

44-206	PERSONS WHO MUST BE EXCLUDED FROM THE ASSISTANCE UNIT (AU)	44-206
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.1 The following persons shall be excluded from the assistance unit:

(a) A person who is being sanctioned for any of the following reasons:

(1) A parent, pregnant woman, or needy caretaker relative who refuses to apply for or accept unconditionally available income. (Section 44-103.22).

(b) Any member of a federally eligible AU, other than the caretaker relative who is the natural or adoptive parent, who is participating in a strike, as defined in Section 41-703.22, on the last day of the month, shall be ineligible in that month. The person remains ineligible for any subsequent month(s) in which the county can reasonably estimate that such person's participation in the strike will continue through the last day of the month. If aid to such person is discontinued, reduced, or denied because the county estimated that he or she would be participating in a strike on the last day of the month and the applicant or recipient later reports that such person's participation in the strike ceased before the last day of the month, the county shall rescind the discontinuance, reduction, or denial and issue the correct grant.

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- .2 The entire family is ineligible for aid payments when:
- .21 A federally eligible caretaker relative who is the natural or adoptive parent living in the home of the aided child is participating in a strike as defined in Section 41-703.22, on the last day of the month. The AU remains ineligible for any subsequent month(s) in which the county can reasonably estimate that participation in the strike will continue through the last day of the month. If aid is discontinued, reduced, or denied because the county estimated that the caretaker relative parent would be participating in a strike through the last day of the month and the applicant or recipient later reports that participating in the strike ceased before the last day of the month, the county shall rescind the discontinuance, reduction, or denial and issue the correct grant.
 - .211 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.
 - .212 An applicant or recipient will be considered to be participating in a strike if he or she has voluntarily stopped or slowed down work or otherwise interrupted the business activities of the employer as part of a concerted activity described in .211 above. When the applicant or recipient has been denied Unemployment Insurance Benefits because he or she has voluntarily left work due to a trade dispute, that person will be considered to be participating in a strike, except as specified in .213 below.
 - .213 Stoppage or slowdown of work by employees in good faith shall not be considered a strike or participation in a strike when a lockout has occurred or when the action was necessitated by an imminent health and safety hazard or abnormally dangerous working conditions at the place of employment as determined by Division of Occupational Safety and Health.

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- .214 The entire family that is ineligible for aid under Section 44-206.21, may be eligible for benefits under the State-only AFDC-U Programs (see Section 41-703).

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- .22 The family is in a period of ineligibility resulting from the receipt of lump-sum income (See Section 44-207.4.)
- .23 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.
- .24 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.
- .25 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 42 USC 602(a)(19)(G)(i)(I) and (II); Section 202(a), Public Law 100-485; 45 CFR 244.0(c) and 250.34(c)(1) and (2); and Sections 10553, 10554, 10604, and 11327.5(c)(1), Welfare and Institutions Code.

44-207	INCOME ELIGIBILITY	44-207
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This chapter shall be applied to new cases as well as continuing cases each month.

- .1 General
 - .11 Minimum Basic Standard of Adequate Care (MBSAC)

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- .111 The MBSAC is the amount of money which is necessary to provide an AU with the following:
- a. Housing.
 - b. Clothing.
 - c. Food.
 - d. Utilities.
 - e. Items for household operation, education and incidentals, recreation, personal needs, and insurance.
 - f. Essential medical, dental, or other remedial care not otherwise provided at public expense.
- .112 The amount of the MBSAC shall be that specified in Welfare and Institutions Code Sections 11452 and 11453 or as otherwise provided by law.

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- (a) See Section 44-315.311 for the current MBSAC amounts.

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.113

The amount of 185% of the MBSAC shall be computed by multiplying the appropriate MBSAC amount by a factor of 1.85 and if the product does not end in a whole dollar amount, the amount shall be rounded to the next lowest dollar.

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See ACL 98-01 for MAP and MBSAC

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See ACL 98-01 for MAP and MBSAC

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| .12 | Determination of
Income Source | To determine income eligibility it is necessary to categorize the income according to its frequency and source. |
| .121 | | If the income is received from a recurring income source, apply the 185 percent income limit (See .2 below). If income does not exceed the 185 percent limit, determine financial eligibility (See .3 below). |
| .122 | | If the source and/or amount of the income is nonrecurring, apply the lump-sum computation (See .4 below). |

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.13 When estimating income for eligibility, all relevant information available to the county and the recipient shall be taken into consideration.

.2 185 Percent Income Limit for Eligibility

.21 Description of 185 Percent Income Limit

The AU is ineligible any month in which the total reported or anticipated gross income and any deemed income of the AU for that month exceeds 185 percent of the combined Minimum Basic Standard of Adequate Care (MBSAC) and the value of any special needs.

.211 After application of the appropriate exemptions and exclusions not otherwise precluded by this section, income considered in the 185 percent income limit is the total of gross income as defined in Chapter 44-100. For purposes of the 185 percent income limit, the following exceptions shall apply:

(a) The standard work expense, dependent care expense and the \$30 and 1/3 and, as applicable, the \$30 disregards shall not be applied to earned income. See Section 44-113.2.

(b) The child/spousal support collected by the county shall be included in gross income, except as specified in Section 44-111.47.

(c) The earnings of children who are full-time students and/or earnings of children derived from participation in the JTPA programs shall be disregarded for up to six months per calendar year (see Sections 44-111.21 and .22). Up to 12 months of disregards are available per calendar year but no more than six months are available for JTPA-related employment and another six months for non-JTPA-related employment. Unearned income of a child derived from participating in JTPA is totally disregarded with no limitation on time. See Section 44-111.3c.

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- (d) The gross income from self-employment shall be adjusted for expenses directly related to production of goods and services before it is counted as gross income. See Section 44-113.212.

.22 Applying the 185 Percent Income Limit

The 185 percent income limit shall be applied to reported income and anticipated income.

.221 Reported Income

- (a) When the income for the budget month reported on the Monthly Eligibility Report (CA 7) exceeds the 185 percent income limit for that month, the FBU shall be ineligible.
- (b) When the income results in ineligibility for the FBU and it appears that this level of income will continue, the aid shall be discontinued as soon as administratively possible. Any aid payments received for the month the excess income was received and for the subsequent month are overpayments.
- (c) When the income results in ineligibility for the FBU and it appears this level of income will not continue, the FBU's aid payment shall be suspended for the payment month. See Section 44-315.6.
- (d) When the income received in the first or second month of aid exceeds the 185 percent income limit and it appears this level of income will not continue, any aid payment received by the FBU in the month the excess income was received is an overpayment. See Section 44-313.1.

.222 Anticipated Income

- (a) The 185 percent income limit shall be applied to the county's estimate of total gross income expected to be received in the payment month.
- (b) When the estimated income exceeds the 185 percent income limit, the FBU shall be ineligible for the payment month and aid shall be discontinued. For a month in which income is to be retrospectively budgeted (see Section 44-313.2) and for purposes of applying Section 44-207.222 only, estimated income shall not include the anticipated receipt of a regular and periodic extra paycheck.

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- (c) When aid is discontinued because the estimated total income is expected to result in ineligibility and the recipient reports this amount of income is not actually received, the county shall rescind the discontinuance and issue the correct grant.

.3 Financial Eligibility

- .31 The FBU is financially eligible for any month in which on the first of the month the combined actual or estimated net nonexempt income for the month of members of the FBU is less than the Minimum Basic Standard of Adequate Care (MBSAC) plus the value of any special need(s).

Example:

A family consisting of a parent and one child has a net income of \$420. They have a nonrecurring special need of \$50. Assume the MBSAC for two is \$408*. Since the net income of \$420 is less than \$458 (\$408* MBSAC plus \$50 nonrecurring special need), the family is financially eligible.

*These MBSAC amounts are subject to change. Use current amounts for the appropriate size FBU specified in 44-207.112.

.32 Net Nonexempt Income

- .321 Net Nonexempt Income is gross income (including current child support payments collected by the county and the earnings of part-time student applicants), minus all applicable income exemptions (listed in Section 44-111) and income deductions (listed in Section 44-113).
- .322 For purposes of determining financial eligibility, the earned income exemption (\$30 and 1/3) shall be applied subject to the limitations of Section 44-111.23* and only if the person who earned the income was eligible for and received an AFDC payment from any state during at least one of the immediately preceding four months and is currently included in the AU.

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*See Section 89-105.1 for elimination of the 4-month time limit for the \$30 and 1/3 earned income disregards and elimination of the additional 8-month limit for the \$30 earned income disregard. This will apply to those recipients who are subject to the Assistance Payments Demonstration Project as specified in Division 89.

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- (a) A person is considered to have received an AFDC payment when:
 - 1. The grant for the AU is reduced to zero to adjust or offset a prior overpayment; or
 - 2. The AU has received benefits under the California Alternative Assistance Program as specified in Chapter 89-700.
 - (b) A person is not considered to have received an AFDC payment if the AU was on other noncash grant status including:
 - 1. Zero Basic Grants (44-315.422) where no payment is made for recurring special needs.
 - 2. Refused Cash Grant, except as provided for in Section 44-207.322(a)(2), or other Medi-Cal-Only cases under Title 22 of the California Code of Regulations.
- .33 Financial eligibility shall be determined on the basis of actual net nonexempt income or a reasonable estimate of net nonexempt income expected to be received during the month. Such an estimate must be based on all relevant information available to the county and the recipient. For a month in which income is to be retrospectively budgeted (see Section 44-313.2) and for purposes of applying Section 44-207.33 only, estimated income shall not include the anticipated receipt of a regular and periodic extra paycheck. An FBU which received aid for a month based on a reasonable estimate of net nonexempt income shall not later be considered financially ineligible if actual net nonexempt income exceeds the estimate.
- .34 If aid is discontinued because estimated net nonexempt income is expected to result in financial ineligibility and this amount of income is not actually received, the county shall rescind the discontinuance and issue the correct grant.

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.4 Treatment of Lump Sum Income

This section sets forth the methods used for treating lump sum income. It includes the definition of lump sum income, the computation to determine if the receipt of lump sum income results in a period of ineligibility, and when to apply the period of ineligibility.

.41 Definition of Lump Sum Income

- .411 Lump sum income is any income as defined in Chapter 44-100 received by an AU which is not recurring regular income. Lump sum income is usually nonrecurring in regard to amount and/or source. Lump sum income includes but is not limited to the following: retroactive social insurance payments, real estate commissions such as from sales, income from freelance work, net proceeds from sale of a crop and bonuses.
- .412 Lump sum income received by a person who is required to be included in the AU but is sanctioned is subject to the lump sum income computation. The MBSAC is not increased by the needs of such a person.
- .413 Lump sum income is not subject to the lump sum income computation when it is received by:
 - (a) A stepparent living in the same household as the AU but is not included in the AU as an applicant, recipient, or essential person.
 - (b) A person who is excluded from the AU by law.
- .414 Income of a stepparent who is not included in the AU or a person excluded from the AU by law shall be considered available to the AU. The amount of income available to the AU is determined by applying the appropriate computation (Section 44-133). If the countable income, including the lump sum, exceeds the MBSAC for the month, the AU is ineligible for that month. Any portion of the lump sum income retained by the stepparent or the person excluded from the AU by law subsequent to the month of receipt represents property (see Sections 42-203.5, 42-205.3, and 42-205.4).
- .415 When lump-sum income is earned, apply the appropriate work-related disregards in accordance with Section 44-113.2. The resulting net nonexempt income is subject to the lump-sum computation.

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.416 When lump sum income is not earned the appropriate deductions described in Section 44-113.3 through .12 shall apply.

.42 Lump Sum Income Computation

The following computation applies to lump sum income which was received but not reported to the county, and to reported lump sum income received in the budget month.

.421 Divide the total of the lump sum income, plus any other net nonexempt income received in the budget month by the total of the MBSAC plus any special needs. When an ineligible alien child of the parent(s) live in the home, the MBSAC shall be increased for each such child.

.422 The resulting whole number is the number of months of ineligibility for the FBU.

.423 If there is a remainder from this division, the remainder shall be counted as income in the month following the end of the period of ineligibility in Section 44-207.422. (See Section 44-102(d).) This remainder shall not be counted as income in any other month.

.424 When the total of the lump sum income plus other net nonexempt income does not exceed the total of MBSAC plus special needs, apply the 150 percent income limit. (See Section 44-207.2.)

.43 Applying the Lump Sum Income Period of Ineligibility

.431 Lump Sum Income Received by Applicants and Recipients

When the family has received lump sum income which results in a period of ineligibility, the period of ineligibility begins as follows:

(a) When the period of ineligibility is less than two months, the period of ineligibility shall begin in the payment month and aid shall be suspended. (See Section 44-315.6.)

(b) When the period of ineligibility is two months or more, aid shall be discontinued and the period of ineligibility shall begin in:

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1. The month following receipt of the lump-sum income when the county has taken appropriate action to avoid or minimize an overpayment for that month. Any aid received by the family unit during that month is an overpayment.

OR:
 2. The payment month.
- (c) When the lump-sum income is discovered too late to suspend or discontinue for the corresponding payment month, the period of ineligibility shall begin in the payment month and any aid payments received during the period of ineligibility are overpayments.
- (d) When the lump-sum income is received in the first or second month of aid, any resulting period of ineligibility begins in the month the lump-sum income is received. Any aid received during the period of ineligibility is an overpayment.
- (e) When the lump sum is received in the month of application the period of ineligibility shall begin in that month.

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- .432 The court order in Rutan vs. McMahon requires that an applicant or recipient must be informed of the lump sum rules before a period of ineligibility can be applied.

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- .44 The period of ineligibility may be shortened when the ineligible family reapplies and one or more of the following situations occurs:
- .441 The standard of need increases and the amount the family would have received also changes. This includes any general increase in the MBSAC (COLA increases), or a determination that the ineligible family would be eligible for a special need item pursuant to MPP 44-211.2 or .3.

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- .442 The family incurs and pays for medical expenses. This includes any medical expenses that are not covered by Medi-Cal or private medical insurance.
- .443 All or part of the lump-sum income becomes unavailable to the family for a reason beyond the control of the family. Lump-sum income shall be considered unavailable when it has been spent for items which a family on aid would not be expected to meet from its grant or when it is no longer available to the family due to loss, theft, or similar occurrence.
- (a) Acceptable situations where the lump sum becomes unavailable shall include, but are not limited to: theft or loss of the lump-sum income; spouse leaves the home with lump-sum income; the lump sum is spent on expenses to meet needs due to sudden and unusual circumstances of a life threatening nature; or all or part of the lump sum is spent on reasonable and necessary funeral expenses for an assistance unit member or any person who is identified in the degree of relatedness provisions specified in Section 82-808.11 and who resided with the assistance unit within ninety days of his/her death.
- (b) Unacceptable situations when the lump sum becomes unavailable shall include but are not limited to: the lump sum is spent on the repair of the home or replacement or repair of major appliances due to normal wear and tear; the lump sum is spent on an increase in utility costs or rent; or the lump sum is spent on the purchase of additional property (real or personal).
- (c) In situations where the ineligible family would be eligible for a special need item pursuant to 44-211.3, the period of ineligibility is shortened first according to the provision in .441 above and if the expense of the need item is more than the specified amount, then provision .443 is followed.

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For example: An ineligible family's house is destroyed by a fire in May. They must pay first and last month's rent (a total of \$600) for housing and a utility deposit of \$100. The family received a lump sum of \$2,000 in February, the standard of need is \$400. The family is ineligible for five months, April through August. They apply to shorten their period of ineligibility in May. The family's total expenses in May are \$700; they are eligible for a nonrecurring special need of \$600 and \$100 of their lump-sum income was unavailable to the family for a reason beyond their control. The period of ineligibility is recalculated as follows: $\$2,000 - \$700 = \$1,300$. $\$1,300$ is divided by $\$400 = 3$ months plus \$100 remainder. The family's period of ineligibility is from April through June; \$100 would be counted as income in July.

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- (d) Once it is determined that the lump-sum income becomes unavailable to a family for reasons beyond its control, the county must substantiate such a finding in the case record.
- .45 Verification of expenditures for items or services shall be provided by the ineligible family unit at the county's request. The principles and methods of gathering evidence as set forth in 40-157.2 and 40-157.3 shall be observed.
- .46 When one of the situations described in Section 44-307.44 is applicable, the county shall apply the following computation to reduce the period of ineligibility:
 - .461 When the standard of need increased (COLA or eligibility for recurring special need):
 - (a) Identify the original total lump-sum income amount.
 - (b) Calculate the original total MBSAC plus any special needs allocated to the ineligible family unit for the ineligible months prior to the increase. Subtract the total from the total income amount in (a) above.

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- (c) Divide the difference calculated in (b) above by the increased standard of need. The revised period of ineligibility is the resulting number of months calculated plus the number of ineligible months prior to the increase. The revised period of ineligibility shall begin in the same month as the originally calculated period of ineligibility.
- (d) When the remainder is less than the MBSAC for the family (including any excluded person) plus special needs for the assistance unit, the amount shall be counted as income in the month following the period of ineligibility.

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Example: The assistance unit receives a lump sum of \$10,000 in August 1986. The standard of need is \$500. The family is ineligible for 20 months, October 1986 through May 1988. In July the standard of need increases to \$600. The family applies to shorten the period of ineligibility in July 1987. The recalculation done in July, would be done with the assumption that \$5,500 (\$10,000 - \$4,500) of the lump-sum income was still available since the family should have budgeted \$500 for October 1986 through June 1987 (9 months x \$500 = \$4,500). The \$5,500 is divided by \$600. The family is ineligible nine more months, July 1987 through March 1988; \$100 would be counted as income in April. The period of ineligibility has been shortened by two months.

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- .462 When the lump-sum income becomes unavailable to the family for a reason beyond the control of the family or the family incurs and pays for medical expenses or the family is eligible for a nonrecurring special need:
 - (a) Identify the original total lump-sum amount.
 - (b) From this total, subtract the amount of the nonrecurring special need or the amount of the unavailable lump sum or the amount of the medical expense.

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- (c) Use the remainder from this subtraction for the lump-sum income amount and apply the lump-sum income calculation to establish a revised period of ineligibility. (See Section 44-207.42.) The revised period of ineligibility shall begin in the same month as the originally calculated period of ineligibility.
- (d) When the remainder from this subtraction is less than the MBSAC for the family (including any excluded person) plus special needs for the FBU, the amount shall be counted as income in the month following the period of ineligibility.

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Example: Same case situation as the example in .461 above. The family is eligible for a nonrecurring special need item in April 1987. The family applies to shorten the period of ineligibility in April 1987. $\$10,000 - \$500 = \$9,500$. The $\$9,500$ is divided by $\$500$. The new period of ineligibility is 19 months with no remainder.

.47 Repealed by Manual Letter No. EAS-91-10, effective 8/1/91.

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NOTE: Authority cited: Sections 10553, 10554, 11450, and 11453, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11017, 11157, 11255, and 11280, Welfare and Institutions Code; 45 CFR 233.20(a)(2)(i) and (3)(ii)(F), (vi)(B), and (xiv); and Darces v. Woods (1984) 35 Cal. 3d 871; Petrin v. Carlson Court Order, Case No. 638381, May 12, 1993; Rutan v. McMahan, Case No. 612542-L (Alameda Superior Court) February 19, 1988; Letter from Department of Health and Human Services (DHSS), December 5, 1990; Johnson v. Carlson Stipulated Judgement; Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; and 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.

**44-209 IDENTIFICATION OF PERSONS FOR THE CLAIMING OF
FINANCIAL PARTICIPATION****44-209****.1 General**

If an FBU is determined to be financially eligible and an aid payment is to be issued, it is necessary to determine whether federal financial participation is available for each person in the FBU. For purposes of determining federal financial participation, AFDC recipients shall be categorized into three groups:

- a. Federally eligible persons;
- b. Essential persons;
- c. Federally ineligible persons.

What follows is a description of the categories of persons who shall be included in each group.

.2 Federally Eligible Persons**.21 Children**

- .211 All children who are deprived of parental support and care due to the death (Section 41-420), incapacity (Section 41-430), or continued absence (Section 41-450) of a parent.
- .212 All children who are deprived of parental support and care due to the unemployment of a parent who meets federal eligibility conditions as specified in Section 41-440.4.

.22 Adults

- .221 The caretaker relative of any federally eligible child under .21 above, or of a child who is receiving SSI/SSP who would otherwise meet the conditions of .21 above.
- .222 The second parent of a federally eligible child under .21 above, or of a child who is receiving SSI/SSP who would otherwise meet the conditions of .21 above, when the deprivation of at least one child is the incapacity or unemployment of a parent who meets federal eligibility conditions as specified in Section 41-440.4.
- .223 The spouse of an incapacitated caretaker relative when the caretaker relative is a parent of a federally eligible child under .21 above, or of a child who is receiving SSI/SSP who would otherwise meet the conditions of .21 above.

.23 A pregnant woman:

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- .231 who has no federally eligible children; and
- .232 who has provided the county with medical verification of her pregnancy (see Sections 82-836 and 88-410); and
- .233 whose child, if born, and living with the mother would have been federally eligible for AFDC in the month of payment; and
- .234 whose pregnancy has reached the three-month period immediately before the month of anticipated birth. If the child is born prior to the originally estimated date of birth, the anticipated month of birth is changed to the month in which birth occurred and Federal Financial Participation is retroactively available for the three-month period prior to the month of birth.

.3 Essential Persons

- .31 An essential person is a stepparent or ASP who is not an otherwise federally eligible person under .2 and who:
 - .311 Is related to a child determined to be federally eligible under .21, or
 - .312 Is related to a child who is either receiving SSI/SSP or sanctioned by GAIN who would otherwise be federally eligible under .21.
- .32 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

.4 Federally Ineligible Persons

- .41 All persons included in an FBU who are not determined to be "federally eligible persons" under .2 or "essential persons" under .3 are federally ineligible children or adults.
- .42 A pregnant woman not otherwise federally eligible whose pregnancy has not reached the three-month period before the month of anticipated birth.
- .43 A pregnant woman, not otherwise federally eligible, when the unborn child, if born and living with the mother, would not be a federal eligible child in the month of payment.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 45 CFR 233.20(a)(2)(vii), FSA-AT-91-1 dated January 1, 1991; and Sections 10553, 10554, 10604, 11203, and 11450(b), Welfare and Institutions Code.

44-211 SPECIAL NEEDS IN AFDC**44-211****.1 General**

- .11 A special need is a need not common to a majority of recipients for certain goods or services which are essential for their support. The county is responsible for assisting the applicant or recipient in identifying any special needs which he/she may have. In order to meet this responsibility, the county shall give the applicant or recipient a clear explanation of the types of special need allowances which are available, and of the procedure for securing payment for those needs.
- .12 Repealed by Manual Letter 83-27, 5/5/83.
- .13 Before a payment is made which includes a special need allowance, evidence is required to establish:
 - .131 That the conditions set forth below under which the need may be allowed are met,
 - .132 the total cost of the need and the payment plan,
 - .133 the proportion of the cost which should be borne by the recipient if the need is shared by others in the household,
 - .134 the period over which the need will continue.

.2 Recurring Special Needs

A recurring special need is a special need for one of the items set forth below which results in added cost to the family and which is expected to occur during two or more months in a calendar year.

The allowance for a recurring special need cannot exceed the actual increase in costs to the family as a result of the special need. Actual costs must be verified monthly on the CA 7 except that if special need allowance guidelines established below are utilized, the county may authorize payment at the rate indicated without verification of actual cost. However, the special need must be resubstantiated at least annually upon redetermination of eligibility and may be required more often considering the type of need and potential for change.

The total allowance which is available for each FBU per month for all recurring special needs shall not exceed the amount resulting from multiplying \$10 by the number of persons in the FBU.

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.21 Therapeutic Diets

.211 Special need for a therapeutic diet shall be authorized when recommended by a physician and therapeutic diets are not limited to those listed below, except that final determination of the need may be based upon consultation with the county medical consultant.

.212 The recipient is entitled to establish actual expenses related to the diet plan if it is to his or her benefit to do so. However, if the recommended diet plan includes one or a combination of the following diets, the county may pay the amount indicated for the highest cost diet without verification of actual costs:

\$15 for the following diets:

Diabetic, 2200 calories or more
High Calorie -- High protein (including special formula for infant)
Lactation (while breast feeding)

\$9 for the following diets:

Diabetic, under 2200 calories
Bland
Low Fat -- Cholesterol
Low Salt (sodium, under three grams)

.22 Other Recurring Special Needs

A recipient is eligible for a special need allowance for the following recurring special needs when the county verifies that they occur for reasons not common to a majority of recipients and that they are essential for support. Determination of any allowance shall be consistent with the following guidelines and limitations:

.221 The actual cost of special transportation except that the allowance shall not exceed the actual cost of the least expensive mode of the transportation (including common carrier) reasonably available to the recipient. The county may compute the costs for a private automobile according to the number of miles traveled at the rate of \$0.12 a mile without further documentation by the recipient. Examples of special transportation needs are where the recipient must journey an unusual distance or travel daily to receive required medical treatments.

44-211 SPECIAL NEEDS IN AFDC (Continued)**44-211**

- .222 The actual cost of special laundry. The county may allow \$3.00 per month without verification of actual cost by the recipient. An example of special laundry needs would be where a recipient is required to change and clean bedding or clothing more than usual because of a medical condition.
 - .223 The actual cost of employing someone to do the cooking, washing, ironing, household cleaning, and similar chore services for members of the FBU when the county verifies that the family caretaker is unable to perform any one or more of these functions, and that such duties cannot be performed without charge by persons in the household.
 - .224 The actual cost of special telephone service or equipment such as the cost of an amplifying device when a member of the household is handicapped by an auditory impairment.
 - .225 The actual costs of excessive use of utilities when the county verifies that the excessive use is required for a reason not common to a majority of recipients and is essential for their support. Excessive use of utilities means the FBU's share of the actual cost of utilities is in excess of the in-kind income values for utilities for that size FBU. The county may allow \$5.00 per month without verification of actual cost by the recipient.
- .23 Where a recurring special need also qualifies as an allowable service-connected expense pursuant to Section 10-305 or Chapter 30-500, the county may authorize any combination of such funds to meet the family's needs so long as there is no duplication in aid payment. When a special need is to be met from a combination of such funds, the allowance must be based on the actual costs and not the guidelines specified above.
- .3 Nonrecurring Special Need Payments
- .31 A payment for a nonrecurring special need shall be granted to an eligible AU when any of the following conditions exist:
 - .311 Household emergencies resulting from sudden and unusual circumstances beyond the AU's control. (See MPP 44-211.4.)

44-211 SPECIAL NEEDS IN AFDC (Continued) 44-211

- .312 Homelessness when the AU is seeking permanent housing. (See MPP 44-211.5.)
- (a) Refugee Cash Assistance (RCA) applicants/recipients are not eligible to receive AFDC homeless assistance as provided in MPP 44-211.5.
- .32 An AU is ineligible to receive a nonrecurring special need payment if it has over \$100 in nonexempt liquid resources.
- .321 The county shall evaluate nonexempt liquid resources when an AU requests a nonrecurring special need payment for any of the following:
- (a) An emergency resulting from sudden and unusual circumstances beyond the AU's control (see Section 44-211.4);
- (b) Homeless assistance, at the time the AU applies for such assistance but not during the incident of homelessness as defined in Section 44-211.513(b).
- .33 Liquid resources of \$100 or less shall not be considered for purposes of computing the nonrecurring special need payment.

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See MPP 42-211.2 for definition of liquid resources; see MPP 40-129.21 for exceptions to the MPP 42-211.2 definitions.

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- .4 Emergencies Resulting from Sudden and Unusual Circumstances Beyond the AU's Control
- .41 An AU is entitled to receive a nonrecurring special need payment to repair or replace clothing or household equipment; to provide assistance for damages to the home; or to pay for interim shelter when the AU's home was destroyed or made uninhabitable or inaccessible. (See MPP 44-211.42, .43, and .44 respectively.)
- .411 The loss or damage must have been caused by sudden and unusual circumstances beyond the AU's control.
- .412 The CWD shall determine the most feasible and economic method of repair or replacement including the provision of donated or used serviceable items.

44-211 SPECIAL NEEDS IN AFDC (Continued)**44-211**

- .413 The total amount allowed for the payment for household emergencies shall not exceed \$600 for each incident resulting from the circumstances described in MPP 44-211.41 and .411.
- (a) The amount of the payment for each item to be repaired or replaced, or to assist with damage to the home, shall be the actual cost, including sales tax, up to a total maximum not to exceed the amount allowed in MPP 44-211.413.
 - (b) Payment shall not be made to repair or replace clothing, household items or damage to the home occupied by the AU, unless the clothing, household items or home belonged to a member of the AU.
- .42 Clothing and Household Equipment
- .421 Within the limit specified in MPP 44-211.413, a payment made to replace clothing may not exceed \$25 for each member of the AU.
- .422 Items of household equipment which may be repaired or replaced include, but are not limited to the following:
- (a) Bedding, dishes, kitchen utensils - \$12 for each person in the AU
 - (b) Cook stove - \$142
 - (c) Refrigerator - \$190
 - (d) Space heater - \$73
 - (e) Double bed including mattress - \$143
 - (f) Other essential furniture - \$50
- .43 Damage to the AU's Home
- .431 Within the limit specified in MPP 44-211.413, a payment may be made for the costs of essential repair or replacement resulting from damage to the AU's home.

44-211	SPECIAL NEEDS IN AFDC (Continued)	44-211
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.432 The payment shall be allowed for the following costs:

- (a) Moving and/or storage costs necessitated by the damage to the home.
- (b) Labor and material costs for repair of the home in which the AU lives and which a member of the AU owns.

.44 Interim Shelter

.441 An AU may receive a nonrecurring special need payment for the costs of interim shelter when its home has been destroyed, made uninhabitable or inaccessible.

.442 An AU is not eligible to receive a nonrecurring special need payment for the costs of interim shelter if it is eligible to receive the nonrecurring special need payment for homeless assistance described in MPP 44-211.5.

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- (a) If an AU has received the nonrecurring special need for homeless assistance, and the AU's home is subsequently destroyed, made uninhabitable or inaccessible, the AU may qualify for interim shelter assistance in accordance with MPP 44-211.441.

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.5 Homeless Assistance

.51 General

A homeless AU seeking permanent housing is eligible to receive homeless assistance. Homeless assistance is available to meet the reasonable costs of securing permanent housing and is also available to meet the costs of temporary shelter while the AU is seeking permanent housing. Any AU applying for homeless assistance shall be informed that these benefits are limited to once-in-a-lifetime, with exceptions (see Sections 44-211.514 and .54). Further, the AU shall be informed that the temporary shelter payment of up to 16 consecutive days is only available during this period and that once this period ends, these benefits are exhausted, even if the AU has not received all 16 days of temporary shelter payments.

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See MPP 44-211.52 for specifics regarding the payment for temporary shelter assistance; see MPP 44-211.53 for specifics regarding the payment for permanent housing assistance.

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- .511 An AU is considered homeless when:
- (a) It lacks a fixed and regular nighttime residence: or
 - (b) It has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations; or
 - (c) It is residing in a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;
 - (d) And it has a need for housing in a commercial establishment, shelter, publicly-funded transitional housing, or from a person in the business of renting properties who has a history of renting properties.

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- (1) Example: An otherwise eligible AU, who temporarily resides with another family, requests homeless assistance payments to obtain separate housing. The county determines that the AU is eligible to receive homeless assistance payments because: (1) they have a need for commercial shelter, and (2) they lack a fixed and regular nighttime residence. This is in accordance with the preliminary injunction ordered in Merriman v. McMahan, which remains in full force and effect.

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- .512 Although an AU may be considered homeless, in accordance with the definition in MPP 44-211.511, a homeless assistance payment shall not be issued to an AU if the CWD establishes that the AU has shelter at no cost.

44-211 SPECIAL NEEDS IN AFDC (Continued)**44-211**

.513 An AU is eligible for a once-in-a-lifetime nonrecurring special need payment for homeless assistance. A homeless assistance payment is limited to one period of up to 16 consecutive calendar days of temporary assistance and one payment of permanent housing assistance, with exceptions. A homeless assistance payment may be granted for either, or both, temporary shelter or permanent housing. An AU may be granted a 16-consecutive-day period of temporary shelter assistance, if eligibility requirements are met (see Section 44-211.52), after a permanent housing payment has been received. A permanent housing payment may be granted whether or not a payment for temporary shelter has been issued.

- (a) The AU must complete a separate Statement of Facts for Homeless Assistance (CA 42) to apply for a temporary shelter payment and/or permanent housing assistance. The Statement of Facts for Homeless Assistance is designed to gather information specific to the elements of eligibility for the nonrecurring special need for homeless assistance.
- (b) The period of homelessness begins:
 - (1) For emergency transfer of deposits in Section 44-211.535, on the date when the first homeless assistance payment is issued.
 - (2) For those once-in-a-lifetime exceptions limited to once in 24 months, on the date when the first homeless assistance payment is issued under one of these exceptions.

44-211 SPECIAL NEEDS IN AFDC (Continued)**44-211**

- .514 An otherwise eligible AU that has received a homeless assistance payment at any time on behalf of an eligible child shall not be eligible for further homeless assistance payments, except under the following conditions:
- (a) There is a new caretaker relative who was not living with the AU at the time the original homeless assistance payment was issued, and
 - (b) The new caretaker has not previously received temporary and permanent homeless assistance on behalf of or as part of another AU, and
 - (c) The former caretaker relative is no longer living in the home with the AU.

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- (d) For additional exceptions, see Section 44-211.54.

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- .515 In intercounty transfer cases, the CWD from which the homeless assistance payment is requested is responsible for following up with the other CWD as part of the homeless assistance eligibility determination.
- (a) The CWD from which homeless assistance is requested is responsible from the date of the request for making the homeless assistance eligibility determination and issues the homeless assistance payment.
- .516 The county shall comply with an AU's written request to make payments to the AU or to the providers of temporary shelter, permanent housing or utilities unless the conditions in Section 44-211.517 exist.

44-211 SPECIAL NEEDS IN AFDC (Continued)**44-211**

- (a) The CWD shall determine the most appropriate method of payment to third parties which includes, but is not limited to, direct vendor payments, two-party or restrictive endorsement checks, or voucher payments.
- .517 The county shall make restricted payments when the county establishes a finding of mismanagement of AFDC cash assistance. A restricted payment is a vendor or two-party payment to a provider of temporary shelter, permanent housing or utilities for any future homeless assistance payments associated with the incident of homelessness.
- (a) Mismanagement exists only when:
- (1) The county determines that the homeless assistance payment was not used for shelter; or
 - (2) The AU fails to provide verification that the temporary shelter payment was spent on shelter; and/or as required under Section 44-211.532(d) for permanent housing; or
 - (3) The AU provides verification which shows the homeless assistance payment was not paid to a provider who is a commercial establishment, etc., as specified in Section 44-211.526 and .532(c).
 - (4) The recipient's homelessness is the result of the failure to pay rent, other than for the following:
 - (A) A rent increase which results in the AU's rent or share of the rent being over 80 percent of the maximum aid payment, without special needs, for an AU of that size.
 - (B) Reasonable exercise of a tenant's right to withhold rent for cause.
 - (C) Domestic violence by a spouse, partner, or roommate.
- (b) The CWD shall do all of the following when restricted payments are provided to an AU:

44-211 SPECIAL NEEDS IN AFDC (Continued)**44-211**

- (1) Issue the payment by one of the following methods, at the discretion of the CWD:
 - (A) Mail or delivery to the AU for delivery to the service provider.
 - (B) Mail or delivery directly to the service provider.
- (2) Develop greater ability on the part of the recipient to manage funds in such a manner as to protect the welfare of the family by:
 - (A) Providing each family with informational materials.
 - (B) Referring the family to appropriate services where such services exist.

.52 Temporary Shelter

The temporary shelter payment is available once-in-a-lifetime, with exceptions (see Section 44-211.541), to a homeless AU for temporary shelter, when the AU is also seeking permanent housing.

- .521 The temporary shelter payment is also available to homeless applicant AUs who are apparently eligible for AFDC.

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- (a) Apparent eligibility is defined in Section 40-129.11.
 - (1) The potentially eligible AU must meet technical conditions of eligibility as specified in Section 40-129.214(a).
 - (2) Information from any source may be considered.

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- (b) In determining an apparently eligible AU, do not include a person who is:
- (1) An alien applicant who does not provide verification of his/her eligible alien status; or
 - (2) A woman with no eligible children who does not provide medical verification of pregnancy; or
 - (3) A person who is sanctioned.

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- .522 An AU may receive temporary shelter assistance, after it has been granted permanent housing assistance, when the AU still needs temporary shelter prior to assuming occupancy of the permanent housing, provided that the temporary shelter 16-consecutive-day limit has not expired.
- .523 The payment for temporary shelter shall be issued or denied within the same working day in which the AU requests homeless assistance.
- (a) When the CWD arranges for shelter in the interim, the temporary shelter may be issued no later than the close of business on the working day following the request.
 - (b) The temporary shelter payment, or CWD arranged interim shelter, shall be issued to an otherwise eligible AU on the last CWD working day before a weekend or holiday when it is established that the AU will lack shelter on the weekend or holiday.
- .524 An AU determined to be homeless may be eligible for up to 16 consecutive days of temporary shelter assistance, regardless of the CWD's schedule for issuance of payments.

44-211 SPECIAL NEEDS IN AFDC (Continued)**44-211**

- (a) The 16-consecutive-day period begins on the first day for which a temporary shelter payment is provided to an AU.
- (b) The AU must request all temporary shelter assistance before the end of the 16-consecutive-day limit.
- (c) The AU must provide verification of shelter expenditures and a housing search to receive reimbursement for temporary shelter assistance for expenses incurred within the 16-day period.
- (d) Unless homelessness has been verified, an initial temporary shelter payment shall be issued for up to three working days plus any nonworking days that are bracketed by the working days. If homelessness has been verified, payments are issued in accordance with Section 44-211.524(f) which permits an extension of benefits.

HANDBOOK BEGINS HERE**(1) EXAMPLE:**

An AU requests temporary shelter on a Thursday. The following Monday is a national holiday and the CWD will be closed. The CWD may issue temporary shelter benefits for six days to pay for Thursday through Tuesday nights' shelter.

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- (e) The CWD shall verify the family's homelessness within the first three working days.
 - (1) The CWD shall refer the AU to its early fraud prevention and detection unit for assistance in the verification of homelessness when the AU meets the criteria outlined in Section 20-003.2 or 20-005.322.
 - (2) Other than referrals made pursuant to Section 44-211.524(e)(1), the CWD shall obtain the AU's consent for the release of information to verify homelessness.

44-211 SPECIAL NEEDS IN AFDC (Continued)**44-211**

- (3) If the CWD is unable to verify that the AU is homeless, the AU must complete and sign a statement under penalty of perjury which includes the following information:
 - (A) A statement of liability for providing false information.
 - (B) Name, address and telephone number of previous landlord.
 - (C) Location where the AU is currently staying.

- (f) After homelessness has been verified, benefits shall be issued on a weekly basis thereafter up to seven days for a maximum total of 16 consecutive calendar days. An extension of benefits beyond the initial payment shall be based upon:
 - (1) The CWD's verification of the AU's homelessness within the first three working days.
 - (2) The AU's continuing need for temporary shelter benefits.
 - (3) The AU's documentation of a search for permanent housing while receiving temporary shelter benefits.
 - (A) The CWD shall issue a housing search form to the AU for the AU to document its search for housing.
 - (i) Other than cases of suspected fraud handled by the fraud unit, when the county chooses to make a collateral contact to verify housing search, the CWD must obtain the AU's consent.
 - (B) A minimum of one contact with prospective landlords for each day the AU receives temporary shelter benefits shall be required unless the AU has good cause for not searching for housing. An AU may contact prospective landlords in person, by telephone, or in writing.

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(i) EXAMPLE

An AU requests temporary shelter benefits on a Monday and is issued three days of benefits and a search form by the CWD. The AU returns to the CWD on Thursday. The search form shows that the only contacts were with three landlords on Thursday prior to returning to the CWD. If the CWD has verified the AU's homelessness and the AU still needs temporary shelter assistance, the CWD will consider the AU to have cooperated with the housing search requirement in Section 44-211.524(f)(3)(B), and issue up to seven more days of temporary shelter benefits.

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(ii) Good cause for not searching for permanent housing includes, but is not limited to, the following situations:

- a. The AU does not have access to a telephone, either through having one itself, or through a friend, shelter or accessible public place, and the AU also has no transportation and is living in a rural setting that makes public transportation unfeasible.
- b. The permanent housing located by the AU is not yet available for occupancy.

(C) Temporary shelter benefits shall be issued while the AU is cooperating, as outlined in Section 44-211.524(f)(3)(B) regarding housing search.

44-211 SPECIAL NEEDS IN AFDC (Continued)**44-211**

- (D) If the AU is not issued temporary shelter benefits because the AU has not met the housing search requirement, as outlined in Section 44-211.524(f)(3)(B), but subsequently the AU meets the requirements within the 16-consecutive-day period, the AU shall continue to receive temporary shelter benefits as otherwise eligible. No payment shall be issued for those days during which noncooperation existed.
- (g) The applicant/recipient shall provide verification of the amount expended for temporary shelter after receiving a temporary homeless assistance payment but before receiving any subsequent homeless assistance payment made directly to the applicant/recipient.
- (1) Repealed by Manual Letter No. EAS-92-01, effective 1/1/92.
- .525 The amount of the nonrecurring special need payment for temporary shelter shall be specified by the State Department of Social Services pursuant to the Budget Act.
- (a) An AU with four or fewer members shall receive a daily amount as specified in Welfare and Institutions Code Section 11450(f)(2)(A).

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- (1) Effective February 1, 1988, the amount is \$30.

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- (b) The fifth and each additional member of an AU shall each receive an amount equal to one-fourth of the amount specified in MPP 44-211.525(a).
- (1) The total amount available to an AU with five or more members shall not exceed a maximum of two times the amount specified in MPP 44-211.525(a).

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- (2) Effective February 1, 1988, the amount for the fifth and each additional member of an AU shall be \$7.50.

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.526 In order for the homeless assistance program to be available to meet shelter costs, the AU shall use a provider of housing who is a commercial establishment, shelter, publicly funded transitional housing, or person in the business of renting properties who has a history of renting properties.

- (a) When the AU fails to pay a provider in accordance with this requirement, the county shall follow the restricted payment provisions of Section 44-211.517.

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- (1) Example:

The AU receives three days of temporary shelter assistance in the amount of \$90. On the fourth day, the AU returns to the CWD for an extension of benefits. The AU provides a receipt that shows payment was made on two nights at XYZ Motel in the amount of \$75. The AU provides a receipt that shows on the third night the AU stayed with a friend who is not in the business of providing shelter and paid the friend \$15. The county determines that the third night the AU failed to pay a provider in accordance with this requirement. The county establishes that mismanagement of funds exists and the subsequent payment is made as a restricted payment.

- (2) Example:

The AU receives three nights of temporary shelter in the amount of \$90. The AU returns on the fourth day to request an extension of benefits. The AU provides a receipt that shows the AU stayed in a shelter three nights at a cost of \$15. The AU has met the requirement of staying in a commercial establishment.

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(3) Example:

The AU receives \$90 for three nights of shelter. The AU returns on the fourth night for an extension of benefits. The AU provides verification that shows \$100 was spent on two nights of shelter at the XYZ Motel. The third night the AU stayed with a friend at no cost. The AU has met the requirement of staying in a commercial establishment.

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.53 Permanent Housing

The once-in-a-lifetime permanent housing payment, with exceptions (see Section 44-211.541), is available to assist homeless AUs in obtaining permanent housing.

.531 A nonrecurring special need payment for permanent housing assistance shall be made only to AUs presenting evidence that the AU has found permanent housing which does not rent for more than 80 percent of the AU's MAP, without special needs, for an AU of that size.

(a) If the CWD determines that an AU intends to share housing costs, and the AU's share of the total housing costs does not exceed 80 percent of its MAP, .531 above shall not apply.

(b) Shared housing includes, but is not limited to, the following:

(1) Two or more AUs residing together;

(2) SSI/SSP recipient(s) residing with AFDC recipient(s);

(3) An AU residing with unaided person(s) providing that the AU's share does not exceed 80 percent of the MAP.

.532 An amount not to exceed two months of an AU's rent, as described in MPP Section 44-211.531, is available to pay for the reasonable costs of security deposits when the deposits are a condition of securing a permanent residence.

44-211 SPECIAL NEEDS IN AFDC (Continued)**44-211**

- (a) Security deposits include last month's rent and any legal payment, fee, deposit or charge that is required by a landlord as a condition of assuming occupancy.
 - (b) That portion of the security deposit payment, available for last month's rent shall not exceed 80 percent of the AU's MAP, without special needs, for an AU of that size.
 - (c) In order for the homeless assistance program to be available to meet the cost of security deposits, the recipient must pay the permanent housing assistance to a commercial establishment or a person in the business of renting properties who has a history of renting properties.
 - (d) The recipient shall provide verification within 30 calendar days of having received the permanent housing assistance payment of:
 - (1) The amount expended for permanent housing.
 - (2) The payment of the permanent housing assistance to a commercial establishment or a person in the business of renting properties who has a history of renting properties.
 - (e) Should the recipient fail to provide verification, the county shall make a determination as to whether the payment was used for permanent housing rented from a commercial establishment or a person in the business of renting properties.
 - (1) A determination that the payment was not used for permanent housing or not used to pay a commercial establishment or a person in the business of renting properties shall result in a determination that mismanagement of funds exists for any future security deposit or utility payment associated with the same incident of homelessness.
- .533 The payment for permanent housing costs may include the actual costs of utility deposits in addition to the amount allowable for security deposits described in MPP 44-211.532.
- (a) The payment shall cover deposits (turn-on-fees) required for gas, electricity and/or water.
 - (b) The payment shall not include the costs of overdue utility bills.

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.534 The county has one working day from the time the recipient provides the following information to issue or deny a payment for permanent housing assistance:

(a) A written rental agreement which demonstrates the landlord's intent to rent to the AU at a cost which does not exceed 80 percent of the AU's MAP.

(1) If the county questions the validity of the rental agreement, or a rental agreement cannot be provided, the county shall verify that a rental agreement has been made by directly contacting the landlord or by some other means.

(2) If the county cannot directly contact the landlord, or verify by some other means that a rental agreement has been made, then the recipient must complete and sign a statement under penalty of perjury which includes the following information:

(A) A statement of liability for providing false information.

(B) Name and phone number of landlord.

(C) Location of rental.

(D) Terms of rental.

(E) Dollar amount of deposits and rent.

(b) Information necessary for the CWD to establish eligibility for AFDC.

(c) When applicable, verification of eligibility for the once-in-a-lifetime exception (see Section 44-211.541).

.535 If due to an emergency, an AU must move within the 24-month time limit specified in MPP 44-211.513, the AU shall be allowed to transfer deposits to meet the security deposits for the new residence.

(a) An emergency cannot result from an intentional act on the AU's part.

(b) If the CWD determines that the transfer was within the 24-month time limit, and not an emergency, refunded deposits shall be treated as liquid resources.

44-211 SPECIAL NEEDS IN AFDC (Continued)**44-211**

- .536 The payment for permanent housing costs is not available to assist recipients to return to their most recent former residence unless there are unusual circumstances beyond the recipient's control.
- (a) For purposes of this section, a most recent former residence is the house or the same unit in a duplex or apartment complex in which the recipient lived just prior to being determined homeless.

HANDBOOK BEGINS HERE**EXAMPLE:**

A family left its residence in Shasta County in order to take advantage of a job opportunity in Los Angeles. When they arrived in Los Angeles, the job was no longer available. The family returned to Shasta County and was homeless. Their former residence was available to rent, so they requested a permanent housing payment to move into their former residence. Their request should be granted due to unusual circumstances which prompted their return to Shasta County.

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.54 Once-In-A-Lifetime Homeless Exceptions

- .541 Temporary and permanent housing assistance payments are each limited to once-in-a-lifetime with the following exceptions:
- (a) Whenever a state or federally declared natural disaster is the direct and primary cause of homelessness.
- (b) Limited to only one payment of homeless assistance in 24 months (see Section 44-211.513(b)(2)) when homelessness is the result of any of the following exceptions:
- (1) Domestic violence by a spouse, partner, roommate, or
 - (2) Uninhabitability of the former residence caused by sudden and unusual circumstances beyond the applicant/recipient's control which includes, but is not limited to, fire, natural catastrophe, or condemnation, or

44-211	SPECIAL NEEDS IN AFDC (Continued)	44-211
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- (3) A medically verified physical or mental illness, excluding alcoholism, drug addiction or psychological stress.

.542 The AU shall provide verification of the exceptional circumstance(s), described in Section 44-211.541(b), which resulted in the AU's homelessness. These circumstances shall be verified through a third-party governmental or private health and human services agency.

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- (a) Examples of verification for the exceptions specified in Section 44-211.541(b) include the following:
 - (1) Domestic violence - copies of records or reports from police departments; medical facilities; battered women's shelters signed by an administrator, counselor or designated staff member; and Adult and Child Protective Services, Family Service Bureau, Crisis Counseling Service agencies.
 - (2) Physical or mental illness - medical verification from the appropriate treating physician, state certified nurse, nurse practitioner, physician's assistant, therapist, psychologist, licensed counselor, medical or clinical personnel with access to the patient's records who can verify the diagnosis.
 - (3) Uninhabitability of the residence - written statements or copies of reports from police departments, fire departments, the Red Cross, health department or any other agencies authorized to verify uninhabitability of the former residence.

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- (b) Example: An AU applies for homeless assistance, under the exception of a mental condition. The AU had been homeless for some time and had no interim contact with any governmental or private health or human services agency which could verify that homelessness was caused by the mental condition. The AU was able to provide proof of the mental condition from a psychologist and a written statement from the former landlord stating that the AU was evicted because of disruptive behavior toward the other tenants. Based on the verification provided by the AU, the county determines that the AU is eligible for homeless assistance due to the mental illness exception.

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.6 Pregnancy Special Needs

- .61 For the purposes of this section, the term "third trimester" is defined as the beginning of the third month immediately prior to the month of anticipated birth and continuing through the month of birth.
- .62 In addition to the basic grant, a pregnancy special need payment shall be authorized for all eligible pregnant women who have provided medical verification, subject to the conditions in MPP 44-211.63 through .6.
- .63 Federally Eligible Applicants
- .631 A pregnant woman with no eligible children who has applied for AFDC, is in her third trimester, and is eligible to receive AFDC shall be entitled to receive the pregnancy special need payment from the date of application through the month of birth.

44-211 SPECIAL NEEDS IN AFDC (Continued)**44-211**

- .632 A pregnant woman who has applied for AFDC as part of an assistance unit with federally eligible persons and:
- (a) Is in her third trimester of pregnancy and has been determined to be federally eligible shall be entitled to receive the pregnancy special need payment from the date of application and continuing through the month of birth.
 - (b) Who has not reached her third trimester of pregnancy, shall not be eligible to receive the pregnancy special need payment until she reaches the third trimester of pregnancy.
- .64 Federally Ineligible Recipients
- .641 A pregnant woman with no eligible children who has applied for AFDC and would be eligible to receive federal AFDC but has not reached her third trimester of pregnancy, shall be entitled to receive the pregnancy special need payment from the date of application through the month of birth.
- .642 A pregnant woman with no eligible children who has applied for AFDC and is eligible to receive state-only AFDC shall be entitled to receive the pregnancy special need payment from the date of application through the end of the state-only eligibility time frame, or through the month of birth, whichever occurs first.
- .643 A pregnant woman who has applied for AFDC as part of an assistance unit with eligible children and has been determined eligible to receive state-only AFDC shall be entitled to receive the pregnancy special need payment from the date of application through the end of the state-only eligibility time frame, or through the month of birth, whichever occurs first.
- .65 Federal Eligible Recipients
- .651 The pregnancy special need payment for a pregnant woman who is receiving AFDC in an assistance unit with federally eligible persons shall be granted from the first of the month in which the county received the request or the first of the third month immediately prior to the month of anticipated birth, whichever occurs later.

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.66 Federally Ineligible Recipients

- .661 The pregnancy special need payment for a pregnant woman who is receiving AFDC in an assistance unit with state-only eligible persons shall be granted from the first of the month in which the county received the request.

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- .67 A pregnancy special need payment is \$47 per month.

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NOTE: Authority cited: Sections 10553, 10554, 11209 and 11450(g), Welfare and Institutions Code. Reference: Sections 11056, 11266(a)(2), 11271, 11272, 11273, and 11273(b), 11450(a)(1), (b), and (c), 11450(f)(2)(C), 11450(f)(2)(E)(i), (ii) and (iii), and 11453.2, Welfare and Institutions Code; 45 CFR 206.10(a)(1)(ii), 45 CFR 206.10(a)(8), 45 CFR 233.10(a)(1)(iv), 45 CFR 233.20(a)(2)(v)(A), 45 CFR 234.11, 45 CFR 234.60, and 45 CFR 234.60(a)(2)-(11).

44-212	MINIMUM BASIC STANDARD OF ADEQUATE CARE	44-212
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- .1 Definition -- The Minimum Basic Standard of Adequate Care is set forth in W&I Code Section 11452, as the amount which is necessary to provide an Assistance Unit with the following:

.11 Housing

.12 Clothing

.13 Food

.14 Utilities

- .15 Items for household operation, education and incidentals, recreation, personal needs, and insurance.

44-313 BUDGETING METHODS FOR AFDC-FG/U (Continued) 44-313

.62 If the family did not receive cash assistance in the second prior calendar month, but did in the prior calendar month, the budget period for the month of transfer shall be the concurrent month. The budget period for the following month shall be the corresponding second prior calendar month.

44-315 AMOUNT OF AID 44-315

.1 Definitions These definitions are specific to and for purposes of this section.

.11 Net Nonexempt Income "Net Nonexempt Income" means all earned and unearned income less applicable disregards.

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[See Chapter 44-100 to determine net nonexempt income.]

HANDBOOK ENDS HERE

.12 Grant Amount "Grant Amount" means the amount of AFDC which is to be paid to the AU for a given month.

.13 Potential Grant Potential Grant" means the subtotal after the net nonexempt income is subtracted from the MBSAC plus special needs. The potential grant may equal the grant amount if the potential grant is equal to or less than the MAP.

.2 County Responsibility The county is responsible for computing the amount of aid payment when:

.21 Granted Aid is granted or restored;

.22 Redetermination A redetermination of eligibility is made;

STANDARDS OF ASSISTANCE		Regulations
44-315.23	AID PAYMENTS	
44-315	AMOUNT OF AID (Continued)	44-315
.23	Change	There is a change in need, income, or other factors affecting the amount of aid to which the recipient is eligible.
.3	Amount of Grant	The county shall calculate the amount of grant as follows:
.31	MBSAC	Determine the Minimum Basic Standard of Adequate Care (MBSAC) for the AU in the payment month. The MBSAC and MAP are set forth in Welfare and Institutions Code Sections 11450 and 11452.

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See ACL 98-01 for accurate MAP and MBSAC levels.

HANDBOOK CONTINUES

STANDARDS OF ASSISTANCE		Regulations
44-315.23	AID PAYMENTS	
44-315	AMOUNT OF AID (Continued)	44-315
.32	Add Special Need Payment	Add any special need payment amounts for the AU to the MBSAC
.33	Net Nonexempt Income	Round to the next lower dollar the net nonexempt income from the budget month including in-kind income.

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(See Chapter 44-100 for computing net nonexempt
income.)

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.34	Potential Grant	Subtract the net nonexempt income amount from the MBSAC plus special need for the AU. This is the potential grant amount.
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44-315	AMOUNT OF AID (Continued)	44-315
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|-----|---------------------------|--|
| .35 | MAP | Determine the Maximum Aid Payment (MAP) for the AU. The MAP and MBSAC are set forth in Welfare and Institutions Code Sections 11450 and 11452. |
| .36 | Add Special Need Payments | Add any special need payments for the family to the MAP. |
| .37 | Actual Grant Amount | The actual grant amount is the lesser of the potential grant amount or the sum of the MAP plus special needs. |

44-315	AMOUNT OF AID (Continued)	44-315
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- | | | |
|-----|------------------------------|---|
| .46 | | |
| .5 | \$10 or More | <p>Payment for a pregnancy special need shall be added to the amount determined payable as the basic grant, provided that the pregnant woman has been determined to be eligible for such need in accordance with Section 44-211.4. However, any remaining excess of net nonexempt income above the maximum aid payment not utilized to meet recurring or nonrecurring special needs shall be applied to meet the cost of the pregnancy special need.</p> <p>If the amount determined in Section 44-315.37 is less than ten dollars (\$10), no payment shall be paid for that month. If the beginning date of aid is after the first of the month, and the amount of aid determined in Section 44-315.37 is to be prorated, and the prorated amount is less than ten dollars (\$10), no payment shall be paid for that month. Such cases shall be considered to have received a payment for all other purposes.</p> <p>If the amount determined in Section 44-315.37 is ten dollars (\$10) or more, that amount is the total grant and, if there are no overpayment adjustments, shall be authorized as the aid payment.</p> |
| .6 | Payment in Installments | Aid need not be paid in equal installments. |
| .7 | Proration of AFDC-FG/U Grant | |
| .71 | | <p>When the beginning date of aid is on the first day of the month, the recipient shall be entitled to receive a payment for the full month.</p> |

44-315	AMOUNT OF AID (Continued)	44-315
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- .72 When the beginning date of aid is after the first of the month (see Section 44-317) or when the last day of aid is before the last day of the month as in State-only AFDC-U Program (see Section 41-609), the total grant shall be prorated. The prorated grant shall be computed as follows:
- .721 Determine the total monthly grant amount (see Section 44-315.37);
- .722 Determine the actual number of days in the month;
- .723 Divide this number into the monthly grant amount to determine the daily grant;
- .724 Determine the total number of days for which the recipient is eligible in that month including the first and last day of aid for that month;
- .725 Multiply this number by the daily grant amount to determine the prorated grant;
- .726 If the prorated grant amount is not a whole dollar, then the prorated amount shall be rounded to the next lower whole dollar. (See Section 44-315.5 if this amount is less than ten dollars.)

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.73

Reciprocal Table for Computing Partial Month's
Payments Portion of Monthly Rate or Reciprocal
Table

Day of the month	28-day Month	29-day Month	30-day Month	31-day Month	Day of the month
1st	1.0000	1.0000	1.0000	1.0000	1st
2nd	.9643	.9655	.9667	.9677	2nd
3rd	.9286	.9310	.9333	.9355	3rd
4th	.8929	.8966	.9	.9032	4th
5th	.8571	.8621	.8667	.8710	5th
6th	.8214	.8276	.8333	.8387	6th
7th	.7857	.7931	.8	.8065	7th
8th	.75	.7586	.7667	.7742	8th
9th	.7143	.7241	.7333	.7419	9th
10th	.6786	.6897	.7	.7097	10th
11th	.6429	.6552	.6667	.6774	11th
12th	.6071	.6207	.6333	.6452	12th
13th	.5714	.5862	.6	.6129	13th
14th	.5357	.5517	.5667	.5806	14th
15th	.5	.5172	.5333	.5484	15th
16th	.4643	.4828	.5	.5161	16th
17th	.4286	.4483	.4667	.4839	17th
18th	.3929	.4138	.4333	.4516	18th
19th	.3571	.3793	.4	.4194	19th
20th	.3214	.3448	.3667	.3871	20th
21st	.2857	.3103	.3333	.3548	21st
22nd	.25	.2759	.3	.3226	22nd
23rd	.2143	.2414	.2667	.2903	23rd
24th	.1786	.2069	.2333	.2581	24th
25th	.1429	.1724	.2	.2258	25th
26th	.1071	.1379	.1667	.1935	26th
27th	.0714	.1034	.1333	.1613	27th
28th	.0357	.0690	.1	.1290	28th
29th		.0345	.0667	.0968	29th

HANDBOOK CONTINUES

44-315 AMOUNT OF AID (Continued) **44-315**

HANDBOOK CONTINUES

Day of the month	28-day	29-day Month	30-day Month	31-day Month	Day of Month the month
30th			.0333	.0645	30th
31st				.0323	31st

EXAMPLE: The total monthly grant amount is \$150 (see Section 44-315.43). Aid is to begin on the 17th of March, and March has 31 days. The reciprocal for the 17th day of a 31-day month is .4839. The total monthly grant amount X the reciprocal = the prorated grant amount (\$150 x .4839 = \$72.5850). \$72.5850 is rounded to \$72 which is the amount of the payment (see Section 44-315.432 if the amount of the payment is less than ten dollars).

HANDBOOK ENDS HERE

.8 Suspension

- .81

The county shall suspend, not discontinue, aid in the payment month when income or other circumstances in the corresponding budget month appear to result in ineligibility for only one payment month. The recipient need not reapply for aid for the month following the suspension, however, the recipient is required to complete a monthly report for the month of suspension. If it appears that the income or other circumstances from the budget month will result in ineligibility for more than one payment month, aid is discontinued.
- .82

Aid payments for the month following a suspension shall be computed using prior month budgeting if the family's circumstances have not changed significantly from the corresponding budget period.
- .83

Aid payments for the two months following a suspension shall be computed using concurrent budgeting if the family's circumstances have changed significantly from the corresponding budget period, e.g., loss of a job (see Section 44-313.123).

44-315	AMOUNT OF AID (Continued)	44-315
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.9 Required Reporting of All Changes Affecting Eligibility and Grant Determination

.91 All recipients are required to promptly report to the county any changes in eligibility or grant determination factors.

.92 Additionally, prior to the end of each budget period, the county shall request updated information from recipient families concerning all changes affecting eligibility and grant in that budget period or expected changes in subsequent budget periods. For all AFDC recipients except AFDC-FC, such information shall be reported on the CA 7. If the recipient fails to provide the report requested by the county by the deadline provided by Section 40-181.22, then the recipient's grant will be terminated in accordance with Operations Manual Section 22-022. Though the CA 7 is not applicable to AFDC-FC, every effort shall be made by the county to insure that foster parents and children are aware of the necessity to report any change in need or income for the child.

NOTE: Authority cited: Sections 10553, 10554, 11209, 11450, 11450(g), and 11453, Welfare and Institutions Code. Reference: Sections 11017, 11450, 11450.01, 11450.015, 11450.03, 11452, and 11453, Welfare and Institutions Code; Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; and Letters from the Department of Health and Human Services, Administration for Children and Families, dated February 29, 1996, March 11, 1996, and March 12, 1996.

44-340	UNDERPAYMENTS	44-340
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.1 General

- .11 An underpayment shall be corrected in accordance with the regulations in effect on the date of discovery.
- .12 Underpayments occur when the applicant or recipient receives less than the amount to which he/she is entitled in a given month or months. Failure to apply for or request aid does not create an underpayment.
- .13 The county shall take all reasonable steps necessary to correct promptly any underpayment that comes to the county's attention.
 - .131 Any underpayment which is due to the erroneous denial of an application for aid shall be corrected even though the applicant failed to perform an act constituting a condition of eligibility when such failure was caused by the denial. Acts which constitute conditions of eligibility shall include, but are not limited to those contained in Sections 40-105.21, 42-625, 43-106, 43-119.23, 44-103.23, and .24.
 - .132 For the purpose of determining the beginning date of aid for correcting an underpayment which is due to the erroneous denial of an application, see Section 44-317.8.
- .14 A reduced income supplemental payment which was correctly computed, based on the assistance unit's reasonable estimate of the income and other circumstances for the payment month, shall not be subject to an underpayment determination. If there is a computational error, the payment shall be corrected.

44-340	UNDERPAYMENTS (Continued)	44-340
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.2 Investigation of Underpayments

.21 When there is a reason to suspect that an underpayment may have occurred, the worker must investigate and determine whether an underpayment did occur.

.3 Calculating the Underpayments

The calculation of the underpayment is as follows:

.31 Calculate the correct grant for each month in question, compare the correct grant to the amount actually paid to the recipient for each month; and if the amount to the recipient in any month is less than the correct grant for that month, an underpayment exists.

.4 Correction of the Underpayment

.41 Underpayments are corrected through retroactive payments.

.42 If an assistance unit has both an underpayment and an overpayment, the county shall balance one against the other before making a retroactive corrective payment.

.43 (Repealed by Manual Letter No. 82-26, effective 04/02/82.)

.44 The month of discovery is the month in which the county obtained any information which could have reasonably led to a determination that an underpayment occurred.

.45 (Repealed by Manual Letter No. 82-26, effective 04/02/82.)

.5 (Repealed by Manual Letter No. 82-26, effective 04/02/82.)

.6 For purposes of determining continued eligibility and amount of assistance, retroactive payments shall not be considered as income or as a resource in the month paid nor in the next following month.

.7 Repealed by DSS Manual Letter No. EAS-89-06, effective 10/1/89.

CHAPTER 80-300 DEFINITIONS AND FORMS

80-301 DEFINITIONS **80-301**

The following definitions apply to the regulations in Divisions 40 through 50 and 80 through 82.

- | | |
|---|---|
| (a) (1) Aid Payment | "Aid Payment" means any payment made to an AU. |
| (2) Aid to Families with Dependent Children | "AFDC" means the financial aid program for needy children and their parents or caretaker relatives when the children lack parental support and care. This term refers to the program in general, regardless of source of funding. |
| (3) Aid to Families with Dependent Children - Foster Care (AFDC-FC) | "AFDC-FC" means the part of the AFDC program which provides aid to children in Foster Care. |
| (4) Aid to Families with Dependent Children - Family Group (AFDC-FG) | "AFDC-FG" means the part of the AFDC program which provides aid to children deprived parental support due to absence, death or incapacity. |
| (5) Aid to Families with Dependent Children- Unemployed Parent (AFDC-U) | "AFDC-U" means the part of the AFDC program which provides aid to children deprived of parental support due to the unemployment of the principal earner. |
| (6) Alternatively Sentenced Parent (ASP) | "ASP" means a parent who is a convicted offender permitted to live at home while serving a court-imposed sentence that precludes the parent from providing support through paid employment. |
| (7) Applicant | "Applicant" means a person who requests aid or a person on whose behalf a request for aid is made. |
| (8) Applicant Child | "Applicant child" means a child for whom aid has been requested but whose eligibility has not yet been determined. |

80-301 **DEFINITIONS (Continued)** **80-301**

- (9) Assistance Unit (AU) "AU" means a group of related persons living in the same home who have been determined eligible for AFDC.
- (b) (1) Beginning Date of Aid (BDA) "BDA" means the effective date that cash aid starts.
- (c) (1) Caretaker Relative "Caretaker relative" means a relative, related to the degree specified in Section 82-808.11, who:
- (A) Lives with a child who is part of the filing unit, and
- (B) Exercises responsibility for the day-to-day care and control of the child.
- (2) Child "Child" means a person who meets the age requirements as specified in Section 42-101. Where appropriate, "child" shall also mean "children".
- (3) Collect "Collect" means to regain AFDC funds which are overpaid to a person by using collection methods other than grant adjustments.
- (4) County "County" means the local government agency responsible for the direct administration of public assistance in that county.

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Note: In regulations which have not been moved to Division 80, the county may be referred to as CWD or county welfare department.

HANDBOOK ENDS HERE

- (d) (1) Date of Application "Date of Application" means the date the applicant or the applicant's representative signs the application or the date the county receives the signed application, whichever is later.

80-301 DEFINITIONS (Continued) **80-301**

- (e) (1) Eligible Child "Eligible child" means a child who is a member of an AU.
- (2) Essential Person (EP) "EP" means a stepparent or ASP.
- (f) (1) Filing Unit "Filing unit" means the group of persons required to be on the Statement of Facts.
- (g) (1) GAIN "GAIN" means the Greater Avenues for Independence program which is a comprehensive statewide employment program for AFDC applicants and recipients.
- (2) GED "GED" means the General Education Development program which provides educational programs for persons no longer enrolled in public schools.
- (3) Grant Adjust "Grant Adjust" means to regain AFDC funds which were overpaid to an AU by reducing the aid payment.
- (h) (1) Half-Sibling "Half-sibling" means a brother or sister having only one biological and/or adoptive parent in common with the applicant child.

HANDBOOK BEGINS HERE

- (i) (1) Immediate Need Payment "Immediate Need Payment" means an aid payment made in advance of a completed determination of eligibility for AFDC when specific criteria are met.
- (2) Intentional Program Violation (IPV) "IPV" means an Intentional Program Violation, (See Section 20-351) which is a determination made by a state or federal court, or pursuant to an administrative disqualification hearing that an individual has intentionally:
 - (A) Made a false or misleading statement or misrepresented, concealed, or withheld facts; or

HANDBOOK CONTINUES

80-301	DEFINITIONS (Continued)	80-301
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(j) (Reserved)

(k) (Reserved)

(l) (Reserved)

(m) (1)	Mandatory Inclusion	"Mandatory inclusion" means the requirement that a parent, sibling or half-sibling be included in a filing unit or AU with the applicant or eligible child.
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(2)	Medical Verification of Pregnancy	"Medical verification of pregnancy" means a written statement from a physician, physician's assistant, state certified nurse midwife, nurse practitioner or by designated medical or clinic personnel with access to the patient's medical record that provides information sufficient to substantiate the diagnosis and estimated delivery date.
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(3)	Minor Parent	"Minor parent" means the father, mother or pregnant woman, married or unmarried, who is less than 18 years of age.
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80-301 **DEFINITIONS** (Continued) **80-301**

- (n) (Reserved)
- (o) (1) Optional Person "Optional person" means an otherwise eligible person who is not required to be included in the filing unit or AU.
- (2) Otherwise Eligible "Otherwise eligible" means a status where the person has been determined to meet all eligibility requirements for aid, other than that eligibility factor being considered.
- (p) (1) Parent "Parent" means the biological parent, married or unmarried, of the child unless the child has been adopted or relinquished for adoption or the parental rights are terminated. If the child is adopted, the person who adopts the child is the parent. If the child is relinquished for adoption or the parental rights are terminated, that parent is no longer considered the parent except for purposes of determining a caretaker relative.
- (2) Pregnant Woman "Pregnant woman" means a woman (including a minor) who has provided medical verification of pregnancy to the county.
- (4) Public Hospital "Public hospital" means an institution which is:
 - (A) Licensed or formally approved as a hospital by an officially designated state standard-setting authority for study, diagnosis, treatment of physical, emotional, or mental conditions, care of injured, disabled or sick persons, and
 - (B) Supported from public funds, and
 - (C) Managed and controlled by a unit of government.

80-301 **DEFINITIONS** (Continued) **80-301**

(q) (Reserved)

- (r) (1) Recipient "Recipient" means a person who is receiving AFDC.
- (A) A person becomes a "recipient" on the date on which both of the following conditions are met:
1. the person meets all conditions of eligibility, and
 2. the county signs authorization documents to approve the application for AFDC.

HANDBOOK BEGINS HERE

(B) An applicant who has been approved for an immediate need and/or homeless assistance payment based on his/her apparent eligibility is not considered to be a recipient, as specified in Section 40-129. In these cases, the county has not signed authorization documents to approve the AFDC application.

HANDBOOK ENDS HERE

- (2) Recover "Recover" means to grant adjust or collect an overpayment.
- (s) (1) Sanction "Sanction" means action taken by the county resulting in ineligibility resulting from an action or lack of action by a recipient.
- (2) Second Parent "Second Parent" means the parent living in the home who is not the caretaker relative parent.
- (3) Senior Parent "Senior Parent" means the parent of a minor parent when the minor parent receives aid for his/her child or the parent of a minor pregnant woman.

80-301 **DEFINITIONS** (Continued) **80-301**

- (4) Sibling "Sibling" means the brother or sister who has both parents in common with the applicant child. This includes siblings by adoption.

- (5) Sponsored Noncitizen "Sponsored noncitizen" means an alien:
 - (A) Who is not the child of the sponsor or o the sponsor's spouse; and

 - (B) Whose entry into the United States was sponsored by a person, public or private agency or organization, which executes an affidavit of support or similar agreement on behalf of a noncitizen as a condition of the alien's entry into the United States.

- (6) California Department of Social Services (CDSS) "CDSS" means the state department which supervises the counties in the administration of the AFDC program. Also referred to as Department.

80-301 DEFINITIONS (Continued)**80-301**

- (7) Statement of Facts "Statement of Facts" means the CA 8 (Rev. 2/84) CA 8A (Rev. 10/89), CA 20 (Rev. 4/88), CA 22 (Rev. 10/85); CA 23 (Rev. 1/85), CA 24 (Rev. 1/85), JA2 (Rev. 4/90) or SAWS 2 (Rev. Pending) are the state required forms used to collect the information necessary to determine a family's eligibility. See Section 80-310 for title and definition of forms.
- (8) State-only AFDC "State-only AFDC" means the state and county funded AFDC programs for persons who do not meet specific federal eligibility requirements.
- (9) Stepparent "Stepparent" means a person who is not the biological parent, but is either married to, or the California domestic partner of, the parent of the child.
- (10) Strike "Strike" means a concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees.
- (11) Striker "Striker" means an applicant or recipient who is participating in a strike on the last day of the month.
- (12) Supplemental Security Income/State Supplementary Program (SSI/SSP) Child "SSI/SSP child" means a child who would be eligible for AFDC except that he/she is receiving SSI/SSP. SSI/SSP is the federal/state assistance program for persons who are aged, disabled or blind as authorized by Title XVI of the Social Security Act.
- (t) (Reserved)
- (u) (Reserved)

ELIGIBILITY AND ASSISTANCE STANDARDS**Regulations****ASSISTANCE UNIT****82-812 (Cont.)**

82-812 TEMPORARY ABSENCE**82-812**

- | | | |
|------|------------------------------------|---|
| .1 | Who Can Be Temporarily Absent | Any member of an AU may be considered temporarily absent from the home. |
| .2 | Living With the Caretaker Relative | A child is considered to be living in the home of a caretaker relative even though the child and/or the caretaker relative is temporarily absent from the home. |
| .3 | Care and Control | The caretaker relative shall continue to exercise responsibility for care and control of the child. |
| .4 | Time Limitation | There is no specific time limitation for determining whether an absence is temporary or permanent except as provided under Exceptions to Temporary Absence in this section. |
| .5 | Determining Factors | The following factors shall be considered when determining temporary absence status. A single factor may not be conclusive. |
| .51 | Temporary Absence | The factors include, but are not limited to: |
| .511 | Actual Situation | The actual family circumstances (even if it is inconsistent with a court custody order). |
| .512 | Decision Making | If the caretaker relative is involved in making the major and minor decisions regarding the child. |
| .513 | Ability to Return | If the person has the ability to return or the caretaker relative has the ability to require the return of the child to the home. |
| .514 | Intent to Return | If the person intends to return to the home. |
| .515 | Paying Costs | If the person is contributing to the cost for the child's needs. |
| .52 | Exceptions to Temporary Absence | Temporary absence does not exist when the person is considered permanently absent. Permanent absence includes, but is not limited to, |

ELIGIBILITY AND ASSISTANCE STANDARDS		
82-812 (Cont.)	ASSISTANCE UNIT	Regulations
82-812	TEMPORARY ABSENCE	82-812
	(Continued)	
.521	Continued Absence	If the person is not in the home because of a factor that would result in continued absence.
.522	Institution	If the person is an inmate in an institution on the first of the month where he/she is expected to remain through the month.
.523	Child in Public Hospital	If a child on the first of the month is in a public hospital for two full calendar months, irrespective of the day on which he/she entered the public hospital.
.6	Documentation	The county shall document the factors on which the determination of temporary absence was based.

HANDBOOK BEGINS HERE

.7	Examples of Temporary Absence	Temporary absence may include, but is not limited to:
.71		Hospitalization.
.72		Attendance at school or training. For example: A child attends Job Corps training out-of-state. The caretaker relative retains responsibility for care and control of the child.
73		Visiting or vacationing. For example: A child goes to visit the father for the summer. The caretaker mother retains responsibility for care and control of the child and is consulted concerning the child's discipline, schooling, health, or medical needs, etc.

HANDBOOK CONTINUES

ELIGIBILITY AND ASSISTANCE STANDARDS		
Regulations	ASSISTANCE UNIT	82-812 (Cont.)
82-812	TEMPORARY ABSENCE (Continued)	82-812

HANDBOOK CONTINUES

.74	Moving.
.75	Trips in connection with current or prospective employment, or
.76	Staying in a group home. For example: A child is in a group home from Monday through Friday and resides with the mother on weekends. The group home does not receive AFDC-FC for the child. The mother is consulted concerning any emergency situations and any major health and welfare decisions concerning the child and has care and control of the child. Therefore, the mother remains the caretaker relative.
.8	Example of Exception To Temporary Absence: Temporary absence does not exist when:
.81	A child goes to live with the father for the summer. The father has complete physical and legal custody of the child for three months. The mother is no longer involved in making decisions concerning the child's well-being. The mother cannot require that the child be returned to her home. The mother is not the caretaker relative in this situation.

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[Previous cite: 44-203.22(a)(3), 42-500]

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 45 CFR 233.10(a)(1), (a)(1)(iv), and 45 CFR 206.10(a)(8); 4 CFR 233.90(c)(1)(v)(B), and Section 11269, Welfare and Institutions Code.

82-820 **INCLUDED PERSONS** **82-820**

- | | | |
|------|--------------------------------------|---|
| .1 | Assistance Unit | An AU shall be established when all eligibility factors have been determined. |
| .2 | Minimum Requirements | An AU shall have at least one of the following: |
| .21 | Child | One eligible child. |
| .22 | Caretaker
Relative | A caretaker relative of an SSI/SSP child, or of a child receiving federal, state or local foster care maintenance payments. For purposes of this section, local foster care maintenance payments are payments made with county-only funds for the board and care costs of children in 24-hour out-of-home care who have an open child welfare services case file. |
| .23 | Pregnant Woman | A pregnant woman. |
| .24 | Relative of GAIN
Sanctioned Child | A relative of a child who is sanctioned by GAIN. |
| .3 | Mandatory Inclusion | The AU shall include the following persons when living in the same home and eligible: |
| .31 | Applicant Child | The applicant child. |
| .32 | Siblings | Any eligible sibling or half-sibling of the applicant child who meets the age requirement. |
| .33 | Parents | Any parent, except for alternatively sentenced parents, of: |
| .331 | | The applicant child, or |
| .332 | | The applicant child's eligible siblings or half-sibling who meet the age requirement. |
| .4 | Who Determines AU | The county shall determine who is mandatorily included and excluded from the AU. The county and the applicant/recipient shall determine whether or not an optional person will be included in the AU. |

82-828	OPTIONAL PERSONS	82-828
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| .1 | County Responsibility | |
| .11 | Identify Optional Persons | The county shall identify, for the applicant or recipient, any person living in the home who may be included in the AU. |
| .111 | | This shall be done at the time of application, redetermination, or at any other time the county is informed of a change in the number of persons living in the home. |
| .12 | Effect on AU | The county shall explain to the applicant or recipient the effect of including or excluding the optional person. The applicant or recipient shall decide who is to be included. |
| .121 | | The explanation shall include a description of the AU composition which will result in the maximum aid to which the family is eligible, considering the income and resources of each person who may be included. |
| .2 | Optional Persons | The following persons who are not otherwise required to be in the AU shall be included upon request of the applicant/recipient. |
| .21 | Nonparent Caretaker Relatives | Any nonparent relative who has been determined to be the caretaker relative. |
| .22 | Other Eligible Children | Any other eligible children, including, but not limited to, a niece or nephew. |
| .23 | Essential Persons | Any essential person who meets the requirements of Section 44-209.3. |

[Previous cite: 44-205.5, 44-203.3, 44-118.11]

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 USCA 606(a) and (b)(1); 45 CFR 206.10(a)(1)(vii) and (a)(2)(i), 45 CFR 233.20(a)(2)(vi), and 45 CFR 237.50(b)(3)(i) and (b)(4)(i); SSA≠AT≠80-32 and SSA-AT-86-01; and Section 11203, Welfare and Institutions Code.

82-832 EXCLUDED PERSONS 82-832

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| .1 | Person Who Is Excluded By Law | A person excluded from the AU by law is a person who: |
| .11 | Child of AFDC-FC Child | Is a child living with his/her minor parent who is receiving AFDC-FC. |
| .12 | Citizenship/
Alienage | Does not meet the citizenship/alien status requirements. |
| .13 | Father of Unborn | Is an unborn child's father who is living in the home with the pregnant woman and who is: |
| .131 | | Not the parent or caretaker relative of an eligible child, or |
| .132 | | Not an essential person. |
| .14 | Lump Sum | Had his/her needs considered in determining a lump sum period of ineligibility as specified in Section 44-207.42. |
| .15 | Other Aid | Receives SSI/SSP, Refugee Repatriate Payment (RRP), or AFDC-FC. |
| .16 | Sponsored Alien | Is a sponsored alien whose needs are being met by a sponsoring agency or by a sponsor's deemed income. |
| .17 | Spouse of Eligible Child | Is a spouse of an eligible child, living with the child in the senior parent's home, when there is no child in common for whom deprivation exists. |

ELIGIBILITY AND ASSISTANCE STANDARDS		
82-832 (Cont.)	ASSISTANCE UNIT	Regulations
82-832	EXCLUDED PERSONS (Continued)	82-832
.18	Refugee Eligible for Alternative Project	Is a refugee who is eligible for and required to participate in an alternative project implemented pursuant to Section 412(e)(7) of the federal Immigration and Nationality Act 8 USC 1522(e)(7).
.2	Sanctioned Persons	A person excluded from the AU due to a sanction, is:
.21	Child/Spousal Support	A parent, pregnant woman, or caretaker relative who refuses to assign support rights or fails to cooperate in the: identification and location of the absent parent; establishment of paternity; or enforcement of the support obligation as determined in Sections 43-106 and 43-107.1.
.22	Citizenship	A person who fails to cooperate in the verification of his/her citizenship or alien status.
.23	GAIN	A mandatory GAIN registrant who fails without good cause to meet GAIN program requirements, and:
.231		When the registrant is a principal earner, the second parent is also ineligible unless he/she is participating in GAIN.

ELIGIBILITY AND ASSISTANCE STANDARDS**Regulations****ASSISTANCE UNIT****82-832**

82-832 EXCLUDED PERSONS**82-832**

(Continued)

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| .24 | Social Security Number | An applicant or recipient; or a child whose parent, caretaker relative, or legal guardian who: |
| .241 | | Refuses or fails to furnish an SSN or evidence of a completed application for an SSN, or |
| .242 | | Refuses or fails to cooperate in verifying an SSN. |
| .25 | Striking | A striker who is not a caretaker relative. |
| .26 | IPV | An applicant or recipient who has been disqualified for committing an IPV. |

[Previous cite: 44-206]

NOTE: Authority cited: Sections 10553, 10554, and 11270, Welfare and Institutions Code. Reference: 45 CFR 205.42(d)(2)(v)(A) and (B), as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808, 45 CFR 205.52, 45 CFR 206.10(a)(5)(i), 45 CFR 232.12(d), 45 CFR 233.10(a)(1)(i), (a)(1)(i)(B), and (a)(3), 45 CFR 233.20(a)(1)(i), (a)(3)(ii)(C) and (F), and (a)(3)(ix), 45 CFR 233.50, 45 CFR 233.51, 45 CFR 233.90(c), (c)(1), and (c)(2)(iv), 45 CFR 233.100(a)(5)(ii), 45 CFR 233.106, 45 CFR 240.22, and 45 CFR 250.34(a) and (c), and (c)(2); and Sections 11008.13, 11104, 11157, 11201(b), 11203, 11263.5, 11268, 11270, 11315, 11320.6(e), 11406.5, 11450, 11477, and 11486, Welfare and Institutions Code.