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“ Counties are required to offer learning disabilities screening to all new CalWORKs WTW participants no later than assessment. Counties are no longer required to offer a screening to existing WTW participants at the annual redetermination, but must have offered a screening to all current participants by September 3, 2002.

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

**Item 02-10-01E**

**ACL 02-63 August 29, 2002 (Synopsis): Sponsor Deeming Changes in the Cash Assistance Program for Immigrants (CAPI)**

**Reference:** MPP §49-035.723(c)

New sponsor deeming rules in CAPI only apply to immigrants whose sponsor signed the new affidavit of support (I-864). Immigrants whose sponsor signed the I-864 may be temporarily exempt from sponsor deeming if they meet the requirements for the Indigent Exception. These new requirements are effective with CAPI payments beginning September 2002.

20 CFR §416.1160 mandates sponsor deeming regardless of whether the sponsor makes income available to the applicant/recipient. Notwithstanding this federal regulation, the Social Security Administration uses Program Operations Manual System (POMS) to administer the SSI/SSP program. A new POMs §SI 00502.280 discusses the Indigent Exception. (Also 8 U.S. Code §1631.)

Generally, if an immigrant's sponsor signed the I-864, income and resources of the sponsor and sponsor's spouse (if the spouse lives with the sponsor) are deemed available to the immigrant for CAPI purposes. When the Indigent Exception applies, the general rule is suspended and only income that the immigrant actually receives is counted.

The Indigent Exception applies when:

- “ Sponsor deeming results in denial, suspension or reduction of CAPI; and
- “ The immigrant is unable to obtain both food and shelter; and
- “ The immigrant completes and signs the Indigent Exception Statement (SOC 809); and
- “ The county determines the Indigent Exception applies.

The Indigent Exception does not apply to an immigrant who lives with his/her sponsor, or the immigrant lives with someone other than the sponsor and receives free room and board.

If the immigrant is living apart from his/her sponsor and not receiving free room and shelter in another person's home, the county should determine that the immigrant is unable to obtain food and shelter if:

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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