

**STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
BENEFIT, EMPLOYMENT AND SUPPORT SERVICES DIVISION**

NOTICE OF PUBLIC HEARING

Pursuant to sections 91-3 and 92-41, Hawaii Revised Statutes, this notice is hereby given that the Department of Human Services (DHS) will hold a virtual public hearing to consider the proposed chapter 17-685.4, "Replacement of Stolen Financial Assistance, Child Care Subsidies, and Supportive Service Benefits," Hawaii Administrative Rules (HAR), for the Benefit, Employment and Support Services Division, in accordance with federal regulations and state statutes. Brief descriptions of the proposed rules in chapter 17-685.4, HAR, are listed below.

The chapter establishes the rules governing the administration and implementation of the replacement benefits for recipient households who were victimized by electronic benefit theft through card cloning, card skimming, or similar fraudulent methods.

CHAPTER 17-685.4 REPLACEMENT OF STOLEN FINANCIAL ASSISTANCE, CHILD CARE SUBSIDIES, AND SUPPORTIVE SERVICE BENEFITS

1. §17-685.4-1, Purpose. This section states the purpose of the chapter.
2. §17-685.4-2, Definitions. This section provides definitions to the following terms which are referenced within the chapter:
 - A. Aid to the aged, blind and disabled or AABD
 - B. Alternate payee
 - C. Authorized representative
 - D. Benefit
 - E. Card cloning
 - F. Card skimming
 - G. Caretaker
 - H. Child care subsidy
 - I. Department or DHS
 - J. Electronic benefit transfer or EBT
 - K. Federal fiscal year
 - L. Financial assistance
 - M. First-to-Work or FTW
 - N. Fraud
 - O. General assistance or GA
 - P. Head of the household unit
 - Q. Household unit
 - R. Supportive service payment
 - S. Temporary assistance for needy families or TANF
 - T. Temporary assistance for other needy families or TAONF
 - U. Timely report

3. §17-685.4-3, Requirements for a claim for replacement of stolen benefits. This section outlines the requirements that household units must meet to be eligible for replacement of stolen benefits including circumstances in which benefits were stolen; defines timely reporting of the electronic benefits theft; and requirement to provide a written attestation of the electronic benefits theft and evidentiary support of the claim for the replacement of stolen benefits.
4. §17-685.4-4, Processing a claim for replacement of stolen benefits. This section describes the process after the household unit reports an electronic benefits theft and the department receives a claim for replacement of stolen benefits from the recipient.
5. §17-685.4-5, Disposition and issuance of replacement benefits. This section lists the specific reasons for a denied claim for replacement of stolen benefits. This section also describes the allowable amount of benefits that may be replaced for each program and the maximum number of replacement issuance a household unit may receive in a fiscal year. This section further outlines the order in which cash-related benefits are replaced for a household unit that receives financial assistance benefits and supportive service payments.
6. §17-685.4-6, Administrative hearing request. This section describes a household unit's opportunity to request administrative hearing when the household unit disputes the department's determination and references chapter 17-602.1, HAR. This section also lists the reasons when an administrative hearing request is denied.
7. §17-685.4-7, Overpayment and fraud. This section describes the circumstances when an overpayment is created and the household unit is subject to recovery of the overpayment; available methods of repayment to the department; criteria for tax setoff; and the applicability of federal and state laws and chapter 17-604.1, HAR, when fraud was committed.
8. §17-685.4-8, Denial or reduction of replacement benefits for insufficient funds. This section outlines the options available to the department if there are insufficient funds to replace stolen benefits.

A virtual public hearing will be held on:

Tuesday, July 8, 2025, at 9:30 a.m. (HST)

This will be a virtual event using Microsoft Teams.

There are two ways to participate in the public hearing—virtually via the internet or telephone conference call, or by written testimony. All interested persons are invited to attend the virtual public hearing and present relevant information to state their views relative to the proposed rules either verbally or in writing for the department to consider.

Virtual via Internet or Telephone: Persons may present live video testimony via the internet or verbal testimony via telephone, during the virtual public hearing. To virtually participate in the hearing, a computer with internet access, video camera and a microphone, or a telephone, is required. To attend, please email your request, at least 48 hours prior to the hearing date above, to BESSD.TANFPO@dhs.hawaii.gov, to receive the weblink to attend the virtual public

hearing via Microsoft Teams. In your email request, please include your email address, full name, and telephone number. A confirmation will be sent to you with instructions, a link to join the virtual public hearing, and a call-in telephone number.

Written Testimony: Should written testimony be presented, one (1) copy shall be made available to the presiding officer within seven (7) days before the virtual public hearing to:

Department of Human Services
Benefit, Employment and Support Services Division
Temporary Assistance for Needy Families Program Office
Attention: Catherine Scardino
1010 Richards Street, Room 512
Honolulu, Hawaii 96813

If written testimony will be provided without attending the virtual public hearing, written testimony must be submitted no later than 4:30 p.m. (HST) on Tuesday, July 1, 2025, to:

Department of Human Services
Benefit, Employment and Support Services Division
Temporary Assistance for Needy Families Program Office
Attention: Catherine Scardino
1010 Richards Street, Room 512
Honolulu, Hawaii 96813

A copy of the proposed rules will be available via the Department of Human Services website at <https://humanservices.hawaii.gov/admin-rules-2/proposed-rules/> or by calling (808) 586-0975 during regular business days and hours, Monday through Friday, excluding holidays, from 7:45 AM to 4:30 PM, to request a copy at NO COST to any interested person, or by writing to:

Department of Human Services
Benefit, Employment and Support Services Division
Temporary Assistance for Needy Families
1010 Richards Street, Room 512
Honolulu, Hawaii 96813

If you need any auxiliary aid/service or other accommodation due to a disability, or visual or hearing impairment, please contact the Temporary Assistance for Needy Families Program Office at (808) 586-0975 or BESSD.TANFPO@dhs.hawaii.gov as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request.

Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

RYAN I. YAMANE
DIRECTOR