CALFRESH (CF) PROGRAM
REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO:
   - ☑ Policy/Regulation Interpretation
   - ☐ QC
   - ☐ Fair Hearing
   - ☐ Other:

5. DATE OF REQUEST: 8-21-12
   NEED RESPONSE BY: 8-28-12

6. COUNTY/ORGANIZATION: Ventura County

7. SUBJECT: Authorized representative- Public Guardian

2. REQUESTOR NAME:

3. PHONE NO.:

4. REGULATION CITE(S): MPP 63-402.6, 63-300.43, Probate Code Section 2920

8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)*
   NOTE: All requests must have a regulation cite(s) and/or a reference(s).
   MPP 63-402.6, PICS- None, MPP 63-300.43, Probate Code Section 2920 et seq.

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

Per MPP 63-402.6 either the head of household or other adult member can appoint an authorized representative. Per regulations the appointing of an authorized representative originates from the household's request.
We received an application for CalFresh benefits for a single adult. When contacted the applicant states that she does not want CalFresh. We learned that she has been appointed a Public Guardian and the Public Guardian wants to pursue the application.
Can the Public Guardian be the authorized representative and apply for CalFresh even if the elderly household member declares that she does not want CalFresh benefits and has not appointed an authorized representative?
Can the Public Guardian appoint himself as the authorized representative by nature of his position?
If he is the authorized representative does he take on all responsibilities of the authorized representative including responsibility for the EBT card and for any over-issuances?

10. REQUESTOR'S PROPOSED ANSWER:

In situations where an applicant is under the care and responsibility of the Public Guardian, the Public Guardian may make an application on the behalf of an applicant and should be treated as the authorized representative on the case regardless of whether or not the adult that he represents indicates that they do not want CalFresh benefits. The Public Guardian must fill out and sign all paperwork included authorized representative forms and takes responsibility for the EBT card, benefits and any over-issuances that may occur.

11. STATE POLICY RESPONSE *(CFPB USE ONLY)*:

CDSS concurs; however, the county must review the court order because the authority of the public guardian varies depending on the court order. That authority can be limited to a guardianship over property or an estate or it can amount to a legal guardianship of an individual encompassing full authority on their behalf. See Probate Code sections 2900, et seq. Where the public guardian is appointed as a full legal guardian per Probate Code section 2920, they would have rights superior to an authorized representative. A legal guardian per court order would seem to meet all the powers of the authorized representative; however, the county must review the court order to determine the authority granted to the public guardian by the court order.

FOR CDSS USE

DATE RECEIVED:

DATE RESPONDED TO COUNTY/ALJ: 09/14/12 (FNS and CDSS Legal Consulted)