COLORADO DEPARTMENT OF HUMAN SERVICES 1575 SHERMAN ST., DENVER, COLORADO 80203-1714 AGENCY LETTER	NUMBER: GEN-09-04-P CROSS REFERENCE NUMBER: AAS, FA, TCW
DIVISION OR OFFICE: -Office of Self Sufficiency	DATE: October 26, 2009
PROGRAM AREA: General - GEN	DIVISION DIRECTOR: (Signature Only) Sue McKinney
TITLE: Colorado Identification Card Referrals TYPE: P- Procedure	DEPUTY EXECUTIVE DIRECTOR: Pauline Burton (Signature Only)

Purpose:
The purpose of this agency letter is to notify County Departments of Social/ Human Services of the procedures and criteria necessary for referrals for Colorado Identification Cards to the Department of Revenue Division of Motor Vehicles. Your immediate attention is required. Please provide the information contained in this letter to all individuals on your staff responsible for assisting applicants and recipients receiving public benefits under the following programs: Colorado Department of Human Services Colorado Works program, Food Assistance program, Old Age Pension, Aid to the Needy and Disabled, and Aid to the Blind.

Background:
An applicant or recipient who does not possess a Colorado driver's license or identification card may be referred to the Department of Revenue Division of Motor Vehicles by the County Department of Social/ Human Services to obtain an identification card at no charge pursuant to 42-2-306(1)(a)(II), C.R.S.

42-2-306(1)(a)(II), C.R.S. Except as provided in subparagraph (III) of this paragraph (a), a fee of nine dollars and ninety cents at the time of application for an identification card or renewal of an identification card; except that, for applicants sixty years of age or older and applicants referred by any county department of social services pursuant to section 26-2-106 (3) or 25.5-4-205 (3), C.R.S., there shall be no fee.

Please note that the referral for a Colorado Identification Card is a resource for applicants and recipients of public benefits to obtain a State of Colorado Identification Card. This is not a requirement. Other forms of identification can be used for the purpose of determining eligibility.

As noted in *26-2-106 (3) C.R.S. Applications and requests for public assistance under this article shall be made to the county department of the county or the state designated agency, where applicable, for the county in which the applicant is a resident. The state department by its rules shall prescribe the form and procedure for applications or requests for social services. The application for assistance payments shall be in writing or reduced to writing in the manner and upon the form prescribed by the state department, shall contain the name, age, and residence of the applicant, the category or type of assistance payments sought, a statement of the amount of property, both real and personal, in which the applicant has an interest and of all income which he or she may have at the time of the filing of the application, and such other information as may be required by rules of the state department, and shall be verified by the signature of the applicant or his or her legally appointed guardian. In addition, an applicant who is eighteen years of age or older shall be required to supply a form of personal photographic identification either by providing a valid Colorado driver's license or a valid identification card issued by the department of revenue*

pursuant to section 42-2-302, C.R.S. The state department may adopt rules that exempt applicants from the requirement of supplying a form of personal photographic identification if such requirement causes an unreasonable hardship or if such requirement is in conflict with federal law. The state department shall also adopt rules that allow for assistance to be provided on an emergency basis until the applicant is able to obtain or to qualify for a driver's license or identification card; however, a county department is not required to recover emergency assistance from an applicant who fails, upon recertification, to meet the photographic identification requirement.

Procedure or Information:
The following procedure will provide consistency to the requirements for providing referrals to the Department of Revenue Division of Motor Vehicles. Please see Attachment A, as an example of the information provided below.

The process for providing referrals for Colorado identification cards to the Department of Revenue Division of Motor Vehicles is as follows:

An applicant or recipient who does not possess a Colorado Driver's license or identification card may receive a referral to the Department of Revenue Division of Motor Vehicles. The referral shall be provided on county department letterhead and shall include the following:

1. The name and address of the applicant or recipient; and
2. A statement that the county department requests that the Department of Revenue Division of Motor Vehicles waive the identification card fee, pursuant to 42-2-306(1)(a)(II) C.R.S.; and
3. The name and contact telephone number for the county caseworker responsible for the referral.

An applicant or recipient who has been referred to the Division of Motor Vehicles to obtain an identification card may not be required to present a Colorado identification card to satisfy the identity documentation requirement in Rule Volume 3, Income Maintenance (9 CCR 2503-1) for Colorado Works and Aging and Adult Services, regulation 3.140 and in Rule Volume 4, Food Stamps (10 CCR 2506-1), section 4.4212 and 4.4212.1. The applicant or recipient shall have the right to use any of the documentation listed under the rules to satisfy the identity documentation requirement.

Effective:
Immediately

Supercedes:
None

Contact Person:

For Colorado Works:
Email Colorado Works Policy at coworks.issues@state.co.us or call:
Katie McDougal Legislative and Regulations Specialist (303) 866-2882

For Food Assistance:
Email Food Assistance Policy at foodstamp.policy@state.co.us or call:
Connie Bley, Food Assistance Policy Specialist (303) 866-3857

Audrey Garcia, Food Assistance Policy Specialist	(303) 866-4748
Laura Nouet, Food Assistance Automation and Policy Specialist	(303) 866-2740
Andrea Powner, Food Assistance Automation and Policy Specialist	(303) 866-2512
Carol Saile, Food Assistance Policy Specialist	(303) 866-2792

For Aging and Adult Services:

Nick Dekrell	(303) 866-2695

Attachment A

STATE OF COLORADO

Colorado Department of Human Services
people who help people

OFFICE OF SELF SUFFICIENCY AND INDEPENDENCE
Pauline Burton, Director

1575 Sherman Street
Denver, Colorado 80203-1714
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Bill Ritter, Jr.
Governor

Karen L. Beye
Executive Director

_____County Department of Human/Social Services, requests that the Department of Revenue, Division of Motor Vehicles waive the identification card fee, pursuant to Section 42-2-306(1)(a)(II), C.R.S, for the following individual:

_____
Name

_____
Address

_____
City, State Zip Code

_____, is the responsible caseworker for this referral, his/her contact information is:

_____ (telephone) _____(e-mail).

8.100.3.H. Citizenship and Identity Documentation Requirements

1. For determinations of initial eligibility and redeterminations of eligibility for Medical Assistance made on or after July 1, 2006, applicants/clients shall provide satisfactory documentary evidence of citizenship or nationality and identity unless such satisfactory documentary evidence has already been provided, as described in 8.100.3.H.4.b. This requirement applies to an individual who declares or who has previously declared that he or she is a citizen or national of the United States.

   This requirement does not apply to the following groups:

   a. Individuals who are entitled to or who are enrolled in any part of Medicare.
   b. Individuals who receive Supplemental Security Income (SSI).
   c. Individuals who receive child welfare services under Title IV-B of the Social Security Act on the basis of being a child in foster care.
   d. Individuals who receive adoption or foster care assistance under Title IV-E of the Social Security Act.
   e. Individuals who receive Social Security Disability Insurance (SSDI).
   f. Children born to a woman who has applied for, has been determined eligible, and is receiving Medical Assistance on the date of the child's birth, as described in 8.100.4.G.5. This includes instances where the labor and delivery services were provided before the date of application and were covered by the Medical Assistance Program as an emergency service based on retroactive eligibility.
      i) A child meeting the criteria described in 8.100.3.H.1.f. shall be deemed to have provided satisfactory documentary evidence of citizenship or nationality and shall not be required to provide further documentary evidence at any time in the future, regardless of any subsequent changes in the child's eligibility for Medical Assistance.
      ii) Special Provisions for Retroactive Reversal of a Previous Denial
         1) If a child described at 8.100.3.H.1.f. was previously determined to be ineligible for Medical Assistance solely for failure to meet the citizenship and identity documentation requirements, the denial shall be reversed. Eligibility shall be effective retroactively to the date of the child's birth provided all of the following criteria are met:
            a) The child was determined to be ineligible for Medical Assistance during the period between July 1, 2006 and October 1, 2009 solely for failure to meet the citizenship and identity documentation requirements as they existed during that period;
            b) The child would have been determined to be eligible for Medical Assistance had 8.100.3.H.1.f. and/or 8.100.3.H.1.f.ii.1) been in effect during the period from July 1, 2006 through October 1, 2009; and
            c) The child's parent, caretaker relative, or legally appointed guardian or conservator requests that the denial of eligibility for Medical Assistance be reversed. The request may be verbal or in writing.
         2) A child for whom denial of eligibility for Medical Assistance has been retroactively reversed shall be subject to the eligibility redetermination provisions described at 8.100.3.Q.1. Such redetermination shall occur twelve months from the retroactive eligibility date determined when the denial was reversed pursuant to this subsection 1.
         3) A child granted retroactive eligibility for Medical Assistance shall be subject to the requirements described at 8.100.4.G.5. for continued eligibility.
   g. Individuals receiving Medical Assistance during a period of presumptive eligibility.
2. Satisfactory documentary evidence of citizenship or nationality includes the following:

a. Primary Evidence of Citizenship and Identity. The following evidence shall be accepted as satisfactory documentary evidence of both identity and citizenship:

i) A U.S. passport issued by the U.S. Department of State that:

1) includes the applicant or recipient, and

2) was issued without limitation. A passport issued with a limitation may be used as proof of identity, as outlined in 8.100.3.H.3.

ii) A Certificate of Naturalization (DHS Forms N-550 or N-570) issued by the Department of Homeland Security (DHS) for naturalized citizens.

iii) A Certificate of U.S. Citizenship (DHS Forms N-560 or N-561) issued by the Department of Homeland Security for individuals who derive citizenship through a parent.

iv) A document issued by a federally recognized Indian tribe, evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood).

1) Special Provisions for Retroactive Reversal of a Previous Denial

a) For a member of a federally recognized Indian tribe who was determined to be ineligible for Medical Assistance solely for failure to meet the citizenship and identity documentation requirements, the denial of eligibility shall be reversed and eligibility shall be effective as of the date on which the individual was determined to be ineligible provided all of the following criteria are met:

(1) The individual was determined to be ineligible for Medical Assistance on or after July 1, 2006 solely on the basis of not meeting the citizenship and identity documentation requirements as they existed during that period;

(2) The individual would have been determined to be eligible for Medical Assistance had 8.100.3.H.2.a.iv) been in effect on or after July 1, 2006; and

(3) The individual or a legally appointed guardian or conservator of the individual requests that the denial of eligibility for Medical Assistance be reversed. The request may be verbal or in writing.

b) A member of a federally recognized Indian tribe for whom denial of eligibility for Medical Assistance has been retroactively reversed shall be subject to the eligibility redetermination provisions described at 8.100.3.Q.1. Such redetermination shall occur twelve months from the retroactive eligibility date determined when the denial was reversed as provided in this subsection 2.

b. Secondary Evidence of Citizenship. If primary evidence from the list in 8.100.3.H.2.a. is unavailable, an applicant or recipient shall provide satisfactory documentary evidence of citizenship from the list specified in this section to establish citizenship AND satisfactory documentary evidence from the documents listed in section 8.100.3.H. 3. to establish identity. Secondary evidence of citizenship includes:

i) A U.S. public birth certificate.