretion of the McPherson County Commissioners.
  2. For emergency hospitalization claims McPherson County will follow state statutes and the Ability to Pay Form for determining financial eligibility.
  3. If a person is determined "Indigent by Design" as defined by State Statute, assistance will not be provided for either preauthorized or emergency care.
  4. In the case that a claim is submitted to the State Catastrophic Pool for reimbursement, then the ability to pay form must be completed and submitted for both preauthorized and emergency requests.
- D) OTHER RESOURCES/ASSISTANCE: No Medical assistance will be provided when an applicant is eligible for care through other resources such as Medicare, Medicaid (CHIP), Veterans Administration, Public or Indian Health Services or insurance.

## **2. Application**

- A) APPLICANT: Any person has the right to apply for assistance; however, minors or legally declared incompetent persons may apply only through a parent or legal guardian. The applicant may appear in person or through a representative with a signed, notarized and dated authorization to act as a representative.

The applicant or representative must complete and sign all necessary McPherson County Welfare application forms long with release of information forms from the medical provider. The McPherson County Welfare Director shall review the application and secure a complete case history from the applicant (or the applicant's representative as appropriate).

B) **APPLICANT'S RESPONSIBILITIES:** The applicant's responsibilities at time of the initial application and continuing thereafter are:

1. The applicant shall provide accurate, complete, and current information relevant to the applicant's individual resources and needs, location and circumstances of next of kin or other lawfully responsible persons.
2. The applicant shall produce an acceptable identification (preferably a valid driver's license), social security number and other identifying information necessary to facilitate the placing of a lien pursuant to SDCL 28-14.
3. If continued or additional assistance is requested, a new application or request and recertification must be completed. The prior receipt of assistance from the County shall not automatically eliminate an applicant from receiving assistance.
4. The applicant shall comply with the McPherson County Welfare Director and County Commissioners on any reasonable investigation to determine eligibility.
5. The applicant shall cooperate to seek and secure employment.
6. The applicant shall apply for and use other available resources known or made known to the applicant which may reduce or eliminate the need for assistance if the applicant is eligible for such alternative resources.
7. The applicant shall notify the County of any changes in circumstances which may affect eligibility.

C) **INTERVIEW:** The McPherson County Welfare Director will interview the applicant to review the application and make a determination. If the person appears to be intoxicated, the County may postpone to a later time any consideration of the request of assistance.



- D) **DECISION/NOTIFICATION:** The County shall make a final decision to give written notice concerning the applicant's eligibility. Once a decision has been made, The McPherson County Welfare Director shall inform the applicant in writing (Notice Action) that assistance of a stated kind or amount has been approved or denied, with the reasons for denial.
- E) **HOSPITAL APPLICATION:** This application is sent by the hospital to the County of residence for persons of indigent status. Pursuant to SDCL 28-13 this application must be submitted within one year of the discharge date to the County Welfare office. If this application is not sent in the time allotted, the County is not liable for the person's hospital expenses.

### **3. Medical Specific Guidelines**

- A. There shall be a distinction between "emergency" and "non-emergency" medical and/or hospital care assistance.
1. Non-emergency procedures, also referred to as pre-authorizations, are not required by statute. For non-emergency assistance, the applicant shall first make application and receive the County's approval for such assistance prior to the actual receipt of care. The County shall expect direct involvement of the applicant; and only secondary involvement from the care-giver. The McPherson County poor relief budget will be reviewed to determine the ability of the County to provide this financial assistance and may be approved at the discretion of the McPherson County Welfare Director and County Commissioners.
- B. **Priorities of Assistance:** Medical assistance shall be provided in the following priority: hospital expenses, doctor expenses, and auxiliary medical expenses. The County is not bound by statute to fund the latter two categories of expense and reserves the right to deny or to make partial payment of said expenses, as circumstances may dictate.
- C. **Childbirth-** All costs related to the birth of a child are the responsibility of the parents. The County is not liable for the cost of medical care related to the birth of a child, costs related to miscarriage, or delivery by cesarean section.
- D. **Organ Transplant and Extra Ordinary Care.** Any care which is projected to cost more than 5% of the McPherson County Poor Relief Budget will not be granted until the following is established:

1. That the same is available to non-indigent residents of the County. This may be established by the receipt of letters from three insurance companies doing business in the state verifying that insurance coverage is available for such care;
  2. That the care will not jeopardize the funding of health care services already available within the county;
  3. That the care is reasonable and necessary;
  4. That the care provider has determined that the individual in need of the organ transplant is medically, psychologically, and socially qualified to receive the transplant according to criteria established by the care-provider; and
  5. That there is a reasonable expectation that there will be a significant improvement in the individual's duration or quality of life as a result of the transplant.
- E. Medical Equipment: Retroactive payment for purchase/rental shall not be made. Pre-authorization shall be required. Equipment not on Medicaid's approved listed and prescribed by a physician will not be covered by McPherson County.
- F. Catastrophic Fund: McPherson County will participate in the Catastrophic County Poor Relief Program, administered by the SD Association of County Commissioners.

## **SECTION VII: Notice of Review for Denial: Appeal**

- A) NOTICE: Whenever a decision is made to grant or deny assistance, a written notice of the action (NOA) shall be given personally or by mail to the applicant or applicant's last known address. If the application is denied or the County proposes to terminate, suspend, or reduce assistance, the notice shall contain:
1. A statement of the reason for the denial or proposed action; and
  2. A statement advising the person of his/her right to a review hearing and the procedure for such review. All decisions denying or limiting assistance shall be made known to the applicant in writing. When a decision adversely affects the person, the person shall be notified that he/she has 10 business days to request

an appeal of the decision. The applicant shall also be notified of the procedures necessary for filing an appeal.

- B) APPEAL: Whenever an applicant has received notice of denial, the person adversely affected may thereafter request an appeal.

The procedure for appeals for a Case Review is as follows:

1. The applicant must notify The McPherson County Welfare Director in writing of his/her request for appeal within 10 business days of the date the notice of action was written.
2. The McPherson County Welfare Director will meet with the applicant for a Case Review of the decision within 5 business days of the receipt of request.
3. The McPherson County Welfare Director will review the case for appropriate action and may uphold the decision or refer the application to the Board of Commissioners for review. A notice of action detailing the decision will be provided to the applicant within 30 business days following the receipt of all information required to determine eligibility.

The procedure for appeals to the County Commission is as follows:

1. The applicant must notify the McPherson County Auditor's office in writing of his/her request for appeal.
2. Within 5 business days following the request for an appeal, the County Auditor's Office shall set a time and place for the appeal hearing. The time and place shall be during the next regularly scheduled Commission meeting, if reasonably possible.
3. The County Auditor Office shall notify the person in writing of the time and place of the hearing that he/has the right to personally appear before the Commission, to call witnesses, to present information, and to be represented.
4. The Commission shall consider the appeal de novo, taking into consideration any information that may be presented at the time of the appeal. The auditor shall keep a record of the hearing.

5. Within 5 business days following the hearing, the Board shall render a decision based on the facts presented at the hearing and shall provide the person with a written notice of its decision. If the hearing does not provide the assistance desired or requested by the person, the notice shall contain information indicating that he/she may seek assistance as provided in SDCL 28-13-40.

The applicant shall enjoy the right to an impartial hearing, the right to be personally present, the right to be represented by counsel at his or her own expense, the right to produce evidence and participate in the proceedings, the right to subpoena and cross examine witnesses as allowed by law, and the right to written notices and record of the decisions made therein.

**APPENDIX A: INCOME GUIDELINES**

Source: Federal Poverty Standards

Income Guidelines (effective 04-05-2016)

(Based on Federal Poverty Standard and Consistent with SD Poor Relief Statutes)

<u>HH#</u>	<u>Month</u>	<u>Annual</u>
1 Persons	\$990.00	\$11,880
2 People	\$1335.00	\$16,020
3 People	\$1680.00	\$20,160
4 People	\$2025.00	\$24,300
5 People	\$2,370.00	\$28,440
6 People	\$2715.00	\$32,580
7 People	\$3061.00	\$36,730
8 People	\$3408.00	\$40,890

(For Each Additional HH Member Add \$346 per Month or \$4160 per Year)

**APPENDIX B: HOUSING ALLOWANCE**

Source: McPherson County Commissioners Updated: April 2016

The maximum rental supplement, per household, per month, shall not exceed the following, excluding utilities.

- A. 1 bedroom (1 Person) up to \$190
- B. 2 bedrooms (2-3 People) up to \$240
- C. 3 + bedrooms (4 or more People) up to \$270

**APPENDIX C: BURIAL**

Source: McPherson County Commissioners Updated: April 2016

- Adult:** \$1800.00 flat rate
- Child:** \$1,000.00 flat rate
- Cremation:** \$900.00 flat fee