Adult Programs

800-1 Regulations pertaining to income and exclusions in the SSI/SSP Program are set forth in 20 CFR 416 (46-120)

810-1 Special circumstances defined (46-425.29)

810-2 Payment not made without prior authorization except if emergency exists (46-425.22, 46-425.44, 46-425.5)

810-3 Special circumstance payments for moving expenses (46-425.65)

810-5 Housing repairs allowed for recipient owned housing and appliances (46-425.63, 46-425.64; ACL 90-13)

810-6 Elimination of special circumstance payments for furniture, clothing, housing needs, effective 8/31/93, reinstated 8/21/98 (W&IC 12550; ACL 98-74)

810-7 IHSS and CAPI recipients are potentially eligible for special circumstances (ACL 98-95; W&IC 12300, W&IC 12550, W&IC 12601)

810-8 Funding for the Special Circumstances Program is limited (until 7/1/99) to the appropriation in the 1998/1999 Budget Act (ACL 98-95)

810-9 Duty to assist applicants in applying for SCP (W&IC 10500; ACIN I-81-01; Thornton v. Carlson)

810-10 Changes to SCP, and increases in maximum allowances, for IHSS, CAPI, and SSI/SSP individuals (ACL 01-60; W&IC 12502, W&IC 12550, W&IC 12552)

810-11 SCP becomes non-operational 7/1/02 because no funds authorized (W&IC 12601; ACIN I-73-02)

815-1 Amount allowed for assistance dog special circumstances payment (46-430.4), revised from 46-430.1(s))

815-1A Definition of service dog for Americans With Disabilities Act purposes (28 CFR 35.104)

815-2 Eligibility for assistance dog payments limited to recipients of SSI/SSP, IHSS, or SSDI (46-430.1(e))

815-3 Eligibility for assistance dog payment begins on first of month of application (46-430.4)

815-3A Recipients must return redetermination forms at least once every 12 months (46-430.51, 46-425.52)
820-1 Deduction of interim assistance from retroactive SSI/SSP generally (46-337.24)
820-2 IAR procedure (20 CFR 416.1902, 42 USC 1383(g)(3))
820-3 County must remit initial SSI/SSP payment within ten working days after deducting interim assistance or recipient is entitled to entire SSI/SSP payment (46-337.44)
820-3A New procedure for SSI/SSP reimbursement (ACIN I-62-07)
820-4 County must send NOA when remitting SSI/SSP payment (46-337.442)
820-5 Period for which county may reimburse itself after SSI/SSP is granted (Handbook 46-337.52)
820-6 State hearings, when appropriate (46-337.6)
820-7 New “payment pending procedure” for interim assistance reimbursement (ACIN I-62-07)
825-1 CAPI program for discontinued SSI/SSP immigrants begins 10/1/98, and payments for new applicants by 12/1/98 (ACL 98-82)
825-1A Effective date of CAPI payments (49-015.41)
825-1B CAPI governed by both state and federal regulations including POMS (49-013.1)
825-2 CAPI applicant must provide all information requested by the county. (49-015.1)
825-3 Classes of non-citizens who entered the U.S. pre-8/22/96 and who may be potentially CAPI eligible (ACL 98-82)
825-3A Classes of non-citizens who entered the U.S. on 8/22/96 or later and who may be potentially CAPI eligible (ACL 98-82; 49-020.31)
825-3B Age eligibility for CAPI is 65; how to establish age (49-025.1)
825-3C Disability and blindness determined under SSI rules for CAPI purposes; DAPD makes eligibility determinations unless person has been determined eligible for SSI, Title II Social Security, or Medi-Cal (49-025.2, 49-025.3)
825-3D Potential eligibility for extended CAPI for individuals ineligible for Basic CAPI; 10-year sponsors’ deeming rule (W&IC 18938(a)(3); 49-020.32)
825-3E “Prucol” status defined (49-001(p)(3))
825-3F “Qualified alien” status defined (49-001(q)(1))
825-3G “Entered the United States” and “entry date” defined for CAPI purposes (49-020.4)
825-3H “Entered the United States” and “entry date” defined for CAPI purposes (*Megrawian v. Saenz*)

825-3I Definition of Basic CAPI (*49-005(b)*)

825-3J Definition of Extended CAPI (*49-005(e)(4)*)

825-3K General non-citizen eligibility requirements for CAPI (*49-020.1*)

825-3L Specific eligibility requirements for non-citizens who entered the United States prior to August 22, 1996 (*49-020.2*)

825-3M Citizens of Marshall Islands, the Federated States of Micronesia or the Republic of Palau eligible to CAPI (*ACL 16-33*)

825-4 Generally SSI/SSP rules govern the CAPI program, and benefits shall be the same as under the SSI/SSP program, except benefit levels are reduced $10 monthly for individuals, and $20 for couples (*W&IC 18940, W&IC 18941; 49-050.1*)

825-4A CAPI payment levels for individuals and couples (*49-050.1*)

825-4B Independent living arrangement definition; living arrangement determined as of first of month (*49-050.2*)

825-4 CCAPI payment standards for people living independently (ACIN______)

825-4D Suspension of SSP COLA for 2006; delay of pass-through of federal SSI COLA until April 2006 except for NMOHC rate (*ACIN I-77-05*)

825-4E For CAPI/SSI/SSP couples, the SSI/SSP spouse’s benefit is prospectively budgeted in the month the COLA occurs and the following month (*ACIN I-77-05*)

825-4F SSP COLA delayed from January 1, 2008 to June 1, 2008 (*ACIN I-75-07*)

825-5 CAPI recipients “may be eligible” for Medi-Cal, CalFresh and IHSS, and counties shall advise applicants and recipients of potential eligibility (*ACL 98-82*)

825-6 CAPI applicants and recipients have same rights as PA individuals (*ACL 98-82*)

825-6A CAPI to be administered under 10-001, 21-101, and departmental instructions (*49-013.2*)

825-6B Counties must administer CAPI under federal rules (POMS) and regulations, and CDSS and SSA policies (*49-013.11*)

825-7 Resource limit is $2000 for one, and $3000 for a couple, and is determined as of first moment of the month (*ACL 98-82; 49-040.1*)
825-7A Transfer of property continues to be property; receipt of income become property the first of the following month (49-040.82, .83)

825-7B Partial listing of excluded resources includes federally excluded benefits, home, household goods and personal effects with equity value under $2,000, certain automobiles, retroactive Title II, SSI/SSP, and CAPI payments for 6 months (49-040.3)

825-7C Resources of a spouse, living in the household, considered available (49-040.4)

825-7D Deeming rules from sponsor to CAPI noncitizen (49-040.7)

825-8 Prospective budgeting is first two months of eligibility or status change, and then retrospective budgeting is used (ACL 98-82; 49-055.1, 49-055.2, 49-055.3)

825-8A Nonrecurring income cannot be counted more than once (Jones v. Shalala; 42 USC 1382(c)(2)(A), 49-055.21)

825-8B Income must be lower than payment standard in order to be eligible for CAPI (49-035.1, Handbook 49-035.2)

825-8C Earned income defined; exclusions (49-035.3, 49-035.4)

825-8D Unearned income defined; ISM defined; PMV defined (49-035.5, 49-005(p)(1))

825-8E $20 unearned income deduction (49-035.53(m))

825-8F ISM from within and without the household; literal language quoted (49-035.522(b), (c))

825-8G PMV of ISM (ACIN I-85-06, I-75-07)

825-8H Sponsor’s allocation in alien deeming situations; allowance for ineligible children in deeming situations (ACIN I-85-06, I-75-07)

825-8I Income excluded from deeming from parent or spouse (49-035.7)

825-8J Sponsor deeming changes for sponsors who have filed the new Affidavit of Support (ACL 02-63)

825-8K Definitions of “new” and “old” affidavits of support (49-005(a)(1) and (2))

825-9 CAPI requires persons to be ineligible for SSI solely due to immigration status, and to apply for and if necessary appeal for SSI (W&IC 18938(a)(1), W&IC 18939; 49-030.1)

825-9A County responsibilities in CAPI for SSI/SSP applications and IAR agreements (ACIN I-71-98; 49-015.1, 49-015.2, 49-030.1, 49-015.2)
CDSS position is to allow IAR when CA PI is granted (ACL 99-11; 20 CFR 416.1910; W&IC 18940, W&IC 18943; 49-065.21.)

ICT procedures (ACL 99-87)

County duty to have regulations, ACLs, W&IC, other public social service laws, in waiting or reception room in each central or district county office (Handbook 17-017)

CDSS position is that despite statutory language, it can amend and issue rules by ACL; ACL says that counties can, without notice to applicants or recipients, disqualify these persons for (1) certain transfers of services; (2) certain trusts; making false or misleading statements (ACL 00-27)

Limitations on CAPI overpayment collections when the recipient was not at fault (ACL 00-73; 20 CFR 416.550)

Definitions of overpayment, waiver and without fault in CAPI (ACL 00-73)

Time frames to revise prior determinations of eligibility and payment amounts (ACL 00-73)

Recovery of CAPI overpayments, including grant adjustment (ACL 00-73)

Without fault determinations in CAPI (ACL 00-73)

Circumstances when individual will be considered “at fault” for a CAPI overpayment (ACL 00-73)

“Defeat purpose of CAPI” and “against equity and good conscience” (ACL 00-73)

Conditional continuation of CAPI for recipients who naturalize while on CAPI (ACL 08-03)

If newly naturalized citizen loses CAPI eligibility for reasons other than naturalization, conditional CAPI is terminated (ACL 08-03)

Conditional CAPI benefits begin the month after the month the recipient reports his or her naturalization (ACL 08-03)

Conditional CAPI received in month when SSI/SSP is also received is an overpayment if not already recovered in IAR process (ACL 08-03)

Income of sponsor and sponsor's spouse deemed to sponsored non-citizen (49-035.723)

Definitions of “new” and “old” affidavits of support (49-005(a)(1) and (2))

Sponsor deeming rules apply regardless of actual support by sponsor (49-037.1)
826-1C  Steps used in sponsor and spouse deeming (49-035.71)
826-1D  CAPI parent to child deeming (ACIN I-85-06, I-75-07)
826-2  Deeming rules when sponsor signed “new” affidavit of support (49-037.2)
826-3  Deeming rules when sponsor signed “old” affidavit of support (49-037.3)
826-4  Times when indigence exception from sponsor deeming applies (49-037.41)
826-4A No indigence exception when non-citizen lives with sponsor or receives free room and board (49-037.42)
826-4B When non-citizen is considered unable to obtain food and shelter (49-037.43)
830-1  Unearned income for SSI purposes includes Social Security benefits and pensions (20 CFR 416.1121(a))
830-2  Unearned income for SSI purposes includes the amount of Medicare premium deducted from Social Security check and garnished income (20 CFR 416.1123(b)(2))
830-3  $20 exclusion from unearned income under SSI (20 CFR 416.1124(c)(12))
830-4  Formula for determining SSI/SSP payment level (W&IC 12200, W&IC 12201)
830-5  Proceeds from the sale of an excluded home excluded for a three-month period (20 CFR 416.1212(d))
832-1  ALJs have no authority to award interest (AFL-CIO v. UIAB; ACIN I-52-96; Knight v. McMahon)