



# **MEADE COUNTY POOR RELIEF GUIDELINES**

Guidelines for Meade County

Approved by the Meade County Commission:

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## SECTION I: STATEMENT OF PURPOSE

Meade County Commission recognizes its legal responsibility to provide assistance to persons of the county according to SDCL Chapter 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 other resource(s) available for the provision of assistance to indigent persons.

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 Meade County Commission. 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 Chapter 28-17.
2. **BOARD:** The Meade County Commission, which is the authority that approves guidelines and policy.
3. **COUNTY:** The Meade County Auditor's office is designated by the Board to administer the Poor Relief Program in the County.
4. **EQUITY VALUE:** That value determined by subtracting an asset's outstanding debt from its fair market value.
5. **GOOD CAUSE:** A serious or life-threatening emergency whereas harm would likely come to the applicant if assistance was to be withheld.
6. **HOUSEHOLD:** All individuals living in the same fixed abode.

7. IMMEDIATE FAMILY MEMBER: Mother, father, brother, sister, grandmother, grandfather including step and in-laws.
8. INDIGENT PERSON: Any person who is determined to be indigent in according with South Dakota law in SDCL Chapter 28-13 and these Guidelines.
9. INCOME: All money received by household members such as but not limited to employment, unemployment, VA benefits, tribal benefits, social security, TANF, child support, alimony, workman's compensation, prorated income tax refund, etc.
10. RECIPIENT: The person receiving assistance under these Guidelines.
11. RESIDENT: Any person who has established residency in the County as residency is defined in SDCL Section 28-13-2.
12. REPRESENTATIVE: The person who has the legal right to apply on behalf of the applicant.
13. RESOURCES: Current assets, income, and all financial support to which a recipient is legally entitled or could procure through reasonable efforts including but not limited to health insurance, TANF and low-income housing which is available to an applicant prior to a need.

### SECTION III: GENERAL ADMINISTRATION

The Board shall have the oversight and care of indigent persons and shall administer relief through these written Guidelines. County assistance is a ***resource of last resort***, available only after all other programs, insurance benefits, family assistance or other aid has been exhausted.

1. 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 the Guidelines available through other means such as posting them on the Meade County website. The Guidelines are subject to periodic review and maybe changed by the Board of Commissioners.

2. CONFIDENTIALITY: Information given by or concerning any applicant or recipient of assistance shall be considered confidential. Such information shall not be publicly divulged by County employees or Commissioners except:
  - a. Upon written authorization of the applicant or recipient.
  - b. Upon appropriate order from a competent court.
  - c. When the safety of an individual is at risk or a person or society is threatened.
  - d. As otherwise provided by South Dakota law.
  - e. Subject to comply with HIPPA.

**Meade County staff is required to report child and elderly abuse and neglect.**

3. NON-DISCRIMINATION: Meade County shall not discriminate among applicants for or recipients of assistance on the basis of ethnicity, beliefs, gender, disability, marital status, sexual orientation, age, or any other characteristic afforded protection by Federal or State laws. Reasonable access and accommodations shall be provided to applicants.
4. 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.
5. 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. The prior receipt of assistance from the County does not automatically disqualify an applicant for additional assistance, however payment in full must have been made.

***Rent and Utility financial assistance will only be made once during the calendar year. Exceptions to this can be made only by the Meade County Commission.***

6. VOLUNTARY QUIT: Applicants who quit their job without good cause are not eligible for county assistance until they find a job that is equal in pay to the job they left. Good cause for refusing or quitting employment is limited to the reasons found in SDCL Section 61-6-9.1.

7. 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 receipt 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.
8. CONDITIONS OF COUNTY ASSISTANCE: The following conditions may be made a part of any assistance.
  - a. LIENS: The Board exercises its right to seek repayment according to SDCL Section 28-14-1 Including the use of a collection agency should the recipient neglect to make repayment in full.
  - b. 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).
9. REIMBURSEMENT: The Board shall exercise its right to reimbursement for the relief provided to anyone pursuant to SDCL Chapter 28-13.
10. SEVERABILITY: If any provision of these Guidelines or the application of the same, is held to be invalid by a competent court, the remainder, to the extent reasonably possible, shall remain in full force and effect.
11. DISQUALIFICATIONS: Assistance may be denied or terminated for any of the following reasons:
  - a. The person has knowingly made a false statement, with the intent to defraud as to his/her financial status or their required information, or in any way has intentionally deceived the County in order to receive assistance is considered a Class I misdemeanor (SDCL Section 28-13-16.2). Such action automatically disqualifies the applicant from any future county assistance.
  - b. The person assigned or transferred property at any time before or after making application for purposes of becoming eligible for assistance. (SDCL 28-13-43)
  - c. The person has failed to responsibly perform the duties set for in these Guidelines.

- d. The person has refused without good 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.
- e. The person is Indigent by Design as defined in SDCL Section 28-13-27 as it relates to the requested assistance.
  1. Is able to work but has chosen not to work.
  2. Is a student at a postsecondary institution who has chosen not to purchase health insurance.
  3. Has failed to purchase or elect major medical health insurance or health benefits made available through an employer-based health benefit plan although the person was financially able pursuant to SDCL Section 28-13-32.11, to purchase or elect the insurance or health benefits.
  4. Has transferred resources for purposes of establishing eligibility for medical assistance available under the provisions of this chapter. The lookback period of making this determination includes the thirty-six-month period immediately prior to the onset of the individual's illness and continues through the period of time for which the individual is requesting services.

For the purpose of determining a household's income, the County considers all sources of income including but not limited to; seasonal layoff, seasonal overtime, temporary unemployment due to hospitalization, temporary loss or gain of income due to special circumstances. The County will consider the average monthly income under usual circumstances as follows:

1. Compensation paid to household members from personal services, whether designated as gross salary, wages, commissions, bonus or otherwise;
2. Net income from self-employment, including profit or loss from a business, farm or profession;

3. Income from seasonal employment;
4. Period payments from pensions or retirement programs, including social security, veterans' benefits, disability payments and insurance contracts.
5. Income from annuities or trusts, except for a trust held by a third party for the benefit of the minor children of the household;
6. Interest, dividends, rents, royalties, or other gain derived from investments or capital assets;
7. Gain or loss from the sale, trade, or conversion of capital assets;
8. Unemployment insurance benefits and strike benefits;
9. Worker's compensation benefits and settlements;
10. Alimony and child support payments received; and
11. School grants and stipends which are used for food, clothing, and housing but not for books and tuition. The County will also consider VA and Tribal school benefits.

## SECTION IV: THE APPLICANT'S RIGHT TO KNOW

Applicant shall be informed of the following upon making application:

1. The eligibility requirements.
2. The type of assistance available to eligible applicants and recipients as noted in SDCL Chapter 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 type of verifications 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. The applicant shall be informed of an approved or denied application, with reason for denial.
8. The implications of a lien being placed, pursuant to SDCL Chapter 28-14, on property owned by the applicants for any financial assistance given. In accordance with SDCL Section 28-14-15, the County shall be entitled to enter into agreements for the satisfaction or compromise of such liens and shall only release such liens under circumstances which the county deems appropriate.
9. The applicant's right to review if denied assistance, and the way such review may be obtained.

## SECTION V: APPLICATION PROCESS

Any person has the right to apply for relief; 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 County application and documents. If additional assistance is requested, a new application must be completed. The County shall review the application and secure a complete case history from the applicant or the applicant's representative.

Before receiving any assistance, each applicant must be determined indigent as required by SDCL Chapter 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.

**RESIDENCY:** In order to be entitled to assistance each applicant must:

1. Prove County residency, of at least 90 days, be demonstrating personal presence in a fixed, permanent abode with intent to remain there, in conformity with SDCL Section 28-13-3 or as otherwise provided by State law.
2. Present proof of identification by providing a photo ID (government issued)

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 responsible for the applicant, will be denied assistance for five years.

**APPLICANTS RESPONSIBILITY:** The applicant's responsibilities at the 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 and household resources, needs, location and circumstances of next of kin or other lawfully responsible parties.
2. The applicant shall produce an acceptable form of identification, social security card and other identifying information necessary to facilitate the placing of a lien pursuant to SDCL Chapter 28-14.
3. The applicant must apply for and utilize all other available resources known or made known to the applicant which may reduce or eliminate the need for assistance.
4. The applicant must comply with the County on any reasonable investigation to determine eligibility.
5. The applicant must cooperate to seek and secure income such as but not limited to; employment, unemployment, Social Security, Child Support, TANF, Veteran's benefits, etc.
6. The applicant must comply with mandated regulations from any State and Federal program or any other program that is available as a resource for assistance which the applicant is requesting. Failure to comply with the regulations established by State, Federal or other available programs does not constitute being indigent and will result in a denial.
7. The application shall not be considered complete until all information necessary to determine eligibility has been provided.
8. The applicant must notify the County of any changes in circumstances that may affect eligibility.

## SECTION VI: ECONOMIC ASSISTANCE

To qualify for assistance, each applicant must satisfy the following criteria simultaneously, subject to the conditions explained under each:

1. Meade County will use the Federal Poverty Level (PFL) standard as the qualifying standard. These income guidelines will automatically be updated per the release of the annual PFL standard. No applicant may have gross monthly income, in excess of the FPL less the allowable deduction of daycare, medical bills, medications, health insurance premiums, child support, automobile or home repairs.
2. Ownership of personal property with a fair market value of \$5,000 for an individual or \$10,000 for a family or real estate held as a personal homestead exceeding \$50,000 in equity may disqualify an applicant from receiving County assistance.

**HOUSING ASSISTANCE (LOT RENT, RENT and MORTGAGE):** Housing assistance must be “reasonable” to the needs and income of the household. Assistance will **NOT** be granted for the following:

1. Rental, damage, pet, and security deposits
2. Application fees, late fees, damage fees, attorney fees or any other fees.
3. Rent paid to immediate family members.
4. Rent for minor children who are living outside their parent/guardian’s home.
5. Rent at a previous address or other than where the applicant now lives.
6. Rent for garage or storage unit.
7. Rent for a pet that is not a designated service animal.

Applicant must provide Notice of Eviction with application. The County will provide assistance for the amount of one month’s rent. Applicant must provide proof of secured funds for any other month’s rent that is due at the time to make the applicant current on payments.

## **UTILITY ASSISTANCE:**

Assistance for utilities (gas, electric, water) may be provided when notice of termination has been given by a utility company or energy supplier. 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 following:

1. Deposit
2. Late fees
3. Taxes
4. Usage from previous address
5. Repairs
6. Connect fees
7. Reconnect fees

A maximum of \$400 per calendar year may be approved for utility assistance.

## **SECTION VII: BURIAL ASSISTANCE**

When an indigent person becomes deceased, the County may have a responsibility for burial according to SDCL Chapter 28-17, SDCL Section 34-26-16 and SDCL Section 34-26A-2. 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 kindred being of an adult age. Family with sufficient means to defray the cost of burial will not be considered for County assistance. If no family accepts responsibility, a friend of the deceased may apply for burial/funeral assistance per SDCL 34-26A-2. The authorization for cremation will be the same as the burial. Per Statute 28-17-2, whenever any person who is destitute and has no estate, and has no one legally bound for funeral expenses, and where there is no other source to pay the cost of burial expense, the funeral expenses shall be borne by the County of which the deceased was a resident at the time of death, and if no residence can be fixed, then by the County by which the death occurred.

1. Parents or legal guardians of a minor child will be subject to a lien for the cost of the burial. A surviving spouse will be subject to a lien for the cost of the burial according to SDCL Section 34-26-16.
2. For those County residents who are determined to be indigent according to SDCL Chapter 28-17, the County shall allow burial and funeral expenses as follows:
  - a. \$1170 for cremation
  - b. \$2000 for burial

3. The County shall not supplement any of the costs of the funeral service or be obligated for any more than the establish costs noted above. When the decedent has a death benefit, paid to the survivor, the charges to the County shall be adjusted by that amount. It is the survivor’s responsibility to reimburse the funeral home for that amount.
4. County payment must be authorized prior to the funeral service.
5. Once a burial has been approved and services are or have been rendered the application for burial assistance is considered complete and there will be no additional County assistance related to that burial request.
6. Payment by Meade County for the approved funeral expenses to the funeral home represents payment in full and no further claims may be made against the County or the applicants/representatives of the deceased.

## SECTION VIII: MEDICAL ASSISTANCE

There shall be distinction between “emergency” and “non-emergency” medical and/or hospital care assistance.

1. **EMERGENCY:** Immediate medical need which requires an admission to the emergency department of a hospital.
2. **NON-EMERGENCY:** Non-emergency procedures also referred to as pre-authorizations, are not required by statute, and approval is dependent on the status of the Meade County budget. The budget will be reviewed quarterly to determine the ability of the County to provide financial assistance and will be at the discretion of the Meade County Commissioners. 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 the care. The County shall expect direct involvement of the applicant and only secondary involvement from the health care provider.

**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 from for the first sixty days. As defined in SDCL 28-13-14, residency is not established by residence in a health care facility.

Reimbursement for medical expenses not mandated by statute will be made at the Medicaid rate or a negotiated rate. That rate of payment may be a combination of County and applicant payment. Medicaid rules and acceptances of the County/applicant payment represents payment in full for the charges claimed even if the payment is less than the actual charges claimed. If payment is accepted, no further claims can be made against the County or applicant.

**ELIGIBILITY:** For the purposes of determining eligibility the County shall consider all resources and income and allowable expenses as set forth as listed:

1. Equity value of the household's primary residence, excluding the homestead exemption provided for in subdivision 43-45-3(2); Plus equity value of other real property. The equity value is determined by suing the current tax assessment less the loan payoff.
2. Equity value of other real property
3. Equity value of major recreational and other leisure equipment including but not limited to: watercraft, campers, recreation vehicles. All-terrain vehicles and snow mobiles. A leisure and recreational vehicle is one that is not used for the purpose of the self-sufficiency and self-support purposes. If recreational or leisure vehicles are excluded as an asset there must be evidence of it being a depreciated item on their current reporting of income tax.
4. Equity value in excess of \$5,000 of all motor vehicles. Meade County will utilize the current NADA (National Automobile Dealers Association) information when determining the value of the motor vehicle.
5. Personal assets, including cash in excess of one-half's month's income, stocks. Securities, accounts and notices due the person or the person's household, cash values of life insurance policies, collectible judgments in favor of the person or the persons' household, and monetary gifts.
6. Equity value of business property, including real estate, equipment, and inventory.
7. Equity value of household goods and personal property beyond that which is reasonable essential for everyday living and self-support. If there is a question as to "reasonable" the County may request the individual to identify and describe the essential use and then the County will determine where to include or exclude as an asset.

If a person is determined “Indigent by Design” as defined by State Statute, assistance will not be provided for either “Emergency” or “Non-emergency” care.

## SECTION IX: PAYMENT OF PRISONER MEDICAL

Meade County utilizes SDCL Chapter 24-11 in addition to SDCL Chapter 28-13 when determining payment of medical claims for any prisoner who shall require medical care while incarcerated.

Any payments made under SDCL Section 24-11-21 or SDCL Section 24-11-21.1 for medical care not otherwise covered by a third-party payer shall constitute a lien pursuant to SDCL 28-14.1 as stated in SDCL Section 24-11-21.

## SECTION X: INCOME GUIDELINES

2021 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA	
PERSONS IN FAMILY/HOUSEHOLD	POVERTY GUIDELINE
For families/households with more than 8 persons, add \$4,540 for each additional person.	
1	\$12,880
2	\$17,420
3	\$21,960
4	\$26,500
5	\$31,040
6	\$35,580
7	\$40,120
8	\$44,660

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

Studio	(1 person)	up to \$500
1 bedroom	(2-3 persons)	up to \$700
2+ bedroom	(3+ persons)	up to \$800