

This ACWDL expands the definition of public and private disability benefits that qualify as disability income. Public disability payments are those that are paid under statute or other law which require a finding of disability before payment is authorized. Examples include Social Security, permanent worker's compensation, Veteran's benefits and disability-based Railroad Retirement.

Private disability benefits are those paid by a private entity that are made due to a disability, and usually paid by the individual's insurer under a disability insurance plan which the individual purchased through premiums.

Temporary Worker's Compensation (TWC) and State Disability Insurance (SDI) are treated as earned income and not disability income for §1931(b) purposes. Therefore, for purposes of determining §1931(b) eligibility under the alternative B test, the MFBU is not entitled to the \$240 deduction from TWC or SDI.

California Department of Social Services - State Hearings Division Notes from the Training Bureau - August 13, 2003

Item 03-08-04C

ACWDL 03-34 June 19, 2003 (Synopsis): Changes in the Income Disregard Program for Pregnant Women

Effective immediately, all income from a parent of a pregnant minor is disregarded if the pregnant minor lives with the parent for purposes of determining if the minor qualifies for the 200% disregard program if the minor is not using regular Medi-Cal rules. Only the net nonexempt income of the pregnant minor, the spouse of the unborn and the father of the unborn are counted.

California Department of Social Services - State Hearings Division Notes from the Training Bureau August 13, 2003

Item 03-08-04B

ACWDL 03-28 May 14, 2003 (Synopsis): 2003/2004 Family Member Maximum Base Allocation Amount

Effective July 1, 2003 through June 30, 2004, the family-member base allocation amount for a family member living with the community spouse of a Medi-Cal beneficiary in Long Term Care is \$1515. The family-member maximum base allocation amount is used to determine how much money the LTC beneficiary may allocate to family members for the purpose of reducing the share of cost.

California Department of Social Services - State Hearings Division Notes from the Training Bureau - August 13, 2003

Item 03-08-04A

ACWDL 03-26 May 8, 2003 (Synopsis): Safe Arms for Newborns Law

Any child surrendered under the Safe Arms for Newborns Law pursuant to Section 1255.7 of the

Notes from the Training Bureau—Issue 06-9-1 (previous Notes 06-7-1)

Health and Safety Code is eligible for Medi-Cal under Welfare and Institutions Code (W&IC) §14005.24. The law applies to children under 72 hours old who are voluntarily surrendered to any employee on duty at a public or private hospital emergency room or other location designated by the county board of supervisors. Medi-Cal eligibility ends on the last day of the month following the month in which the child was surrendered.

*California Department of Social Services - State Hearings Division Notes from the Training Bureau
August 12, 2003*

Item 03-08-03G

ACL 03-27 June 20, 2003 and ACL 03-29 May 21, 2003 (Synopsis): Adoption Assistance Program (AAP) Issues

ACL 03-27 clarifies that the beginning date of eligibility for AAP for a child is when he/she meets the criteria in Welfare and Institutions Code § 16120 (see paraphrased regulation 920-1A). Once established, a child's eligibility for AAP remains unchanged as long as §§16120 (d), (e) and (f) are met.

Section 16120(d) says that a child is under 18 years of age, or under 21 and has a mental or physical handicap which warrants continuation of assistance.

Section 16120(e) says that the adoptive family is responsible for the child pursuant to the terms of an adoptive placement agreement or a final decree of adoption and has signed an adoption assistance agreement.

Section 16120(f) says that the adoptive family is legally responsible for the support of the child and the child is receiving support from the adoptive parent.

ACL 03-29 cites the Tripp v. Saenz case (San Francisco County Superior Court, Case No. CPF-02-501683). On April 10, 2003 that court ordered the CDSS to conform its policies to federal law by eliminating the application of Welfare and Institutions Code §16120(c) to AAP eligible children who meet SSI federal eligibility requirements.

If a child has not been determined to be SSI eligible, then W&IC §16120(c) requires the child to be subject of an agency adoption as defined under family code §8506, and be any of the following:

- Under the supervision of a county welfare department as the subject of a legal guardianship or a juvenile court dependency;
- Relinquished for adoption to a licensed or public adoption agency, or to CDSS, and would have otherwise been at risk of dependency as certified by the responsible public child welfare agency, or
- Committed to CDSS pursuant to Family Code §8805 or §8918.