



CDSS

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August 12, 2010

ALL COUNTY INFORMATION NOTICE I-41-10

TO: ALL COUNTY WELFARE DIRECTORS
ALL FOOD STAMP COORDINATORS
ALL CalWORKs PROGRAM SPECIALISTS

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

SUBJECT: FOOD STAMP QUESTIONS AND ANSWERS (Q&As)

The purpose of this letter is to provide counties with questions and answers regarding Food Stamp Program policy. These questions were submitted by the Food Stamp Review and Advisory Team (FRAT) of the County Welfare Directors Association. Answers were developed at the state level and finalized with assistance from FRAT members.

Answers to these questions are intended to be informational and are based only on the general circumstances provided in the questions. For appropriate application to specific case circumstances, counties should refer to the regulations, All County Letters, and All County Information Notices (ACIN) that are referenced in the responses.

Should you have any questions regarding this ACIN, please feel free to contact, Alicia Thomason of the Policy Implementation Unit at (916) 657-2630 or by e-mail at alicia.thomason@dss.ca.gov.

Sincerely,

Original Document Signed By:

CHRISTINE WEBB-CURTIS, Chief
Food Stamp Branch
Welfare to Work

Attachment

APPLICATION PROCESS – EXPEDITED SERVICE VS NORMAL APPLICATION PROCESS WHEN COUNTING THE WEEKENDS AND HOLIDAYS

QUESTION #1:

When a county is processing a food stamp application through the normal application process, and the 30th day falls on a weekend (Saturday/Sunday) or on a holiday Monday, is the weekend counted as one day as in expedited service or is the weekend counted as two separate days?

ANSWER #1:

For normal application processing, Saturday and Sunday are each counted as one day (MPP section 63-301.1). Also, the regulation is specific with regard to the household participating no later than 30 days following the date of application (MPP section 63-301.2). For cases where the 30th day falls on a weekend or holiday, the application would have to be approved prior to the 30th day.

**SUPPLEMENTAL SECURITY INCOME/STATE SUPPLEMENTAL PAYMENT
(SSI/SSP) NON-HOUSEHOLD MEMBER PAYS CHILD SUPPORT**

QUESTION:

An SSI/SSP individual pays child support out of his SSI/SSP money. When calculating the food stamp budget, should the child support paid by the SSI/SSP spouse be used as an exclusion from his wife's income?

ANSWER:

No. At MPP section 63-402.226, SSI/SSP recipients are excluded household members and are not eligible for food stamp benefits.

At MPP section 63-502.2(p), child support payments made by a household member to or for an individual living outside of the household is excluded as income if court ordered. In the above scenario, the SSI/SSP individual is not considered a household member, but rather an excluded household member.

At MPP section 63-503.453, SSI/SSP recipients are not included when determining the household size for purposes of assigning a benefit level to the household. Therefore, the child support paid by the SSI/SSP individual is not used to determine the benefit level of household members.

In summary, the child support paid by the SSI/SSP spouse cannot be used as an exclusion from the household's income when computing the food stamp budget nor can it be taken into consideration as income when computing the household's budget.

**TRANSITIONAL FOOD STAMPS (TFS) AND OUT-OF-STATE USAGE REPORT
(CHANGE IN POLICY)**

QUESTION:

If the Out-of-State Usage Reports reflect a TFS household has purchases out of state, TFS would not be terminated unless we had reliable information (ACIN I-21-04 question #26) that confirmed the household moved out of state and lost their California residence, correct?

ANSWER:

No, that is no longer correct. This answer replaces the answer to question #26 in ACIN I-21-04. The only instance in which TFS can be terminated is when a county discovers that a household or household member has applied and been approved for TANF and/or food stamp benefits out of state; otherwise, TFS will continue to be paid. The only "reliable information" that will result in the TFS case being terminated is now approval of benefits outside of California.

TFS/CHILD PLACED IN ANOTHER HOME

SCENARIO:

The client received TFS for herself and one child. The child was removed from the home and placed in another home. The other household applied for CalWORKs (CW) for only the child and not food stamps. Since the child was approved for CW, he was removed from the TFS household.

QUESTION:

Should the child have been removed from the TFS household?

ANSWER:

Yes. The child should be removed from TFS because the individual cannot receive CW and TFS at the same time. TFS is based upon receiving CW and regular food stamp benefits in the last month of CW benefits. TFS is set up as a transition away from CW; therefore, TFS cannot continue with the child's receipt of CW benefits. MPP section 63-504.13 states TFS eligibility occurs when CW is terminated; therefore, receipt of CW will end TFS eligibility for the child.

TFS AND MOVE OUT OF STATE (POLICY CHANGE)

SCENARIO:

TFS benefits were approved and began on December 1. On January 24, the household moved out of state.

QUESTION #1:

Should we discontinue?

ANSWER:

No, the TFS case is not discontinued. If a household moves out of state during the period TFS benefits are received, TFS is not discontinued. This is a policy change from the answer in ACIN I-21-04. Since we have been more restrictive in TFS policy than federal guidelines, we are changing our position on the handling of this situation. However, if the county learns the TFS household has been approved for either TANF and/or food stamps out of state, TFS benefits must be discontinued.

QUESTION #2:

Is there an overissuance for February?

ANSWER:

No. There is no overissuance unless the household received regular food stamps out of state while receiving TFS.

RE-PRORATING BUDGET WHEN TFS HOUSEHOLD MEMBER VACATES

SCENARIO:

The TFS household consists of five members: a mother on SSI, a father and 3 kids. Dad moves out of the household on January 25, and this is not reported to the CWD (not a requirement). Dad is approved for CalWORKs (CW) on February 5 for FS effective March 1st in another case.

QUESTION #1:

When a vacating TFS household member is approved for benefits in another household/assistance unit, if proration was part of the original TFS budget due to pooled income with the SSI mother, will that continue after the vacating TFS household member is removed as long as the proration factors remain?

ANSWER:

Yes. Proration will continue based on the remaining household members [MPP section 63-504.13 and 7 CFR 273.12(f)(4)(iii)].

QUESTION #2:

- a) When a vacating TFS household member is approved for benefits in another household/assistance unit, when is the vacating household member removed?
- b) Is there an overissuance?
- c) Is the TFS budget also recomputed for the housing expenses to accommodate the proration of the rent (total rent = $\$1500/4 \times 3 = \1125)?

ANSWER:

- a) The TFS household member is removed at the end of the month after a 10-day notice is provided to the household.
- b) There is no TFS overissuance since there are no reporting requirements for TFS. Also, food stamp benefits in the other household cannot be issued before TFS is discontinued, otherwise this is an overissuance for the new household.
- c) Yes. The food stamp budget included prorated housing expenses (rent) due to the pooled income [total rent = $\$1500/5 \times 4 = \1200 used in the budget]. Dad leaves the TFS household and is approved for CW and/or food stamps on another case. The TFS budget is recomputed removing the vacating member's (dad's) income and expenses/deductions (ACL 08-22 and ACL 08-22E). New proration would be $\$1500/4 \times 3 = \1125 .

FOSTER CARE CHILDREN

SCENARIO:

The county has dependency of the foster care children. The mother was granted court ordered visits. The children spend four days and three nights a week with the mother and the rest of the week in the foster care home. Starting on August 3, the mother will have the children five days and four nights a week. The foster care payment is being issued to the foster care home. Foster care money is NOT AVAILABLE to the children when they are with their mother, as the money is used for their needs when they are in the foster care home. The foster care family is not requesting food stamps. The mother needs assistance in caring for the children.

QUESTION:

Can the mother apply for and receive food stamps for her children if she has her children four days and three nights out of the week? If so, would the foster care payments follow the children and count as unearned income in the mother's case? What if the mother has the children for five days and four nights a week?

ANSWER:

No. The children are considered foster children placed in a foster care home. The mother is not eligible to receive food stamp benefits for the children. The foster care payment continues to be sent to the foster care household.
(MPP section 63-402.45)

RESOURCES – ASSETS FOR INDEPENDENCE

SCENARIO:

The Food and Nutrition Service (FNS) is interested in the use of special-purpose accounts for the low-income population, especially for households receiving food stamps, as a means of promoting self-sufficiency. These accounts enable low-income persons to accumulate savings for specified purposes such as education, home purchase, home improvement, and business start-up. In many program initiatives, the account holder qualifies for matching funds to enable a more rapid accumulation of savings, as long as the account balances are used for the specified purposes. Such matched accounts are typically called an individual development accounts or IDAs.

The Assets for Independence Act (Public Law 105-285, enacted in October 1998) provides federal funds for the operation of IDA programs at the state and local levels, subject to requirements regarding who can participate and how the accounts will be financed and structured.

QUESTION:

How are these assets treated in the food stamp program?

ANSWER:

Resources accumulated under the “Assets for Independence” program are excluded as resources in the Food Stamp Program. (MPP section 63-501.3(p))