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- The income the immigrant receives from all sources is less than the SSI rate (currently \$545 for an individual and \$817 for a couple); and
 - The resources available to the immigrant are less than the applicable CAPI resource limit (currently \$2000 for an individual and \$3000 for a couple).

In determining whether the immigrant has income below the \$545 rate, (or \$817 for a couple) all of the immigrant's own income is counted including General Assistance or food stamps. Also, all the spouse's income is counted if the spouse is living with the immigrant. This would include the spouse's SSI/SSP income. Also counted is any cash, food, housing or assistance provided by other individuals or agencies, including the sponsor.

The resources of the immigrant and spouse are also considered to determine if the immigrant meets the resource limit.

The Indigence Exception applies for 12 months. During this 12 month period deeming is suspended. During this 12-month period, deeming is suspended even if CAPI recipient begins receiving income in excess of the SSI rate.

An example is provided in this ACL. An immigrant applies for CAPI on October 10, 2002. The immigrant is sponsored and the sponsor signed the I-864. The CAPI applicant lives alone. The sponsor gives her only \$350 a month. The sponsor verifies these facts.

If the CAPI applicant establishes that she does not receive free room and board from someone else, the county would determine that she meets the Indigent Exception because her \$350 income is less than the \$545 rate. Sponsor deeming would not apply to this CAPI applicant. The county would only count the \$350 she actually receives instead of deeming income to her for purposes of CAPI eligibility and grant amount.

The Indigent Exception once it is approved applies for 12 months. In this case, the CAPI applicant would receive her first CAPI benefit in November 2002 and the county would only consider income actually received for 12 months.

Note: The Indigent Exception may be renewed after 12 months.

*California Department of Social Services - State Hearings Division
Notes from the Training Bureau - October 30, 2002*

Item 02-10-01D

ACL 02-62 August 28, 2002 (Synopsis): Food Stamp Standards for October 1, 2002 through September 30, 2002

Effective October 1, 2002, the food stamps standard deduction remains at \$134 monthly

for households of one to four persons. The standard deduction for five persons is increased to \$147. The standard deduction for a household of six or more persons is increased to \$168 monthly. The homeless household shelter allowance remains at \$143 monthly.

The shelter deduction is increased to \$367 monthly. The standard utility allowance remains at \$206 monthly.

Also attached are charts for net and gross monthly income standards and maximum food stamp allotments for household sizes one to eight. The maximum food stamp allotment is increased by \$105 for each household member above eight persons. A table of allotments based on household income is also attached.

*California Department of Social Services - State Hearings Division
Notes from the Training Bureau - October 30, 2002*

Item 02-10-01C

ACL 02-56 July 25, 2002 (Synopsis): *Yarbrough v. Saenz*

A settlement was reached in *Yarbrough v. Saenz* (Ventura County Superior Court, Case No. CIV 196979). Per the terms of the settlement, counties must cease considering Supplemental Security Income (SSI) as unearned income for children receiving Title IV-E Adoption Assistance Program benefits.

The CDSS and counties were also required to advise AAP families that they must report to the Social Security Administration any AAP benefits they receive on behalf of an adopted child. The adoption agency should advise adoptive parents that the Social Security Administration might deduct AAP from the SSI grant.

Effective February 1, 2002, the Internal Revenue Service (IRS) began offsetting Social Security Administration payments to collect claims for unpaid federal taxes. For food stamp purposes, the income that is intercepted by the IRS is treated as income.

*California Department of Social Services - State Hearings Division
Notes from the Training Bureau - October 30, 2002*

Item 02-10-01B

ACL 02-55 July 22, 2002 (Synopsis): Food Stamp Budgeting Policy Changes

Reference: 7 Code of Federal Regulations (CFR) 273.9(b)(2), (d)(6)

There are two policy changes in the food stamp program discussed in this ACL.

Effective October 1, 2002, counties are not required to prorate the standard utility allowance (SUA) if a person who is an excluded household member shares utility expenses. The full SUA is allowed. For example, if an ineligible noncitizen mother with