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: 9/4/14

NEED RESPONSE BY: 9/21/14

6. COUNTY/ORGANIZATION: Riverside

7. SUBJECT: IHSS PLUS INCOME in CalFresh

2. REQUESTOR NAME:

3. PHONE NO.:

4. REGULATION CITE(S): MPP 63-502(h)

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 63-502(h)(o); ACIN I-73-04 Q and A; IRS Code 131; ACWDL No. 07-02

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

Question: If a parent receives IHSS Plus payments for the care of their SSI eligible child, is the income paid to the parent countable in the CalFresh household of the parent? Please let me know what you think at your earliest opportunity. Thanks. JB

LAW

Supplemental Security Income/State Supplemental Program (SSI/ SSP) recipients are ineligible to receive CalFresh benefits. (§63-402.226) This is because federal regulations state that the Secretary of Health and Human Services has determined that California's SSI payment includes the value of the CalFresh allotment. (7 Code of Federal Regulations §273.20(a))

MPP 63-502(h) excludes monies received for the care and maintenance of a third party beneficiary who is not a household member. (an SSI recipient is not a household member) MPP 63-502(o) excludes foster care payments received

10. REQUESTOR'S PROPOSED ANSWER:

Under current federal law, effective January 1, 2014, IHSS-Plus payments received by a caretaker parent are not taxable income. All IHSS-Plus payments are to be treated the same as Foster care payments. Under MPP 63-502(o) all foster care payments received for a non-household member are excluded as income in the CalFresh program. Since an SSI child is not a household member, the IHSS-Plus payments received by the child's caretaker parent should not be counted as income in the parent's CalFresh case

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

CDSS is issuing a correction to the response to this CF 24. CDSS' new response is:

The exclusion of any "difficulty of care payments" mentioned in the Notice 2014-7 is exclusively for IRS purposes and not applicable to SNAP. We found no law that would change the treatment of the In-Home Supportive Services (IHSS) payments for SNAP purposes. If a law is enacted that requires Federal programs to exclude these type of payments from income, SNAP will make necessary adjustments to comply with this requirement.

FOR CDSS USE

DATE RECEIVED:	DATE RESPONDED TO COUNTY/ALJ:
September 15, 2014	December 29, 2014 (WEB)

CALFRESH (CF) PROGRAM
REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)

1. RESPONSE NEEDED DUE TO: ☑ Policy/Regulation Interpretation ☐ QC ☑ Fair Hearing ☐ Other:	5. DATE OF REQUEST: NEED RESPONSE BY: 6. COUNTY/ORGANIZATION: 7. SUBJECT:
2. REQUESTOR NAME: 3. PHONE NO.: 4. REGULATION CITE(S):	8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)* **NOTE: All requests must have a regulation cite(s) and/or a reference(s).**

MPP63-502(o) excludes foster care payments for boarders who are not part of the food stamp household (an SSI recipient is not part of the food stamp household)
ACWDL No. 07-02, issued January 18, 2007 makes it clear that "in-home caregiver wages paid to a household member shall be exempt as income and property if the caregiver is being paid for providing the in-home care to his/her spouse or minor child living in the home." (this law applies to Medi-Cal determinations)
IRS Bulletin: 2014 – 4 deals with the Treatment of Qualified Medicaid Waiver Payments under Section 131 of the IRS Code. The IRS has made it clear that IHSS-Plus payments shall be considered the same as a "foster care" payment and are excluded from being counted as income by the parent-provider. TheIHSS-Plus payments received by the parent is not taxable income.
Unearned income includes AFDC (now CalWORKs), General Assistance (GA), General Relief (GR), Refuge Cash Assistance, Entrant Cash Assistance, or other assistance program payments which are based on need. (Lump-sum payments from these sources are resources, per §63-501.111.) Such assistance is considered unearned income even if it is a vendor payment, unless that vendor payment is excluded under §63-502.2. (§§63-502.141 and .141(a)) Effective December 1, 1995, GA/GR payments for housing are counted as income unless exempt as unearned income. All other GA/GR vendor payments are excluded income. (§63-502.141(a))
Adoption assistance payments are treated as unearned income in CalFresh benefits with the exception that any portion of the adoption subsidy that is earmarked for an excludable reimbursement (e.g., medical or dependent care expenses) shall be excluded from consideration as income, and determined on a case-by-case basis. (ACIN I-58-08, August 13, 2008)
Unearned income includes annuities, pensions, retirement or veteran's or disability benefits; worker's or unemployment compensation; social security benefits; striker's benefits (except compensation for picketing); foster care payments for CalFresh household members; "and any deemed income from a sponsor who has signed an I-864 and/or I-864A paid to a sponsored noncitizen". (§63-502.142, as revised effective February 21, 2002)