STATE OF CALIFORNIA-HEALTH AND HUMAN SERVICES AGENCY

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

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. 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 or 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:

- [x] POLICY/REGULATION INTERPRETATION
- [ ] QC
- [ ] FAIR HEARING
- [ ] OTHER:

5. DATE OF REQUEST: 02/20/15

NEED RESPONSE BY: ASAP

6. COUNTY/ORGANIZATION

LOS ANGELES/DEPARTMENT OF PUBLIC SOCIAL SERVICES

7. SUBJECT:

2. REQUESTOR NAME:

3. PHONE NUMBER:

4. REGULATION CITE(S):

Sections: 63-502.141, 63-402.21, and 63-503.45

8. REFERENCES: (Include ACL/ACIN, court cases, etc. In references)

NOTE: All requests must have a regulation cite(s) and/or a reference(s).

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

Scenario: Participant is applying for CalFresh for herself, daughter and grandson. Participant shares co-guardianship (50/50 custody) of her grandson with the paternal grandmother. The grandson is currently receiving CalWORKs benefits on his paternal grandmother's case, in addition to receiving CalWORKs benefits for a total of 4 grandchildren.

Question: What portion of the CalWORKs grant from the paternal grandmother's case count towards the participants CalFresh case? Or should the CalWORKs grant for an AU of 1 count towards the CalFresh case?

10. REQUESTOR'S PROPOSED ANSWER:

Section 63-502.141, unearned income shall include, but not be limited to: Assistant payment from Aid to Families with Dependent Children (AFDC), General Assistance/General Relief (GA/GR), Refugee Cash Assistance (RCA), Entrant Cash Assistance (ECA), or other assistance program based on need except as specified in Section 63-501.111.

Section 63-402.21, nonhousehold members, for purposes of defining a household, the following individuals shall not be included as a member of the household, unless included as a household member as specified in Sections 63-402.13, .14, or .15. Such individuals shall not be included as a member of the household for the purpose of determining household size, eligibility or benefits level. The income and resources of such individuals shall be handled in accordance with Section 63-503.45. Also, per Section 63-402.213, other individuals who share living quarters with the household but who do not customarily purchase food and prepare meals with the household are nonhousehold members.

Section 63-503.45, the income and resources of nonhousehold members as specified in Section 63-402.21 and the excluded household members specified in Sections 63-402.225, .226, and .322 shall not be considered available to the household.

According to the Sections mentioned above, income and resources of nonhousehold members (in this case the other aided children in the paternal grandmothers CalWORKs case are nonhousehold members) should not be considered available to the household. Therefore, the CalWORKs grant for an AU of 1 from the paternal grandmother's case should count as unearned income towards the maternal grandmother's CalFresh case. The other children in the CalWORKs case are other individuals who share living quarters with the household (grandson) but who do not customarily purchase food and prepare meals with the household. The unearned income of the other children (nonhousehold members) in the CalWORKs case should not count towards the CalFresh case.

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

Only the portion of the CalWORKs grant which is made available to the household and can be reasonably anticipated (as described in ACL 12-25 p. 25) shall be counted as income under SAR reporting rules. The unearned income of the other children (non-household members) in the CalWORKs case shall not be counted.

FOR CDSS USE

DATE RECEIVED: 02/20/15

DATE RESPONDED TO COUTY/ALJ: 03/04/15 (SM)