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: 01/08/2014

NEED RESPONSE BY: asap

6. COUNTY/ORGANIZATION: San Diego

7. SUBJECT: Treatment of Income for Participants in Foster Care ILP

2. REQUESTOR NAME:

3. PHONE NO.:

4. REGULATION CITE(S): 63-502.2(q)(1)(E); 63-502.2(b); 63-502.14

8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)*
NOTE: All requests must have a regulation cite(s) and/or a reference(s).

ACL 12-44
ACL 13-09

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

I am an Administrative Law Judge and I am writing you as you were the contact person on an ACL pertaining to transitioning foster care youths. I have a case involving a youth who is participating in an AB12 program. A social service agency receives $2797 monthly to provide for her care. From that fund, the agency pays her rent utilities and some food. The rent and utilities are paid directly to the providers and the claimant does not receive the funds. They also retain an amount for social work provided. The county counted the full amount of $2797 as income which has to be wrong. But how should this income arrangement be treated? I am attaching the accounting from the social service agency. If you are not the person to consider this issue, could you forward this inquiry to the appropriate person? I suspect that this issue is going to repeat itself so you might consider addressing it in an ACL..

10. REQUESTOR'S PROPOSED ANSWER:

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

Based on the above scenario under CalFresh regulations in MPP 63-502.2(q)(1)(E) excludes independent living program monies for NMD's participating in an ILP program. Additionally, per MPP 63-502.2(b) "Vendor Payments." Money that is not legally obligated to be paid to the household, but which is paid to a third party for a household expense by a person or organization outside of the household, is also excluded as income. Thus, (rent paid directly to the landlord) by the social service agency is excluded from income consideration. Therefore, the full $2,797 amount should not have been counted as income.

However, cash made available directly to the NMD's is to be treated as unearned income -MPP 63-502.14. More information regarding CalFresh Eligibility for NMD's participating in an AB 12 program is found on the following page 2 of this CF 24.

FOR CDSS USE

DATE RECEIVED: 01/08/2014

DATE RESPONDED TO COUNTY/ALJ: S.Clark 01/21/2014

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: 01/08/2014 NEED RESPONSE BY: asap 6. COUNTY/ORGANIZATION: San Diego 7. SUBJECT: Treatment of Income for Participants in Foster Care ILP
2. REQUESTOR NAME:	8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)* **NOTE: All requests must have a regulation cite(s) and/or a reference(s).** ACL 12-44 ACL 13-09
3. PHONE NO.:	
4. REGULATION CITE(S): 63-502.2(q)(1)(E); 63-502.2(b); 63-502.14	

The NMD living in a SILP can apply for CalFresh benefits. Eligibility for CalFresh is made on a case by case basis and considers the household composition, the individual's earned and/or unearned income, including the AFDCFC grant, assets, the amount of rent and utility expenses, student status, and other factors. The fact that the NMD is receiving a foster care payment does not, in and of itself, make the young adult ineligible. Eligibility will be based on the combined income and resources of the young adult and may include the income and resources of other persons living in the SILP who purchase and prepare meals with the NMD. If the NMD is employed, that income will factor into the eligibility decision. Additionally, if the NMD is attending college, eligibility considerations are different. NMDs living in a SILP should be encouraged to apply for CalFresh, as they may be eligible, but should be informed that a variety of factors go into the eligibility determination, so benefits are not guaranteed.

The above information taken from the AB 12 FAQ's found at http://www.childsworld.ca.gov/PG2916.htm .