

# **General Assistance Manual**

*Agassiz Valley Human Service Zone Board  
Last Revised July 1, 2022*

## TABLE OF CONTENTS

CHAPTER 100	INTRODUCTION.....	1
CHAPTER 200	POLICIES .....	1
CHAPTER 300	NEED.....	3
CHAPTER400	INCOME.....	6
CHAPTER 500	RESOURCES .....	6
CHAPTER600	RESIDENCE.....	7
CHAPTER 700	GENERAL ASSISTANCE BURIALS.....	8
CHAPTER 800	NON-DISCRIMINATION.....	12
CHAPTER 900	FRAUD AND IMPROPER PAYMENTS .....	12
CHAPTER 1000	BOARD CERTIFICATION.....	12
CHAPTER 1100	FORMS.....	13

# 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 Agassiz Valley 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 Agassiz Valley Human Service Zone has adopted the following policies to meet its responsibility to the legal residents of Agassiz Valley 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 Agassiz Valley Human Service Zone in determining which applications meet the definition, as established by the Agassiz Valley Human Service Zone, of which individuals are in need of General Assistance.

## CHAPTER 200 POLICIES

- 201 The Agassiz Valley 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 Agassiz Valley Human Service Zone Board. The employees of the Agassiz Valley 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 Agassiz Valley 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, applicant's 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 Agassiz Valley Human Service Zone.

**For the following items listed in {CHAPTER 300 NEED} the Agassiz Valley 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: [portalapps.nd.gov/dhsps/emergency-rent](https://portalapps.nd.gov/dhsps/emergency-rent) If help is needed applying or have questions – please contact 701.328.1907 or [dhserb@nd.gov](mailto:dhserb@nd.gov)
- 302 MEDICAL NEEDS: General Assistance payment of medical expenses is considered only after all other public and private resources have been exhausted. The Agassiz Valley 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. Exception: Emergent situation when no other reasonable options are available to meet an applicant's immediate food needs. Limitation: A maximum of \$60 in grocery items shall be provided to the applicant, in approved emergent situations.
  
- 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 repairs.
  
- 309 HOUSEHOLD/PERSONAL NEED ITEMS: Referrals will be made to local food pantry or ministerial associations. Exception: Emergent situation when no other reasonable options are available to meet an applicant's critical personal care need. Limitation: A maximum of \$30 in personal care items shall be provided to the applicant, in approved emergent situations.
  
- 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. Exception: Emergent situations (fire, inclement weather, etc.) when no other reasonable options are available to meet immediate and temporary shelter need. A maximum of two nights lodging shall be provided to the applicant in approved emergent situations.
  
- 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 \$400 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.
- 401.3 Pro-rated income: Income from self-employment, IIM accounts, and any other income that is intended to cover a specific amount of time.
- 402 Received of anticipated income must be verified by the applicant household.
- 403 Income eligibility for other than burial assistance, will be computed in the following manner: Income from all sources is considered. If monthly household income, earned and unearned, from all sources exceeds 185% of the federal poverty level based on household size, there is no eligibility for General Assistance. Attachment: Federal Poverty Guidelines  
**Note:** Income eligibility for burial assistance can be found in Chapter 700.

## CHAPTER 500 RESOURCES

- 501 All liquid and non-liquid resources of all members of the applicant's household will be considered for availability prior to approval of General Assistance. Any portion of liquid assets that are a reimbursement for losses or expenses are excluded as an asset.
- 502 Liquid Resources: All liquid resources such as cash, bank accounts, savings, stocks, bonds, CD's, cash value of life insurance policies, retirement funds, loans and grants etc., of all household members will be considered as available to meet the needs of the household. If their resources equal or exceed the amount of assistance requested, the application will be denied. If the resources available are less than the amount requested, the total resources available will be deducted from the total request to be considered for approval.  
**Note:** All loans, including educational loans, and grants are excluded when determining eligibility for Burial Assistance.
- 503 Non-liquid Resources: In accordance with North Dakota Century Code 50-01-01(2), ownership of real or personal property by any member of a household, either jointly or individually, shall not be considered in the granting of assistance if the applicant is without funds or liquid resources to meet his needs. The value of one vehicle per household is disregarded. See Section 703 for Asset Considerations for Burial Assistance.



504 Other Resources: All other resources will also be considered before action will be taken on any application. Examples of other resources include: assistance from family and friends, and assistance from other programs offered by Agassiz Valley Human Service Zone or other public or private agencies.

## **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    The following is the Agassiz Valley Human Service Zone policy for determining eligibility of applicants requesting General Assistance for payment of a burial upon death, 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, if any, 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, to the extent 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 a deceased 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 to bury or cremate 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 section 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 burial 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 will 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.

Purchase agreements signed with a Funeral Home prior to eligibility determination for burial assistance does not automatically result in ineligibility. In this situation communication with the funeral home regarding the purchase agreement is required. Funeral Homes must be made aware that if Burial Assistance is approved, amounts in excess of the Burial Assistance approval cannot be collected from the family with the exception of the amount of any other assistance that was deemed available to pay the cost of burial or any nominal amount left by the deceased or contributed by kin or any other party to defray the expenses of burial or cremation (See Section 705).

- 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, including liquid assets and real property, any assistance available from the Social Security Administration, Civil Service, Railroad Retirement, Veteran's Administration, pre-need funeral contracts, and life insurance- regardless of the named beneficiary, will be considered.

Any payment of burial costs will be reduced by any other assistance deemed available to pay the cost of burial, to 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, decedent's parents and adult children will 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) would be considered first. Should the available assets of the decedent equal or exceed the amount approved for an indigent interment will result in denial of the burial application.

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.

The following assets are excluded when determining eligibility:

- One motor vehicle,
- The Primary residence of the decedent's spouse or in the absence of the decedent's spouse the decedent's parents and adult children.
- Personal Property of the decedent's spouse or in the absence of the decedent's spouse the decedent's parents and adult children.
- Any portion of liquid assets that are a reimbursement for losses or expenses are excluded as an asset.
- All loans, including educational loans, and grants are excluded when determining eligibility for Burial Assistance.

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). Individual 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 will 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 Any Burial Applications received after the cremation or burial has been completed will be denied unless the decedent's family is unable to contact Agassiz Valley Human Service Zone because of a weekend/holiday or other emergency.

Upon receipt of the Burial Application, the funeral home may proceed with disposition of the body prior to the eligibility determination being made. This allows the funeral home to abide to the statutory guidelines but does not guarantee eligibility under Burial Assistance.

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, who are considered a responsible relative, as defined in Section 702. 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.

Funds applied towards the costs of burial from other kin, who are not considered a responsible relative as defined in Section 702, or any other party will not be considered when determining eligibility.

The Department of Human Services may negotiate with the interested funeral directors or funeral homes regarding cremation expenses and burial 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.

When the Human Service Zone becomes involved with any portion of payment of

burial costs, the Human Service Zone shall inform the funeral home of payment.

- 706 Agassiz Valley Human Service Zone will 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 Agassiz Valley Human Service Zone that cremation will 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 will 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 or the North Dakota Board of Funeral Service.

## **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 Agassiz Valley Human Service Zone Board has adopted the above policies.

Adopted on November 21, 2021, 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