FOOD STAMP PROGRAM
REQUEST FOR REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. Retain a copy of the FS 24 for your records. For counties asking for policy interpretations, submit the question directly to a FRAT representative via e-mail. For other organizations (e.g., Quality Control, Administrative Law Judges), submit questions directly to the Food Stamp Policy Implementation Unit or Employment and Special Projects Unit representative via e-mail.

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

5. DATE OF REQUEST: 1/31/12
   NEED RESPONSE BY: 2/17/12

6. COUNTY/ORGANIZATION: Santa Clara

7. SUBJECT: Adoption Assistance Program (AAP) issued to a SSI parent

2. REQUESTOR NAME:

3. PHONE NO.:

4. REGULATION CITE(S): 63--503.45, 63-402.226

8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)*
   NOTE: All requests must have a regulation cite(s) and/or a reference(s).
   ACIN I-05-92
   ACIN I-58-08 Page 7
   ACL 11-47

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

The mother is an SSI recipient and receives Adoption Assistance Program (AAP) payments. She is not a CalFresh household and only her child receives CalFresh benefits. Should the AAP income be counted in the CalFresh budget or be excluded?

Per MPP 63-502-141, AAP subsidies are treated as unearned income in the CalFresh program, with the exception that any portion of the AAP subsidy that is earmarked for an excludable reimbursement (e.g., medical or dental care expenses) shall be excluded from consideration as income, determined on a case-by-case basis.

However, the ACIN I-05-92 states AAP payments are considered "incentive payment" to the adoptive parents of hard-to-place children. ACIN I-58-08, page 7 also states, "AAP payments are assigned to the adoptive parents, not the child, based on ACIN I-05-92."

10. REQUESTOR'S PROPOSED ANSWER:

SSI/SSP individuals are defined as "nonhousehold members" per MPP 63-402.2. MPP 63-503-45 specifies income and resources of non-household and excluded household members specified in Section 63-402.226 ((i.e., SSI/SSP Recipients) shall NOT be considered available to the household. As such, the AAP payment assigned to the SSI mother should be excluded when determining the benefit amount for the CalFresh program.

11. FRAT RESPONSE TO COUNTY QUESTION:

12. STATE POLICY RESPONSE *(FSPIU USE ONLY)*:

State agrees with requestor's proposed answer.

Per I-58-08, AAP payments are the income of the parent. In this case, the parent is an excluded HH member because she is on SSI/SSP. The parent's income is considered unavailable per MPP 63-503.45, which refers back to 63-402.226 specifically concerning SSI/SSP recipients.

FOR FRAT USE

DATE RECEIVED:	DATE RESPONDED TO COUNTY: TA	DATE FORWARDED TO STATE: