

42-209 DIFFERENTIATION OF PROPERTY AND INCOME 42-209

Some payments may be considered property, income, or a combination of both. For the differentiation of such payments, see Section 44-105.

42-211 PROPERTY ITEMS TO BE INCLUDED IN EVALUATING 42-211
PROPERTY WHICH MAY BE RETAINED

.1 Real Property to Be Included

.11 In addition to the items included in the definition of real property in Section 42-203.1, the following are to be evaluated as real property:

- a. Cemetery property held for profit.
- b. Stocks in a water company not appurtenant to the land in furnishing water for agricultural purposes.
- c. The items defined in this section which are owned (see Section 42-203) by an applicant or recipient are subject to the limits set forth in Section 42-207, unless specifically excluded by Section 42-213.1.

.12 Real property owned by an applicant or recipient includes real property which:

- a. secures any of his debts.
- b. is being purchased by him under a contract of sale, or mortgage and/or deed of trust.
- c. is being sold by him under contract of sale, but no contract has actually been signed.
- d. is being held by him with retention of life estate.
- e. is held in trust for him and is available to him for disposition or use.
- f. is held for him in an undistributed estate and is available for his use prior to distribution.
- g. is being sold by him and is held in escrow.

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.2 Personal Property to Be Included

.21 Liquid Resources

This includes cash on hand or in savings and checking accounts; financial instruments including but not limited to securities, stocks, bonds, mutual fund shares, cash surrender value of insurance policies, promissory notes, mortgages, and deeds of trust; and refunds of income taxes.

.22 Motor Vehicles

The net market value of all motor vehicles not exempted from evaluation as personal property under Section 42-213.2z.

.23 (Has been repealed per Manual Letter No. 145.)

.24 (Has been repealed per Manual Letter No. 77-40.)

.25 All Other Personal Property Including:

.251 Mobile homes, campers, trailers and houseboats unless such item is used as a family's only home.

.252 Boats, musical instruments, power tools, and recreation equipment.

.253 The net market value of funeral agreements not exempted from evaluation as personal property under Section 42-213.2d.

.254 Lessee's interest in a lease of real property for a period of years unless the property is used as a home.

.255 Farm equipment, livestock, and fowl other than that retained for family consumption only.

.256 Interests in firms receivership, in undistributed estates, or in trust funds in which the applicant or recipient is a beneficiary provided such property is available.

42-211 **PROPERTY ITEMS TO BE INCLUDED IN EVALUATING** **42-211**
PROPERTY WHICH MAY BE RETAINED (Continued)

In cases in which a trust or savings fund is established for a child pursuant to a court order providing that such money be used only for and on behalf of such minor child and be withdrawn from the account only pursuant to an order of the court, the individual in control of the fund will be expected to petition the court for an appropriate order determining the availability of the fund for the support of the child. If the individual in control refuses to initiate such a petition and the fund coupled with other nonexempt personal property holdings, if any, exceeds the statutory limits, ineligibility will result, but only for the child or children for whom the fund is held in trust. During such time as the court is being petitioned, or if the court refuses to issue a final order making the fund available for support of the child, the fund shall not be considered as personal property for purposes of eligibility determination or grant computation.

For AFDC-FC, if the individual in control of the trust refuses to petition the court, the county may do so on the child's behalf. During the time the court is being petitioned or if the fund is not made available by the court, the fund shall not be considered as personal property for purposes of eligibility determination or grant computation.

.257 The lump-sum refund of the employee's share of retirement contributions.

HANDBOOK BEGINS HERE

See Section 44-113.8 for treatment of the employer's share of the contributions and the interest earned on the accumulated retirement contributions.

HANDBOOK ENDS HERE

.258 The following payments:

- (a) (Repealed by Manual Letter No. 82-26)
- (b) (Repealed by Manual Letter No. 82-26)
- (c) (Repealed by Manual Letter No. 82-26)

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- (d) Amounts remaining from the retroactive tax and utility cost subsidy payments received from the Department of Housing and Urban Development (HUD) which represent a reimbursement of increased tax and utility costs incurred from 1975 through 1977 and have been excluded for one full calendar month following the month of receipt (see Section 42-213.2(y)).
- .259 Personal effects other than clothing, wedding, and engagement rings, heirlooms, and prosthetic devices.
- .26 Any items listed in Section 42-211.2 which is owned (see Section 42-203) by an applicant or recipient is subject to the limits set forth in Section 42-207, unless specifically excluded in Section 42-213.2. Personal property owned by an applicant or recipient includes personal property which:
 - .261 secures any of his debts.
 - .262 is being purchased by him under a sales contract.
 - .263 is being sold by him under a sales contract, but no contract has actually been signed.
 - .264 is being held by him with retention of life estate.
 - .265 is held in trust for him and is available to him for disposition or use.
 - .266 is held for him in an undistributed estate and is available for his use prior to distribution.

42-213	PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY BE RETAINED	42-213
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- .1 Real Property to Be Excluded
 - .11 The following items are to be excluded in evaluating real property:
 - a. Real property held in trust if the child or parent does not have control of the trust of which he is the beneficiary.

42-213 **PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY** **42-213**
WHICH MAY BE RETAINED (Continued)

- b. The separate and community share of real property of a parent who has surrendered full custody of his child pursuant to a court order.

- c. The separate and community share of real property of a parent who has relinquished his child for adoption.

- d. The separate and community share of real property of the father of a child who is not married to the mother and the parents are not maintaining a home together. Exception: If the father has legitimized the child under Section 230 of the Civil Code, his property is included whether or not the parents are maintaining a home together.

- e. The separate and community share of real property of a stepfather.

- f. Property purchased with funds received under Title I or Title II of the Economic Opportunity Act when such funds were excluded from consideration as income or resources. This exclusion does not extend to income or profits from such property.

- g. An Indian's interest in land held in trust by the United States Government is excluded in evaluating real property which is subject to the monetary limits as set forth in Section 42-207.

- h. The separate and community shares of real property of the absent parent which are unavailable to the AFDC family or child (i.e., the family or child does not have possession or control of the property so that the property may be used to meet current needs). Such unavailable property is to be excluded in cases where the child is living apart from his/her parent or parents. The exclusion applies to a child in foster care regardless of whether his/her parents are maintaining a home together.

An availability determination of the separate community shares of real property of an absent parent must be made by the county as part of the initial eligibility determination. After the initial eligibility determination, the county only needs to make another availability determination when the county receives information that there has been a change.

42-213	PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY BE RETAINED (Continued)	42-213
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- i. The real property in which an AFDC recipient has an ownership interest and which is considered in an SSI/SSP resource evaluation.
 - (1) The total value of property owned separately by the AFDC recipient who is either the spouse or parent of the SSI/SSP recipient and resides in the same household.
 - (2) The total value of property owned jointly between the AFDC recipient and the SSI/SSP spouse or child when they reside in the same household.
 - j. The separate and community share of real property of an APSB recipient (see Section 42-205.3, Community Property).
 - k. A maximum of one burial plot for each member of the Assistance Unit. For purposes of this section, a burial plot is defined as an interment space, crypt or niche intended for the interment of the applicant or recipient.
- .12 Real property, not otherwise excluded, that the assistance unit is making a good faith effort to sell may be exempt from consideration in the resource limit described in Section 42-207 for a period of no more than nine consecutive months. Any six-month period, which was the maximum period permitted by these regulations as they were effective prior to January 1, 1987, ending on or after December 31, 1986 may be extended to nine months at the recipient's request.
- .121 As a condition of receiving aid during the exempt period and prior to the county granting aid, the applicant/recipient shall:
- (a) Grant the county a lien against the property which shall be payable to the county when the property is sold (see Section 42-213.122), and
 - (b) Agree in writing to begin immediately to make a good faith effort to sell the property. See Section 42-213.123 for what constitutes a good faith effort. If the applicant/ recipient elects not to sell the property at any time prior to the expiration of the nine months, the property shall no longer be exempt from consideration in the resource limit.

42-213 **PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY** **42-213**
WHICH MAY BE RETAINED (Continued)

- .122 The county shall have the lien notarized (notarization by the county designated notary is acceptable) and then promptly record the lien in the county recorder's office where the property is located. The lien document shall:
- (a) Clearly show that the purpose of the lien is to repay the county the amount of repayable aid received during the exempt period. See Section 42-213.124. The lien, in itself, shall not require the sale of the property.
 - (b) Contain a legal description of the property that the lien is against. A legal description of the property can be obtained from the tax assessor's rolls of the county where the property is located.
 - (c) State the name(s) of the owner(s) of the property as it appears on the county assessor's rolls. The lien shall be binding on the applicant/recipient and his or her heirs, executors, administrators, and assignees.
- .123 In order to make a good faith effort to sell the property, as a condition of receiving aid during the exempt period, the applicant/recipient shall, at a minimum, either:
- (a) List the property for sale with a licensed real estate broker at the property's approximate fair market value (see Section 42-213.123(c)) and be willing to negotiate the terms of the sale with potential buyers, or
 - (b) Make an individual effort to sell the property which shall include all the following:
 - (1) Advertising once a week in at least one publication of general circulation that the property is for sale. When an AU becomes resource eligible it will no longer be required to use out-of-pocket expenditures to market the property but shall continue to comply with Section 42-213.123(a). [Resource eligibility exists when the equity value of the real property (see Section 42-213.124) plus all countable resources is less than \$1,000].

42-213 **PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY** **42-213**
WHICH MAY BE RETAINED (Continued)

HANDBOOK BEGINS HERE

- (A) See Section 89-115 for the higher property and motor vehicle limits for those recipients subject to the California Work Pays Demonstration Project as specified in Division 89.

HANDBOOK ENDS HERE

- (2) Place a sign on the property indicating that the property is for sale. Whenever possible, the sign shall be visible from the street.
- (3) Offer the property for sale at its approximate fair market value. See Section 42-213.123(c).
- (4) Be willing to negotiate the terms of the sale with potential buyers and respond to all reasonable inquiries about the property.
- (c) For purposes of this section, the fair market value of the property shall be the applicant/recipient's choice of:
- (1) The assessed value of the property, or
- (2) A valuation of the market value of the property obtained by the applicant/recipient from a licensed real estate broker.
- (3) In exceptional circumstances, such as when the property is located in a remote area and it is impossible or impractical to obtain a valuation, and the applicant/ recipient believes that the assessed value is too high or too low, the county and the applicant/recipient may agree on the market value based upon other available information.
- .124 Any aid paid during the nine-month period or until the property is sold, whichever comes first, shall be considered repayable aid at the time of the sale of the property and shall be collectible from the net proceeds of the sale of the property. The amount of repayable aid shall be determined as follows:

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY BE RETAINED (Continued) 42-213

- (a) If the net proceeds from the sale of the property plus the value of other countable real and personal property at the beginning of the exempt period are less than the resource limit specified in Section 42-207, there shall be no repayable aid.
- (1) Property liens established to repay AFDC grants shall be counted as allowable encumbrances when determining the equity value of real property for eligibility purposes.
- (b) If the amount of aid paid during the exempt period exceeds the net proceeds of the sale of the property, then the amount of repayable aid is the amount of the net proceeds.

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- (1) Example: The county did not count the value of a lot with a house that was owned but not occupied by an assistance unit in the resource limit as allowed under this section. At the end of nine months, the property sold for \$29,000 and the family had received \$3,960 in aid payments. The net proceeds of the sale were determined to be \$3,000. The amount of repayable aid is \$3,000 because the net proceeds were less than the amount of aid paid during the exempt period.

HANDBOOK ENDS HERE

- (c) The net proceeds of the sale are determined by subtracting from the gross amount of the sale the costs verified by the county to be directly related to the sale of the property, such as:
- (1) Loans and liens of the seller that are secured by the property,
- (2) Title insurance fees paid by the seller,
- (3) Brokers fees paid by the seller,
- (4) Prepaid interest or loan processing fees (points) paid by the seller,

42-213 **PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY** **42-213**
WHICH MAY BE RETAINED (Continued)

- (5) Appraisal fees paid by the seller,
- (6) Fees paid by the seller to advertise the property, i.e., newspaper aids and for sale signs.

.125 The county shall inform the applicant/recipient at the time this exemption is granted that it is time-limited; and, at the end of nine months the assistance unit will be ineligible if the property has not been sold and the combined value of real and personal property continues to exceed the \$1,000 limit specified in Section 42-207.

See ACL 02-45 for current property limit.

.126 The county shall retain sufficient documentation to determine the amount of repayable aid that will be collectible when the property is sold.

.2 Personal Property to Be Excluded

The following are excluded from consideration in personal property reserve limitations (see Section 42-207.1).

- a. Funds held in escrow account if the escrow can be revoked only upon the consent of all parties involved.
- b. Stock in a water company not appurtenant to the land in the amount necessary for agricultural purposes.
- c. Loans and Grants
 - (1) Loans not available for current need because of conditions imposed by the lender.
 - (2) Any unexpended portions of grants or Economic Opportunity Act or educational loans that are exempt from consideration as income under Section 44-111.43.

42-213 **PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY** **42-213**
WHICH MAY BE RETAINED (Continued)

- (3) Loans obtained to meet current needs while (a) an application is pending, (b) aid is wrongfully denied or discontinued, (c) a county is refusing to comply or is delayed in complying with a Fair Hearing decision, or (d) an aid warrant is being delayed due to no fault of the recipient.

d. The following funeral agreements:

- (1) Money or securities placed in an irrevocable trust for funeral, cremation or interment expenses with any of the trustees mentioned in Section 7736 of the Business and Professions Code.

An irrevocable trust, within the meaning of this section is a written agreement between the applicant or recipient and the trustee(s) which expressly provides that the trust agreement is irrevocable, and that the trustee obligates himself to apply the money held in trust for the funeral, cremation or interment of the applicant or recipient.

Trustees mentioned in Section 7736 of the Business and Professions Code are limited to:

- (a) A banking institution or trust company legally authorized and empowered by the State of California to act as trustee in the handling of trust funds.

or
 - (b) Not less than three persons, one of whom may be an employee of the funeral director who is entering into a Preneed Funeral Arrangement as provided in Business and Professions Code Sections 7735 through 7742.
- (2) Life or burial insurance purchased specifically for funeral, cremation or interment expenses which is placed in an irrevocable trust or which has no loan or cash value available to the insured during his lifetime. Included are:
 - (a) An insurance policy on the life of the applicant payable to a beneficiary who has irrevocably agreed to apply the proceeds from the insurance for funeral, cremation, or interment of the insured.
 - (b) An insurance policy which is payable on death to the estate of the insured and thus, in effect, becomes a resource earmarked for burial.

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY 42-213
WHICH MAY BE RETAINED (Continued)

- (3) Securities by a licensed cemetery authority which by their terms are convertible only into payment for funeral, cremation or interment expenses.

- (4) Money or securities placed by the applicant or recipient in an insured savings institution as an irrevocable trust with the applicant or recipient as trustee for the provision of funeral services upon the applicant's or recipient's death.

- (5) One other bona fide funeral agreement for each member of the assistance unit not to exceed \$1,500. If the net market value exceeds \$1,500, the excess over \$1,500 shall be treated as a resource included in the property limit described in Section 42-207. For purposes of this section, other bona fide funeral agreements are defined as preneed funeral agreements between the applicant or recipient and a licensed cemetery authority or licensed funeral director for funeral, cremation, or interment services.

e. (Reserved)

f. Relocation Assistance Benefits

Relocation assistance benefits paid by a public agency to a public assistance recipient who has been relocated as a result of a program of area redevelopment, urban renewal, freeway construction or any other public development, involving demolition or condemnation of existing housing.

g. Lost, Stolen, Damaged, or Destroyed Property

The amount of a payment which compensates for exempt or excluded property which was lost, stolen, damaged, or destroyed (see Section 44-105) is excluded for the month of receipt and the following calendar month.

h. Retroactive Corrective Aid

The amount of a payment of retroactive corrective aid is excluded for only the month of receipt and the following calendar month.

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i. Household Items and Furnishings

Household items and furnishings falling within the following general categories are exempt when used to provide, equip, or maintain a household for the applicant or recipient:

- (1) Furniture, including rugs, drapes and mirrors.
- (2) Major and small appliances, including air conditioners.
- (3) Kitchenware.
- (4) Television and music systems.
- (5) Cleaning equipment.
- (6) Gardening equipment.
- (7) Personal Computer Systems

Permanently affixed items, such as built-in appliances and wall-to-wall carpeting, are considered real property.

j. Special Tax Rebates and Credits

Tax rebates, credits or similar temporary tax relief measures which state or federal law for AFDC specifically exclude from consideration as a personal property resource.

The state shall promptly advise county welfare departments on the exempt status of special tax rebates and credits in each program and shall prescribe the method of notifying recipients. Recipients must cooperate with county personnel by providing necessary information or documentation such as Form W-2 and Form 1040 to compute the correct grant amount. This section does not apply to annual refunds of income tax.

- k. The first \$50 of current child/spousal support disregarded as income under Section 44-111.47 shall be excluded both during the month it is received by the county and when it is received by the assistance unit, if different.
- l. The separate and community share of personal property of a parent who has surrendered full custody of his child pursuant to a court order.

42-213 **PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY** **42-213**
WHICH MAY BE RETAINED (Continued)

- m. The personal property belonging to the absent parent and not actually available to the family or child in foster care if the property is held by or in the name of the absent parent or is held even in the name of the family member(s) or child in foster care and the family or child in foster care does not have access to it to meet current needs. However, an availability determination for such property must be made by the county as part of the initial eligibility determination or as is warranted by change in circumstances. (See Section 42-213.11h above.)
- n. The separate and community share of personal property of a parent who has relinquished his child for adoption and the relinquishment has been filed with the State Department of Health.
- o. The separate and community share of personal property of the father of the child who is not married to the mother if the parents are not maintaining a home together. Exception: If the father has legitimized the child under Section 230 of the Civil Code, his property is subject to the same inclusions and exclusions as that of the father who is married to the mother.
- p. The separate and community share of personal property of the stepfather.
- q. The exclusive property of an unaided child, except for the exclusive property of any child who is required to apply for aid under Section 40-118 but who is not presently being aided.

HANDBOOK BEGINS HERE

- (1) For exception, see Handbook Section 40-118.111 and ACL 86-04 regarding Simon v. McMahon.

HANDBOOK ENDS HERE

- r. (Reserved)
- s. (Repealed by Manual Letter No. 82-26)
- t. The personal property in which an AFDC recipient has an ownership interest and which is considered in an SSI/SSP resource evaluation.

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- (1) The total value of personal property owned separately by an AFDC recipient who is either the spouse or parent of the SSI/SSP recipient and resides in the same household.
- (2) The total value of personal property owned jointly between the AFDC recipient and the SSI/SSP spouse or child when they reside in the same household.
- (3) Lump sum retroactive SSI/SSP payment.
- u. Tools of trade, equipment and materials including stocks and inventories of reasonable value which will assist the applicant or recipient to implement and continue his/her approved plan of employment.
 - (1) The value of each item shall be separately and individually evaluated to determine if the value is typical of the value of the same tools, equipment, or materials that are ordinarily used in the individual's chosen occupation.
 - (2) The county shall determine if the items will assist the individual in his/her approved plan of employment.
 - (A) An approved plan of employment shall be the county's determination that:
 - 1. The applicant or recipient has training, education, or background in the chosen occupation; and
 - 2. There are no physical barriers which render the individual incapable of returning to his/her chosen occupation.
- v. The separate and community share of personal property of an APSB recipient (see Section 42-205.3, Community Property).
- w. Payments received under the Energy Crisis Assistance Program and the Low Income Energy Assistance Program are exempt as long as the monies retained are not commingled and can be separately identified as a proportionate share of the recipient's property.
- x. (Repealed by Manual Letter No. 82-26)
- y. Funds Received as a Result of the Settlement in the Underwood v. Harris Court Case.

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY 42-213
WHICH MAY BE RETAINED (Continued)

Retroactive tax and utility cost subsidy payments received from the Department of Housing and Urban Development (HUD) which represent a reimbursement of increased tax and utility costs which were incurred in 1975 through 1977 are excluded in the month of receipt and the following calendar month. Thereafter, the amount shall be treated in accordance with Section 42-211.258(d).

- z. One motor vehicle the net market value of which does not exceed \$1,500. If the value of the motor vehicle exceeds the \$1,500 limit, the excess over \$1,500 shall be treated as a resource included in the property limit described in Section 42-207.

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- (1) See Sections 89-115, 89-120 and 89-125 for the higher property and motor vehicle limits for those recipients subject to the California Work Pays Demonstration Project, as specified in Division 89.

HANDBOOK ENDS HERE

- aa. Any cash savings and interest accumulated pursuant to the Independent Living Program (ILP) written transitional independent living plan and retained by a child who is 16 years of age or older and is participating in the ILP. There is no limit to the amount that may be retained under this subsection.

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See Sections 30-002i.(1), w.(1), 30-342.5, and 30-442.5 for the definition and description of ILP.

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- .3 A home, regardless of its value, occupied by the assistance unit shall be excluded in evaluating property which may be retained.

- .31 Any house, mobile home, camper, trailer, houseboat or any other dwelling whether assessed as real or personal property by the county assessor is excluded if such an item of property is occupied by the Family Budget Unit as a home (place of residence). Property shall continue to be considered the home during temporary absence for reasons such as illness, seasonal employment, visits, extreme climatic conditions, etc., provided the recipient plans to, and it appears will be able to, return to the home when such circumstances no longer exist.

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- .32 The excluded home may be the unit of a multiple-dwelling unit that is occupied by the assistance unit as a home. A home and a separate unit adjacent to the home shall be treated as a multiple dwelling unit.

- .321 The unit(s) of the multiple dwelling that is (are) not occupied by the assistance unit shall be treated as a resource and the value must be included in the property limit described in Section 42-207. See Section 42-215 for the method of determining the value.
 - (a) If the assistance unit is making a good faith effort to sell the unit(s) that is (are) not occupied as a home, the unit(s) may be exempt from consideration in the resource limit for a period of time under the conditions specified in Section 42-213.12.

 - (b) If the unit(s) that is (are) not occupied as a home cannot be sold separately, the unit(s) is (are) unavailable to meet current needs and shall be excluded in evaluating property. (See Section 44-113.1 for the treatment of income received from the rental of real property.)

- .4 The home which was the usual home of an applicant/recipient who has entered into marital separation shall be treated as follows:
 - .41 The usual home shall be exempt in determining an applicant's eligibility for AFDC and for three months following the end of the month in which aid begins.

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See Section 44-317.

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- .42 The usual home shall be exempt in evaluating a recipient's retained property during the month of separation and for three months following the end of the month in which the separation occurs.

- .43 The applicant/recipient shall be informed when the exemption is granted that it is time-limited and that the expiration of the three month period may result in ineligibility.

- .44 See Sections 42-213.3 and 42-201.1 for situations which require the home to remain excluded from property evaluation following the three month exemption period.

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY 42-213
WHICH MAY BE RETAINED (Continued)

- .5 Other property which is mandatorily and specifically exempt by federal law and shall be exempt from the effective date as specified in federal law.
- .51 Property which is mandatorily exempt under federal law includes, but is not limited to:
- .511 Public Law (PL) 92-254 or PL 94-540 which exempts any funds distributed per capita or held in trust for members of any Native American tribe under PL 92-254 or PL 94-540.
 - .512 PL 93-134, PL 97-458 and PL 98-64 which exempt as property the funds of Native American tribes including interest earned from, investment income derived from and initial purchases made with such funds when the funds have been:
 - (a) Distributed by the Secretary of the Interior on a per capita basis; or
 - (b) Held in trust by the Secretary of the Interior; or
 - (c) Individually owned trusts or restricted lands.
 - .513 PL 100-241 which exempts distributions to a household, individual Native or descendent of a Native when received from a Native Corporation established pursuant to the Alaskan Native Claims Settlement Act (ANCSA). Exempt distributions include:
 - (a) Cash (including cash dividends on stock received from a Native Corporation) to the extent it does not exceed \$2,000 total per person per anum, stock, a partnership interest, land or interest in land, and interest in a settlement trust.
 - .514 PL 100-383 which exempts payments received as restitution made to U.S. citizens and permanent resident aliens of Japanese ancestry.
 - .515 PL 100-707 which exempts federal major disaster and emergency assistance provided under the Disaster Relief Act and comparable disaster assistance provided by the state, local governments and disaster assistance organizations.

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- .516 PL 101-201 and PL 101-239 which exempt payments received from all Agent Orange settlements.
- .517 PL 101-426 which exempts payments received under the Radiation Exposure Compensation Act.
- .518 PL 101-508 which exempts Earned Income Credit (EIC) payments for the month it is received and the following month.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11155, 11155.1, 11155.2, 11155.5, and 11257, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(B) and Sidwell v. McMahon, United States District Court (E.D. Cal.) May 7, 1990, civil no. S-89-0445; the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994; Public Laws 97-458, and 98-64; and Federal Action Transmittal 91-23.

42-215 DETERMINING VALUE OF PROPERTY 42-215

.1 Determination of Value of Real Property

For determination of AFDC eligibility, an applicant or recipient's equity interest in real property is determined by subtracting any allowable encumbrance against it from its market value (42-215.21).

.11 Acceptable evidence of allowable encumbrances on real property are listed below:

- (a) Mortgages
- (b) Notes
- (c) Deeds of trust
- (d) Payment receipts
- (e) Loan payment books
- (f) Delinquent tax liens
- (g) Judgments items
- (h) Mechanics liens
- (i) Assessments
- (j) Unpaid balance on property

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.12 Applicant and/or Spouse Not Sole Owners

If the applicant or the applicant and his spouse are not the sole owners of property, only his or their proportionate share is included in their respective holdings.

.13 In order to identify real property holdings of recipients, the county shall, at least, contact the local county assessor, recorder or tax collector.

.2 Acceptable Evidence of Value of Real Property

.21 In AFDC the market value of real property shall be based on the most recent appraisal of market value from the county assessor, recorder or tax collector.

.22 Evidence of an allowable encumbrance in .21 above shall be the written document which supports it. Evidence of unwritten encumbrances shall be the sworn statements of all parties, under penalty of perjury, to the following:

.221 initial and maturity date;

.222 extent of encumbrances; and

.223 value received

.3 Determination of Value of Personal Property Other than Motor Vehicles

.31 The county is responsible to investigate all available evidence necessary to determine personal property value. (See Section 40-107, 40-157, 40-161, and 40-181.) The net market value of the property is considered within the limitations specified in Section .6 below.

.32 The following examples are acceptable evidence of the applicant's cash and securities:

a. Bank books

b. Postal saving certificates

c. U.S. bonds

d. Purchase contracts

e. Payment books

42-215 DETERMINING VALUE OF PROPERTY (Continued) 42-215

.33 The following method shall be used to determine total personal property other than cash and securities and motor vehicles:

- a. Determine the net market value of personal property with an original purchase price to the applicant or recipient of \$100 or more by reducing the original purchase price (less sales tax, shipping, etc.) of the personal property by 20% of the original purchase price at the date of purchase and 20% of the remaining balance for each year thereafter up to six years (see depreciation schedule below) and then subtracting encumbrances. If the original purchase price is not available it may be estimated by the county.

Any item of personal property, other than cash and securities or motor vehicles, with an original purchase price to the applicant or recipient of less than \$100 shall not be considered in evaluating the personal property reserve, unless the county, the applicant or the recipient believes the item may now have a current appraised value in excess of \$100.

- b. If the county believes that the method prescribed in Section 42-215.33a does not result in an accurate evaluation of the item (some items such as livestock, antiques, etc., may appreciate in value) the county may substitute an appraised amount determined by a county-designated property valuation specialist.

If the applicant or recipient does not agree with the value arrived at in Section 42-215.33a or the amount determined by the county-designated property valuation specialist, the applicant or recipient may submit three appraisals by dealers in the type of property being evaluated, insurance adjustors, or personal property appraisers. The average of these independent appraisals will be used by the county in evaluating the property.

42-215 DETERMINING VALUE OF PROPERTY (Continued) 42-215

c. Market Value - The figures in the table indicate the market value of the property at the given age.

**20% PER ANNUM DEPRECIATION SCHEDULE
 BASED ON DECLINING BALANCE**

Original Purchase Price	Less than 1 yr	AGE OF ITEM							Original Purchase Price	Less than 1 yr	AGE OF ITEM						
		1 yr - 2 yrs	2 yrs - 3 yrs	3 yrs - 4 yrs	4 yrs - 5 yrs	5 yrs - 6 yrs	6 yrs - Over 6 yrs	1 yr - 2 yrs			2 yrs - 3 yrs	3 yrs - 4 yrs	4 yrs - 5 yrs	5 yrs - 6 yrs	6 yrs - Over 6 yrs		
\$ 1	\$.80	\$.64	\$.51	\$.41	\$.33	\$.26	\$.21	51	40.80	32.64	26.01	20.91	16.83	13.26	10.71		
2	1.60	1.28	1.02	.82	.66	.52	.42	52	41.60	33.28	26.52	21.32	17.16	13.52	10.92		
3	2.40	1.92	1.53	1.23	.99	.78	.63	53	42.40	33.92	27.03	21.73	17.49	13.78	11.13		
4	3.20	2.56	2.04	1.64	1.32	1.04	.84	54	43.20	34.56	27.54	22.14	17.82	14.04	11.34		
5	4.00	3.20	2.55	2.05	1.65	1.30	1.05	55	44.00	35.20	28.05	22.55	18.15	14.30	11.55		
6	4.80	3.84	3.06	2.46	1.98	1.56	1.26	56	44.80	35.84	28.56	22.96	18.48	14.56	11.76		
7	5.60	4.48	3.57	2.87	2.31	1.82	1.47	57	45.60	36.48	29.07	23.37	18.81	14.82	11.97		
8	6.40	5.12	4.08	3.28	2.64	2.08	1.68	58	46.40	37.12	29.58	23.78	19.14	15.08	12.18		
9	7.20	5.76	4.59	3.69	2.97	2.34	1.89	59	47.20	37.76	30.09	24.19	19.47	15.34	12.39		
10	8.00	6.40	5.10	4.10	3.30	2.60	2.10	60	48.00	38.40	30.60	24.60	19.80	15.60	12.60		
11	8.80	7.04	5.61	4.51	3.63	2.86	2.31	61	48.80	39.04	31.11	25.01	20.13	15.86	12.81		
12	9.60	7.68	6.12	4.92	3.96	3.12	2.52	62	49.60	39.68	31.62	25.42	20.46	16.12	13.02		
13	10.40	8.32	6.63	5.33	4.29	3.38	2.73	63	50.40	40.32	32.13	25.83	20.79	16.38	13.23		
14	11.20	8.96	7.14	5.74	4.62	3.64	2.94	64	51.20	40.96	32.64	26.24	21.12	16.64	13.44		
15	12.00	9.60	7.65	6.15	4.95	3.90	3.15	65	52.00	41.60	33.15	26.65	21.45	16.90	13.65		
16	12.80	10.24	8.16	6.56	5.28	4.16	3.36	66	52.80	42.24	33.66	27.06	21.78	17.16	13.86		
17	13.60	10.88	8.67	6.97	5.61	4.42	3.57	67	53.60	42.88	34.17	27.47	22.11	17.42	14.07		
18	14.40	11.52	9.18	7.38	5.94	4.68	3.78	68	54.40	43.52	34.68	27.88	22.44	17.68	14.28		
19	15.20	12.16	9.69	7.79	6.27	4.94	3.99	69	55.20	44.16	35.19	28.29	22.77	17.94	14.49		
20	16.00	12.80	10.20	8.20	6.60	5.20	4.20	70	56.00	44.80	35.70	28.70	23.10	18.20	14.70		
21	16.80	13.44	10.71	8.61	6.93	5.46	4.41	71	56.80	45.44	36.21	29.11	23.43	18.46	14.91		
22	17.60	14.08	11.22	9.02	7.26	5.72	4.62	72	57.60	46.08	36.72	29.52	23.76	18.72	15.12		
23	18.40	14.72	11.73	9.43	7.59	5.98	4.83	73	58.40	46.72	37.23	29.93	24.09	18.98	15.33		
24	19.20	15.36	12.24	9.84	7.92	6.24	5.04	74	59.20	47.36	37.74	30.34	24.42	19.24	15.54		
25	20.00	16.00	12.75	10.25	8.25	6.50	5.25	75	60.00	48.00	38.25	30.75	24.75	19.50	15.75		

NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY

Regulations

PROPERTY

42-215.33c. (Cont.)

42-215 DETERMINING VALUE OF PROPERTY (Continued)

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**20% PER ANNUM DEPRECIATION SCHEDULE
BASED ON DECLINING BALANCE (Continued)**

Original Purchase Price	Less than 1 yr	AGE OF ITEM						Original Purchase Price	Less than 1 yr	AGE OF ITEM						Over 6 yrs
		1 yr - 2 yrs	2 yrs - 3 yrs	3 yrs - 4 yrs	4 yrs - 5 yrs	5 yrs - 6 yrs	Over 6 yrs			1 yr - 2 yrs	2 yrs - 3 yrs	3 yrs - 4 yrs	4 yrs - 5 yrs	5 yrs - 6 yrs	Over 6 yrs	
26	20.80	16.64	13.26	10.66	8.58	6.76	5.46	76	60.80	48.64	38.76	31.16	25.08	19.76	15.96	
27	21.60	17.28	13.77	11.07	8.91	7.02	5.67	77	61.60	49.28	39.27	31.57	25.41	20.02	16.17	
28	22.40	17.92	14.28	11.48	9.24	7.28	5.88	78	62.40	49.92	39.78	31.98	25.74	20.28	16.38	
29	23.20	18.56	14.79	11.89	9.57	7.54	6.09	79	63.20	50.56	40.29	32.39	26.07	20.54	16.59	
30	24.00	19.20	15.30	12.30	9.90	7.80	6.30	80	64.00	51.20	40.80	32.80	26.40	20.80	16.80	
31	24.80	19.84	15.81	12.71	10.23	8.06	6.51	81	64.80	51.84	41.31	33.21	26.73	21.06	17.01	
32	25.60	20.48	16.32	13.12	10.56	8.32	6.72	82	65.60	52.48	41.82	33.62	27.06	21.32	17.22	
33	26.40	21.12	16.83	13.53	10.89	8.58	6.93	83	66.40	53.12	42.33	34.03	27.39	21.58	17.43	
34	27.20	21.76	17.34	13.94	11.22	8.84	7.14	84	67.20	53.76	42.84	34.44	27.72	21.84	17.64	
35	28.00	22.40	17.85	14.35	11.55	9.10	7.35	85	68.00	54.40	43.35	34.85	28.05	22.10	17.85	
36	28.80	23.04	18.36	14.76	11.88	9.36	7.56	86	68.80	55.04	43.86	35.26	28.38	22.36	18.06	
37	29.60	23.68	18.87	15.17	12.21	9.62	7.77	87	69.60	55.68	44.37	35.67	28.71	22.62	18.27	
38	30.40	24.32	19.38	15.58	12.54	9.88	7.98	88	70.40	56.32	44.88	36.08	29.04	22.88	18.48	
39	31.20	24.96	19.89	15.99	12.87	10.14	8.19	89	71.20	56.96	45.39	36.49	29.37	23.14	18.69	
40	32.00	25.60	20.40	16.40	13.20	10.40	8.40	90	72.00	57.60	45.90	36.90	29.70	23.40	18.90	
41	32.80	26.24	20.91	16.81	13.53	10.66	8.61	91	72.80	58.24	46.41	37.31	30.03	23.66	19.11	
42	33.60	26.88	21.42	17.22	13.86	10.92	8.82	92	73.60	58.88	46.92	37.72	30.37	23.92	19.32	
43	34.40	27.52	21.93	17.63	14.19	11.18	9.03	93	74.40	59.52	47.43	38.13	30.69	24.18	19.53	
44	35.20	28.16	22.44	18.04	14.52	11.44	9.24	94	75.20	60.16	47.94	38.54	31.02	24.44	19.74	
45	36.00	28.80	22.95	18.45	14.85	11.70	9.45	95	76.00	60.80	48.45	38.95	31.35	24.70	19.95	
46	36.80	29.44	23.46	18.86	15.18	11.96	9.66	96	76.80	61.44	48.96	39.36	31.68	24.96	20.16	
47	37.60	30.08	23.97	19.27	15.51	12.22	9.87	97	77.60	62.08	49.47	39.77	32.01	25.22	20.37	
48	38.40	30.72	24.48	19.68	15.84	12.48	10.08	98	78.40	62.72	49.98	40.18	32.34	25.48	20.58	
49	39.20	31.36	24.99	20.09	16.17	12.74	10.29	99	79.20	63.36	50.49	40.59	32.67	25.74	20.79	
50	40.00	32.00	25.50	20.50	16.50	13.00	10.50	100	80.00	64.00	51.00	41.00	33.00	26.00	21.00	
				Original Purchase Price	Less than 1 yr	1 yr - 2 yrs	2 yrs - 3 yrs	3 yrs - 4 yrs	4 yrs - 5 yrs	5 yrs - 6 yrs	Over 6 yrs					
				200	160.00	128.00	102.00	82.00	66.00	52.00	42.00					
				300	240.00	192.00	153.00	123.00	99.00	78.00	63.00					
				400	320.00	256.00	204.00	164.00	132.00	104.00	84.00					
				500	400.00	320.00	255.00	205.00	165.00	130.00	105.00					
				600	480.00	384.00	306.00	246.00	198.00	156.00	126.00					
				700	560.00	448.00	357.00	287.00	231.00	182.00	147.00					
				800	640.00	512.00	408.00	328.00	264.00	208.00	168.00					
				900	720.00	576.00	459.00	369.00	297.00	234.00	189.00					
				1000	800.00	640.00	510.00	410.00	330.00	260.00	210.00					

42-215	DETERMINING VALUE OF PROPERTY (Continued)	42-215
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- d. For items with an original purchase price exceeding \$100 the current market value is determined from the above table by adding the market values in the appropriate age column of a \$100 item (\$200, \$300, etc.) and the excess over \$100 (\$200, \$300, etc.).

Example: The current market value of an item with an original purchase price of \$225 eighteen months age is \$144, i.e., \$200 at 18 months = \$128; \$25 at 18 months = \$16; \$128 + \$16 = \$144.

- .34 Acceptable evidence of the amount of encumbrance on personal property shall be any of the following:
 - a. Notes
 - b. Payment receipts showing the unpaid balance
 - c. Loan payment books
 - d. Sales contracts
 - e. Any documented form on which amounts can be verified by contacting the agency.

.4 Determination of Value of a Motor Vehicle

- .41 The county shall establish a reasonable market value for all motor vehicles.
 - .411 The evidence that may be used by the county to determine reasonable value includes, but is not limited to:
 - (a) California Department of Motor Vehicles (DMV) registration card to complete the DMV method as presented in Handbook Section 42-215.44, or
 - (b) Wholesale "Blue Book", or
 - (c) Bills of sale, or
 - (d) Newspaper advertisements for vehicles of like make and model in a similar condition, or
 - (e) Written statements of the market value from motor vehicle dealers, or
 - (f) Testimony or statements as to the value and/or condition of the vehicle.

42-215	DETERMINING VALUE OF PROPERTY (Continued)	42-215
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- .42 The applicant or recipient shall have the opportunity to rebut the county's value determination.
 - .421 For rebuttal, the applicant or recipient may provide evidence which includes, but is not limited to:
 - (a) Estimates of repair, or
 - (b) Photographs of the vehicle that demonstrate current condition, or
 - (c) A sworn statement as to the condition of the vehicle, or
 - (d) Any other evidence including that listed in Section 42-215.411.
- .43 The county shall subtract verified encumbrances, as provided in Section 42-215.6, from the market value of the vehicle.
 - .431 For purposes of this section only, an estimate of repair to make a vehicle driveable from a person in the business of repairing vehicles shall be treated as an encumbrance.
 - (a) When more than one estimate of repair from persons in the business of repairing vehicles is submitted, the county shall use the average of the estimates.
 - (b) When the applicant or recipient has actually contracted for repairs, the county shall use the contracted amount.

HANDBOOK BEGINS HERE

.44 The DMV method determines a vehicle's value by multiplying the annual license fee (which does not include registration nor weight fees) by 50.

.45 Example:

1988 Buick has DMV Class Code BA indicates license fee of \$44

$\$44 \times 50 = \$2200 - 0$ (encumbrances) = \$2200 vehicle market value

The value of the 1988 Buick exceeds the property limits. The county sends a denial NOA which informs the applicant of the value determination that has resulted in ineligibility and of the right to rebut the determination. The applicant phones the worker to dispute the value. The applicant brings in photographs of the vehicle that demonstrate damage to the front end and an estimate of repair of \$1800 to make the vehicle driveable.

\$2200 vehicle market value
-1800 repair estimate to make the vehicle driveable
\$ 400 vehicle net market value

The applicant presented documentation that allowed the county to make a reasonable determination of the vehicle's value. The denial is rescinded.

HANDBOOK ENDS HERE

Regulations	NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY PROPERTY	42-217
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42-215	DETERMINING VALUE OF PROPERTY (Continued)	42-215
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.5 Reserved

.6 Encumbrances

Encumbrances of record against any personal property are obligations for which the property is security and include, but are not limited to, the following:

.61 Loans

.62 Attachments for debts or taxes

.63 Chattel mortgages and liens

.64 The unpaid balance on the purchase price of property purchased under a conditional sales contract

.65 The amount paid on the principal for property sold under a conditional sales contract

.66 Funeral and last expenses of a deceased person when all or a portion of the personal property received from the death of such person is to be used to defray such expenses.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10554 and 11155, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(A)(2); and McKnight v. McMahon Court Order.

42-217	UTILIZATION OF REAL PROPERTY	42-217
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Repealed by Manual Letter No. 85-66, effective 11/1/85.

42-219 ACQUISITION AND CONVERSION OF REAL AND PERSONAL PROPERTY 42-219

.1 Conversions of Property

These regulations are to be applied in a flexible and reasonable manner which within the limits specified in the code, will allow the recipient a maximum freedom of choice in the acquisition, conversion, or disposition of property resources without affecting his eligibility.

Real or personal property may be acquired or converted to other forms by a recipient without affecting eligibility if the resultant holdings do not exceed the maximum allowed by the code.

Payments which include compensation for property which was lost, stolen, damaged, or destroyed shall be evaluated in accordance with Section 44-105.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 10554, Welfare and Institutions Code.

42-223 SPECIAL PROPERTY CONSIDERATIONS 42-223

.1 Property in Another State

Since the method for computing the assessed value of real property in other states may not be the same as that utilized in California, it is necessary to convert values arrived at by other states into figures that are comparable to the value referred to in EAS 42-215.21. This should be accomplished by application of the following conversion formula:

$$\begin{array}{ccccccc} \text{Assessed value} & & & \text{Assessment Value as} & & & \\ \text{of property in} & & \text{divided} & \text{rate of} & = & & \text{used in} \\ \text{another state} & & \text{by} & \text{that state} & & & \text{EAS 42-215.21} \end{array}$$

.2 Tax Exemptions

Veterans (and in some cases their widows and parents) are allowed certain tax exemptions which are applied either to real or personal property. If the record used to determine the full value of the property shows only the amount of assessment upon which taxes are based, the amount of exemption would be determined and added to the taxable value to determine the full value.

.3 Property Outside the United States

If property is located outside the United States, the full value is determined on the basis of the rate of exchange in American dollars, regardless of the manner by which other units of government determine the full value.

.4 Ownership of Property in Militarily Occupied Areas

Ownership and value of property located in countries actively at war or in conquered or occupied areas is considered to be in doubt and the facts as to the holdings usually cannot be ascertained. If it is impossible to obtain information on property located in such countries, it is the presumption that continued ownership is in doubt and that such property has no present value in determining eligibility.

CHAPTER 42-400 RESIDENCE

42-400 RESIDENCE 42-400

Residence in the state, but not in the county, is a requirement for receipt of aid. However, it is necessary to determine the county in which the applicant lives in order to establish county responsibility for payment of aid. (See Section 40-125.)

42-401 STATE RESIDENCE FOR ELIGIBILITY 42-401

No durational period of residence in the state or county is required.

42-403 RESIDENCE - GENERAL 42-403

.1 Definition of Residence

A person establishes residency by either:

- .11 Voluntarily living in the state with the intention of making his or her home for other than a temporary purpose. Residence may not depend upon the reason for which the individual entered the state, except insofar as it may bear upon whether the individual is there voluntarily or for a temporary purpose; or
- .12 Living in the state at the time of application, not receiving assistance from another state, and having entered the state with a job commitment or to seek employment, whether or not currently employed, (e.g., migrant and itinerant workers).

An AFDC-FG/U child living with a caretaker who qualifies under this definition, is a resident of the state in which the caretaker is a resident.

.2 Duration of Residence

Residence in the state established by either of the above criteria continues until the recipient leaves the state and establishes residence elsewhere. Temporary absence from the state, with subsequent returns, or the intent to return to the state when the purposes of the absence have been accomplished, does not interrupt continuity of residence (see 42-405, 406, and 407).

.3 Program Requirements

The husband or wife may each have a separate residence, a fact which is established by the actions and intent of each. An applicant for or recipient of aid does not lose residence for aid because of marriage, but moving out of state with the spouse also implies intent to establish residence elsewhere.

42-405 **RIGHTS AND RESPONSIBILITIES OF APPLICANTS OR RECIPIENTS** **42-405**

.1 Rights of Residence Location

Applicants for or recipients of aid have the same freedom of movement and choice of a place to live accorded other citizens of California.

.2 Informing County of Residence Changes

.21 An applicant or recipient, shall immediately inform the county to which he applied, or the county paying aid, if he goes to another county, state, or country, regardless of the anticipated date of return. (See Section 40-181.4.)

.22 Such an applicant or recipient shall cooperate with the county welfare department and provide the county with a monthly written statement explaining his reasons for absence from California, his intent to return to California and anticipated date of return. Failure to promptly provide such statements will result in immediate discontinuance of aid payments.

42-406 **COUNTY WELFARE DEPARTMENT RESPONSIBILITY** **42-406**

.1 Physical absence from the state indicates a possible change of residence. The county shall make inquiry, at the time of the next aid payment, from all applicants or recipients who have been continuously absent from the state for 30 days or longer in order to ascertain the recipient's intent to maintain California residency. If the inquiry establishes (see Section 42-407.2) that the recipient is no longer a California resident, aid shall be discontinued immediately.

.2 The response to the inquiry shall include, but is not limited to, the following:

.21 a statement of the applicant or recipient declaring his anticipated date of return to California, or his intent not to return to California.

.22 a statement of the applicant or recipient declaring his reason for continued absence from California.

.23 a statement of the applicant or recipient delineating the present location and status of the housing arrangements (owned, leased, or rented) for himself and his family (spouse and children).

42-406 COUNTY WELFARE DEPARTMENT RESPONSIBILITY (Continued) 42-406

- .24 the completion and return of Form CA 7, giving his current employment status, and all other factors normally used to compute the recipient's needs.
- .25 a notice to the applicant or recipient that his failure to respond to the inquiry will result in his ineligibility and termination of aid payments.

42-407 EVIDENCE OF RESIDENCE INTENTION 42-407

.1 Applicant or Recipient Physically Present in State

The written statement of the applicant or recipient is acceptable to establish his intention and action on establishing residence unless the statement is inconsistent with other statements on the Form CA 2, Form CA 7, or with the conduct of the person or with other information known to the county.

.2 Absence From the State

- .21 If an applicant or recipient does not respond, within 30 days, to the monthly county inquiry of residence (Section 42-406), it shall be presumed that he does not intend to maintain California residency and aid shall be discontinued immediately.
- .22 If the applicant or recipient responds to the inquiry, and advises the county that he does not intend to return to California, aid shall be discontinued immediately.
- .23 If the applicant or recipient responds to the inquiry and advises the county that he intends to maintain his California residency but he remains out of state for 60 days or longer, his continued absence is prima facie evidence of the applicant's or recipient's intent to have changed his place of residence to a place outside of California subject to Section 42-407.24. Such absence in itself is sufficient evidence to support a determination that the applicant or recipient has established residence outside of California. Therefore, his intent to return must be supported by one or a combination of the following:
 - .231 family members with whom the applicant or recipient lived, currently live in California.
 - .232 the applicant or recipient has continued maintenance of his California housing arrangements (owned, leased or rented).

42-407	EVIDENCE OF RESIDENCE INTENTION (Continued)	42-407
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- .233 the applicant or recipient has employment or business interests in California.
- .234 any other act or combination of acts by the applicant or recipient which establishes his intent to reside in California.
- .235 even if the recipient's intent to reside in California is supported by .231 through .234, it may still be established that the recipient does not have the intent to reside in California if any of the following situations occur and are significant enough to negate the evidence that supports California residence:
 - a. The applicant or recipient has purchased or leased a house out of state since leaving California.
 - b. The applicant or recipient has been employed out of state since leaving California.
 - c. The applicant or recipient has obtained an out-of-state motor vehicle driver's license since leaving California.
 - d. The applicant or recipient has taken any other action which indicates his intent to establish residence outside of California.
- .24 Continuous absence of 60 days or longer shall not be prima facie evidence of the applicant's or recipient's intent to have changed his place of residence to a place outside of California where he clearly shows:
 - .241 he has not, by act or intent, established residence outside of California; and
 - .242 his return to California was prevented by illness or an emergency.
- .25 Repealed by Manual Letter No. EAS-92-02, effective 3/1/92.

NOTE: Authority cited: Section 10553 and 10554, Welfare and Institutions Code. Reference: Senate Bill (SB) 991, Chapter 1285, Statutes of 1989 and WRL vs. McMahon, Case No. 268972 (Sacramento Superior Court), October 31, 1990.

42-415 PERSONS INCAPABLE OF CHANGING RESIDENCE 42-415

.1 Deprived of Freedom of Movement

The place of residence for persons who are deprived by court action of freedom of movement remains the same as at the time of the court action.

.2 Guardian or Conservator

The place of residence for one for whom there is a court appointed guardian or conservator of the person may be changed by decision of the guardian or conservator accompanied by removal of the ward or conservatee to another place.

42-416 PERSONS ON PAROLE 42-416

Persons on parole from correctional institutions may by intent establish residence.

42-417 PERSONS LIVING ON LAND LEASED OR OWNED BY THE UNITED STATES 42-417

Persons living within the boundaries of California on land leased by United States' agencies from the state, its political subdivisions, or individuals, or on land owned by the United States, may by intent establish residence in the state.

42-421 RECIPIENTS FROM OTHER STATES 42-421

Recipients of categorical aid from other states who move to California with the intent to make their homes here shall be granted aid promptly, if otherwise eligible. County welfare departments shall work out cooperative arrangements with the other state to preclude any break in the receipt of assistance and to avoid the duplication of aid payments from two states.

42-422 CALIFORNIA RECIPIENTS MOVING TO OTHER STATES 42-422

Recipients of categorical aid from California who move to another state and intend to make their homes there shall have aid discontinued from California immediately upon having aid granted by the other state.

See ACLs 98-34 and 99-43 for current alienage requirements

42-430 CITIZENSHIP AND ALIENAGE 42-430

Only citizens of the United States and certain categories of aliens are eligible for AFDC. Citizens must prove their citizenship and aliens must prove their eligible alien status. Aid shall not be authorized until eligible alien status is verified.

42-431 ELIGIBILITY REQUIREMENTS 42-431

As suggested in Section 42-430, to be eligible for assistance an applicant or recipient must be a California resident who is either:

- .1 A citizen of the United States (defined for eligibility determination purposes to include persons who, though not United States citizens, are nationals of the United States by reason of their birth in certain unincorporated United States territories such as American Samoa or the American Virgin Islands), or
- .2 An alien who is:
 - .21 Lawfully admitted for permanent residence; or
 - .22 Permanently residing in the U.S. under color of law, including:

42-433	PROOF OF CITIZENSHIP OR ELIGIBLE STATUS (Continued)	42-433
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.2 Documentation -- U.S. Citizens

- .21 United States Citizenship as defined in Section 42-431.1 shall be documented by a birth certificate, or similar proof of birth in the United States or United States Territory, U.S. passport, certificate of citizenship or naturalization provided by INS, or an identification card for use of a resident citizen in the United States (INS Form I-179 or I-197). If such evidence is not available, the applicant shall state the reason and submit other evidence which proves his/her birth in the United States or United States Territory, or his/her citizenship. Examples of other evidence: documents which show the date and place of the applicant's birth such as confirmation papers or church record of confirmation, school records, Indian agency records (if applicable), adoption decree (if birth in the United States or United States Territory is shown), copy of discharge from military service, marriage certificate, or affidavits, or declarations made under penalty of perjury, by persons with direct knowledge of (1) the date and place of the applicant's birth in the United States, or (2) the U.S. citizenship of the applicant's parents, or (3) facts concerning the applicant which would not exist if he/she were not a citizen.
- .22 An otherwise eligible person who states on the CA 2 that he/she is a United States citizen, but who cannot provide the documentation or other proof specified in .21 above shall be eligible in the absence of any conflicting evidence, for aid pending verification of citizenship for a period up to 90 days after the date of application, (restoration, or reapplication) pending verification of his/her status. For persons receiving aid, as of the effective date of these regulations, whose only proof of citizenship was a certificate of registration to vote, the county shall continue aid pending verification of status for up to 90 days after the date of the next redetermination or for up to 90 days after the date verification is requested if earlier. Efforts to obtain satisfactory documentation shall be undertaken by the recipient in this period (see Section 40-157.21). At the end of 90 days, aid to the recipient shall be terminated unless the county in assisting the recipient, determines an extension of time is necessary to obtain documentation. The extension of time shall be appropriate to the particular situation, but in no event shall extend beyond the next annual redetermination date. At that time, if no satisfactory proof of citizenship can be obtained, the recipient shall be terminated from aid.
- .23 Aid to a person receiving aid pending verification of citizenship under .22 above shall be terminated if during the period of documentation gathering:

42-433 PROOF OF CITIZENSHIP OR ELIGIBLE ALIEN STATUS (Continued) 42-433

.231 He/she refuses to cooperate with the county and/or INS in determining his/her citizenship (see Section 42-433.1).

.232 The county verifies that he/she is not a citizen of the United States.

.3 Documentation -- Aliens

See ACLs 98-34 and 99-43 for current alienage documentation requirements

DIVISION 43 RESPONSIBLE RELATIVES**CHAPTER 43-100 RESPONSIBLE RELATIVES****43-100 RESPONSIBLE RELATIVES****43-100**

The code designates certain relatives who, under specified conditions, are legally liable to provide financial support or to contribute to the support of an applicant or recipient under the AFDC program and this chapter deals with the determination of responsibility of relatives in the AFDC program.

Relative responsibility should not be considered exclusively in terms of financial responsibility. Other positive factors may be found in strengthened family relationships, the contributions which relatives can make to the security of the recipient through family solidarity or through guidance and planning for the child in AFDC. These positive factors may be available from relatives who are not legally liable to provide financial support as well as those who have liability.

Responsibility rests with the county to determine not only financial responsibility of relatives in the AFDC program, but, in all programs, to develop to the maximum the potential resource of relatives in meeting social and emotional needs of the recipient.

43-103 DEFINITIONS FOR PURPOSES OF SUPPORT RESPONSIBILITY**43-103**

- .1 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.
- .2 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.
- .3 Stepparent

A stepparent is an individual who is married to the parent of a child of whom he or she is not the natural parent.

- .4 Unmarried Parent

An unmarried parent is a parent of a child included in the FBU who is not married to the child's other natural parent.

43-103	DEFINITIONS FOR PURPOSES OF SUPPORT RESPONSIBILITY	43-103
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(Continued)

.5 Common-Law Marriage

California law, in Civil Code Section 4104 recognizes any out-of-state marriage as valid as long as it is valid where contracted or performed. In cases in which there was no formal marriage, it may be that a common-law marriage was established in another state. If the parents state they are married to each other, it is assumed that they are lawfully married unless this is refuted by other evidence.

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Basic Requirements - Common-Law Marriages

In most of the states which recognize common-law marriages, two basic requirements must be met:

1. Agreement Must Exist to Become Husband and Wife - This agreement may consist of a written contract but usually is just a simple, oral statement such as "I take you for my wife" or "You are now my wife." The words used must be in the present tense, and must express an intent to assume the relationship of husband and wife at the time involved and not at some future time. The parties have capacity to enter the agreement. This means that (1) they must be of sound mind; and (2) they must be of the minimum age. At common-law and in most states which recognize common-law marriages, the ages are 14 for the male and 12 for the female.
2. Must be Cohabitation Following the Verbal or Written Statements -Cohabitation is described as living together as husband and wife, each assuming the marital duties implicit in the relationship, usually including but not necessarily predicated on, sexual relations.

If these two facts are established and the state where they occurred recognizes common-law marriages, a marriage is in existence which is valid for all purposes in California and which can only be dissolved by formal divorce even in the state in which it was created. There is no such thing as an informal divorce in the United States.

CHART - SUMMARY OF STATE LAWS ON COMMON-LAW MARRIAGE

The following chart is intended to give the worker a general idea of the possibility of a valid common-law marriage in the various states. The chart will not provide all the answers. If the details of the law of a particular state are needed, the county counsel or district attorney or the legal staff of the SDBP should be consulted.

HANDBOOK CONTINUES

43-103	DEFINITIONS FOR PURPOSES OF SUPPORT RESPONSIBILITY	43-103
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(Continued)

HANDBOOK CONTINUES

State	Mutual Agreement	Cohabitation	Additional Requirements of Comments
Alabama	x	x	Mutual assumption of marital duties
Alaska			Abolished 1917
Arizona			Abolished 1913
Arkansas			Abolished 1905
California			Abolished 1895
Colorado	x	x	
Connecticut			Abolished
Delaware			Never recognized
Dist. of Columbia	x	x	
Florida	x	x	Cohabitation of mutual assumption of marital duties meets requirement
Georgia	x	x	Consummation according to law
Hawaii			Abolished
Idaho	x		Mutual assumption of marital duties
Illinois	x	x	Abolished 1905, except Quakers
Indiana	x	x	Abolished 1/1/58; open acknowledgment of the relation
Iowa	x	x	
Kansas	x		Holding each other out to public as husband and wife
Kentucky	x		Abolished
Louisiana			Never recognized
Maine			Probably not valid.
Maryland			No cases. Abolished
Massachusetts			Abolished; but can prove marriage by cohabitation

HANDBOOK CONTINUES

43-103	DEFINITIONS FOR PURPOSES OF SUPPORT RESPONSIBILITY	43-103
	(Continued)	

HANDBOOK CONTINUES

State	Mutual Agreement	Cohabitation	Additional Requirements of Comments
Michigan	x	x	Abolished 1/1/57
Minnesota	x	x	Abolished 4/26/41
Mississippi	x	x	Abolished 4/5/56
Missouri			Abolished 3/31/21
Montana	x	x	Assumption of marital relationship and repute in the community
Nebraska	x	x	Abolished 1923. Holding out to public
Nevada	x		Abolished 3/29/43
New Hampshire			Abolished
New Jersey	x		Abolished 12/1/39
New Mexico	x	x	Abolished since 1929
New York	x	x	Valid prior to 1902 and from 1/1/08 4/29/43. Abolished 4/29/43. Open assumption of marital duties
North Carolina			Abolished
North Dakota			Abolished 1890
Ohio	x	x	Holding each other out as husband and wife
Oklahoma	x	x	
Oregon			Abolished
Pennsylvania	x		
Rhode Island	x	x	
South Carolina	x		
South Dakota	x	x	Abolished 7/1/59, marriage in fact, need exceptional circumstances
Tennessee			Abolished
Texas	x	x	Holding each other out to public as husband and wife

HANDBOOK CONTINUES

43-103	DEFINITIONS FOR PURPOSES OF SUPPORT RESPONSIBILITY	43-103
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(Continued)

HANDBOOK CONTINUES

Utah	Abolished
Vermont	Abolished
Virginia	Abolished
Washington	Abolished
West Virginia	Abolished
Wisconsin	Abolished 1917
Wyoming	Abolished 1931; standards unclear

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

43-105	RESPONSIBILITY FOR SUPPORT	43-105
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.1 Parents - General

All parents regardless of their age or their marital status are responsible to the extent of their ability for the support and care of their children whether they are natural or adopted, including minor parents, and children in foster care. This responsibility continues even though the parent is not living with the child, the marriage of the parents has been legally dissolved, the parents were never married or there has been a court order removing the children from the parent's custody. For the purpose of the AFDC program, parental responsibility ceases only where a relinquishment for adoption is in effect or where the child is a minor parent who is married and living with his/her spouse.

.2 Parents of Minor Parents

.21 General

Among the resources of minor parents is the legally required support that their parents are capable of making. These resources must be explored in order to determine eligibility for AFDC. Parents are not financially liable for their grandchildren.

.22 (Repealed by Manual Letter No. 84-65)

.23 (Repealed by Manual Letter No. 84-65)

43-105 RESPONSIBILITY FOR SUPPORT (Continued)**43-105****.3 Absent Parents**

The resources which may be available for support of a child for whom application for aid has been made include contributions from the absent parent(s). Both parents, to the extent of their ability are legally responsible for the support of their child(ren).

.4 Unmarried Parents

The unmarried parent is responsible for the support of his/her child(ren) (including an unborn child).

The unmarried parent is not legally responsible for the support of his/her child's other parent nor of children not his/her own.

.5 Stepparent

A stepparent is responsible for the support of his/her children from another union living outside the home; and his/her children, natural and adopted, living in the home; and his/her spouse.

If the stepparent and his/her spouse and child(ren) living in the home are needy but are ineligible or refuse to apply for public assistance or General Relief, a determination of possible misuse of AFDC funds shall be made as, specified in Operations Manual Section 20-101.

The stepparent's income, after allowable deductions, is deemed available to aided stepchildren living in the home. See Section 44-133.6 for the computation of income to the FBU from a stepparent.

.51 (Repealed by Manual Letter No. 82-26.)

.52 Statement Required

When neither the stepparent nor any of his/her children are in the FBU (see Section 44-133.6) and aid is applied for or granted on behalf of a child living in a home with his natural or adoptive parent and nonadoptive stepparent, the parent shall complete a statement for purposes of determining the income of his/her spouse. Such statement shall contain information accurate for the budget period appropriate for grant determination (see Section 44-315.4 and 40-181.22).

.53 (Repealed by Manual Letter No. 82-26.)

43-105 RESPONSIBILITY FOR SUPPORT (Continued) 43-105

.54 Failure to Cooperate

Failure of the parent to cooperate in the presentation of the required statement shall be considered the parent's decision to withhold information essential to the determination of the eligibility of the child, except that if he/she appears unable to comprehend or enter into the procedure for establishing eligibility, action shall be taken by the county in accordance with Sections 40-128.3 and 40-157.213. If the exception does not apply, aid shall be denied, or discontinued.

Failure of the stepparent to provide information essential to the determination of the eligibility of his/her stepchild(ren) shall result in the discontinuance or denial or aid.

.6 Adult Children

Adult children are responsible for the support of their parents to the extent of their ability. However, adult children are not responsible for the support of their brothers or sisters.

If the adult child and his or her legal dependents living in the home are needy but are ineligible or refuse to apply for public assistance or General Relief, a determination of possible misuse of AFDC funds shall be made as specified in Section 20-101.

43-109 REQUIRED FINANCIAL CONTRIBUTION - UNRELATED ADULT MALE 43-109**.1 Requirement**

An unrelated adult male, other than a bona fide lodger, roomer or boarder, who resides with a family applying for or receiving AFDC is required to make a financial contribution to the family which is not less than it would cost him to provide himself with an independent living arrangement, W&IC 11351.5.

.2 Definitions

.21 An "unrelated adult male" is a male who is 18 years old, or older, and not related by blood or marriage to any member of the AFDC family or to the unaided unborn of a woman aided under Sections 82-836 or 88-410.

.22 An unrelated adult male living in the home shall be considered a bona fide lodger, roomer or boarder upon the written statement of the mother to this effect, supported by evidence such as the following:

.211 Evidence that income from the lodger, roomer or boarder is reported for income tax purposes, or

.212 Possession of a license to operate a rooming house, or

.213 Evidence that quarters are furnished separate and apart from that occupied by the family, or

.214 Receipts which indicate payment of room rent or room and board.

Renewed evidence shall be required of the mother subsequent to the initial determination only if there is substantial reason, which shall be specified in the case record, to believe that the unrelated male is not a bona fide lodger, roomer or boarder.

.23 The cost of an "independent living arrangement" shall be the sum of the AFDC in-kind income values to a one-person family budget unit for housing (Section 44-115.811), utilities (Section 44-115.812), and food (Section 44-115.813). See Section 44-113.5 for determination of net income to the family budget unit from the contribution.

.3 Action -- Requirement Not Met

When the known or probable income of the unrelated adult male is insufficient for him to support himself in an independent living arrangement and to meet his expenses of employment, or his financial contribution to the family is less than the cost of providing himself with an independent living arrangement, a determination shall be made as specified in Section 20-101 with respect to possible misuse of AFDC funds.

43-109 REQUIRED FINANCIAL CONTRIBUTION - UNRELATED ADULT MALE 43-109
(Continued)

See Section 43-107.54 for action to be taken if the unrelated adult male refuses to sign a statement regarding his contribution to the family.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

43-117 NOTIFICATION TO SUPERIOR COURT 43-117

In all cases when aid has been supplied for or granted to a child of parents who are involved in a divorce, the county welfare department shall notify the superior court in accordance with W&I Code Section 11485. The notice shall contain any information known by the welfare department concerning financial resources of the parents which might be applied to child support. Form CA 321 may be used for this purpose. If the court becomes aware that children may be receiving aid or that an application may be made when a divorce or separate maintenance action has been filed, the court is required by W&IC Section 11485 to notify both the district attorney and the county welfare department of pending action. Form CA 322 is available for this purpose. In such cases, the county should reply on Form CA 321.

43-119 SPONSORED ALIENS 43-119

- .1 Sponsored Alien - Definition
 - .11 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.
 - .12 The provisions of 43-119.2 and .3 do not apply if the alien is:
 - .121 Admitted to the United States as a result of the application of the provisions of Section 203(a)(7) (in effect prior to April 1, 1980) of the Immigration and Naturalization Act;

43-119 SPONSORED ALIENS (Continued) 43-119

- .122 Admitted to the United States as a result of the application of the provisions of Section 207(c) (in effect after March 31, 1980) of the Immigration and Naturalization Act;
 - .123 Paroled into the United States as a refugee under Section 212(d)(5) of the Immigration and Naturalization Act;
 - .124 Granted political asylum by the Attorney General under Section 208 of the Immigration and Naturalization Act;
 - .125 A Cuban or Haitian entrant, as defined in Section 501(e) of the Refugee Education Assistance Act of 1980 (Public Law 96-422).
- .2 Individual Sponsors
- .21 The provisions of 43-119.2 apply only to aliens:
 - .211 Who are sponsored by individuals; and
 - .212 Who are not exempt under Section 43-119.12 and
 - .213 Who apply for AFDC for the first time after September 30, 1981; and
 - .214 For a period of three years from the date established by Immigration and Naturalization Service as the date of entry for permanent residence.
 - .22 The income and resources of the sponsor who is not receiving AFDC, SSI or other public cash assistance payments (such as General Assistance) and the income and resources of the sponsor's spouse who lives with him/her and who is not receiving such public assistance payments shall be deemed to be the income and resources of the sponsored alien. See Sections 44-133.10 for the determination of the amount of this income, and Section 42-205.5 for the determination of the amount of resources.
 - .23 As a condition of eligibility, the sponsored alien has the following responsibilities:
 - .231 To provide upon county request, information and documentation concerning his/her sponsor which may be necessary to make the determination under Section 44-133.10 and Section 42-205.5; and information and documentation which the alien and his/her sponsor provided in support of the alien's immigration application.

43-119	SPONSORED ALIENS (Continued)	43-119
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- .232 To obtain the cooperation from his/her sponsor which is necessary to make the determination under Section 44-133.10 and Section 42-205.5.
 - .233 To comply with reporting requirements specified in Section 40-181.25.
 - .24 In the event of the death of an alien's sponsor(s), verification of death(s) shall be required only when the information reported is questionable. In the absence of evidence to the contrary, the sponsored alien's statement under penalty of perjury is to be accepted and the sponsored alien provisions shall no longer apply.
- .3 Agency or Organization Sponsors
- .31 The provisions of 43-119.3 apply only to aliens who are sponsored by an agency or organization and who are not exempt under Section 43-119.12.
 - .32 For a period of three years from the date established by the Immigration and Naturalization Service (INS) as the date of entry for permanent residence, the alien shall be ineligible for AFDC unless the following occurs:
 - .321 The county determines in accordance with standards and procedures specified in Sections 43-119.33 through 43-119.35 that:
 - (a) The sponsor no longer exists, or
 - (b) The sponsor is no longer able to meet the alien's needs in accordance with standards specified in 43-119.35.
 - .33 A sponsoring agency or organization shall be considered to exist unless the applicant states that the agency or organization no longer exists. This statement shall be verified when the county determines it is necessary based on the provisions of Section 40-157. If documentation cannot be obtained the alien's sworn statement to this effect shall be accepted. See Section 40-115.22.
 - .34 The following standards shall be used to determine whether a sponsoring agency or organization is able to meet the needs of the sponsored alien:

43-119 SPONSORED ALIENS (Continued)**43-119**

- .341 If an assistance unit consists only of aliens, all of whom are sponsored by the same agency, the agency must be able to contribute the MBSAC amount plus the value of any special need(s) for the number of persons in the assistance unit (see Section 44-207.3) whether or not the agency is actually providing this amount.

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Example: A family of four applies for AFDC. All four are sponsored by the same agency. The sponsoring agency must be able to provide the MBSAC plus the value of any special need(s) for four persons.

HANDBOOK ENDS HERE

- .342 If an assistance unit has more than one sponsor or if less than all members of the assistance unit are sponsored by the agency, each sponsoring agency must be able to contribute a prorated portion of the total MBSAC amount plus the value of any special need(s) which reflects the number of persons in the assistance unit who are sponsored by that agency or organization. This figure is calculated by determining the applicable MBSAC for the entire assistance unit and prorating this amount based on the number of aliens sponsored by each agency and adding the value of any special need(s) for those aliens.

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Example: An assistance unit of five applies for AFDC. Three of them were sponsored by one agency; the other two were sponsored by a different agency or an individual sponsor. The first agency must be able to provide at least 3/5 of the MBSAC amount plus the value of any special need(s), and if it is able, these three members of the unit would be ineligible for AFDC. If the second agency is able to provide at least 2/5 of the MBSAC amount plus the value of any special need(s), the other two members would also be ineligible. If on the other hand, these two members were sponsored an individual sponsor, that sponsor's income would be deemed to be an assistance unit of two and applied against MBSAC/MAP for two (assuming the other three members of the unit are ineligible).

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43-119	SPONSORED ALIENS (Continued)	43-119
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- .35 An existing sponsoring agency or organization shall be considered able to meet the alien's needs unless the alien provides to the county a statement (CA 24/see Section 40-128.13) signed by the director (or any other person authorized to act on behalf of the agency or organization) that the agency or organization is no longer able to meet the alien's needs. This statement shall affect the alien's eligibility as follows:
- .351 If the sponsoring agency states it is unable to meet any of the alien's needs, the alien if otherwise eligible, shall be aided.
 - .352 If the sponsoring agency states it is able to meet only part of the alien's needs (less than the applicable MBSAC amount plus the value of any special need(s)), the alien, if otherwise eligible, shall be aided and the actual amount provided by the sponsor shall be treated as income to the alien. Any in-kind income received by the alien shall be treated in accordance with Section 44-115.8.
 - .353 If the sponsoring agency states it is able to provide at least the amount specified in 43-119.341 or .342, the alien shall be ineligible.
 - .354 If the sponsoring agency fails or refuses to provide the aliens with a signed statement of its inability to meet all or a part of the alien's needs, the county welfare department shall attempt to obtain a statement from the agency in accordance with Section 40-157.213. If both the alien and the CWD are unable to obtain a signed statement from the sponsoring agency, the alien shall not be eligible for AFDC assistance.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.