

<b>Item 08-09-01A</b> <b>Paraphrased Regulations</b>
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This version of the paraphrased regulations provides 42 additions and 21 revisions to the paraphrased regulations. There are also 17 deleted paraphrased regulations and three renumbered paraphrased regulations.

The major CalWORKs additions are in the Welfare to Work area. All County Letter 08-36 addressed the *Camacho v Allenby* lawsuit. The Superior Court issued an order that required reimbursement of supportive services incurred by a SIP participant prior to signing a WTW plan, but established limitations for such reimbursement.

All County Information Notice I-47-08 discusses the inclusion of on-line courses in a Welfare-to-Work (WTW) plan and when it is appropriate for counties to provide CalWORKs supportive services for individuals participating in approved on-line courses.

In food stamps, All County Letter 08-37 advised of mandatory changes pursuant to the Food Conservation and Energy Act of 2008 (i.e. the farm bill). The changes are mandatory effective October 1, 2008 subject to a state budget. These changes include:

- Renaming the Food Stamp Program the “Supplemental Nutrition Assistance Program” or SNAP and renaming the Food Stamp Act of 1977 the “Food and Nutrition Act of 2008” effective October 1, 2008.
- Raising the minimum standard deduction for households with one to three members from \$134 to \$144 for Federal Fiscal Year (FFY) 2009 and indexing it to inflation starting in FFY 2010.
- Eliminating the cap on the deduction for dependent care expenses (currently \$175 or \$200 per month, depending on the age of the dependent), and allowing families eligible for the deduction to deduct the entire amount of dependent care expenses when calculating benefit levels.
- Excluding all tax-preferred education accounts (e.g., 529s) and retirement accounts (e.g., IRAs), from countable resources in determining eligibility. It excludes any funds in a plan, contract, or account, described in sections 401(a), 403(a), 403(b), 408, 408(a), 457(b), and 501(c)(18) of the Internal Revenue Code of 1986 and the value of funds in a federal thrift Savings Plan account as provided by 5 U.S.C. 8439. It also provides for the exclusion of any successor retirement accounts that are exempt from federal taxes.

All County Information Notice I-61-08 provides the standard deduction, shelter deduction, homeless household shelter allowance, standard utility allowance (SUA), limited utility allowance (LUA), income eligibility standards and food stamp tables of coupon issuance –effective October 1, 2008.

Regulations in several programs including CalWORKs, In-Home Supportive Services (IHSS), Refugee Cash Assistance, Food Stamps and CAPI now permit eligibility to certain non-citizens who are victims of human trafficking and domestic violence. There is also a new state Trafficking and Crime Victims Assistance Program (TCVAP) in MPP Division 70.

In foster care, All County Letter 08-26 discusses out of state placements. Five new paraphrased regulations in issue code 187 have been added.

There are two new issue codes:

187-Out of State Placements  
726-TCVAP

Issue Code 504 has been renamed from Underpayments to "Recomputation of the Share of Cost." Over 60 issue codes that are rarely, if ever, used have been deleted.

**Deleted Issue Codes:**

030-035; 057; 110-118; 163; 190; 196; 287; 311-315; 501; 503; 590-593; 708-709; 711-712; 715; 723-725; 742-743; 750-753; 760; 780; 791; 801-809; 811-812; 831-832; 900; 907; 910

**RENUMBERED**

243-7B to 243-7C  
483-12 to 483-12A  
825-3K to 825-3L

**DELETED**

S037-1; S037-2; 070-5; 070-6; 078-2; S104-7; 211-1A; S213-7; 236-1A; 236-2; 236-3; S256-2I; S270-9B; S270-12C; S273-1; S273-1A; S273-5A;

**REVISED**

**042-1**

Categories of eligible aliens (42-431.2; .23; .3)

**073-8**

Drug felons defined, and excluded from the AU (W&IC 11251.3; 82-832.1(j), 82-832.20)

**135-9**

When the minor parent lives with his/her parent(s), the income and needs of the senior parent(s) are considered (89-201.5)

**215-4I**

Adjustment of food stamp allotment when person leaves TFS household and is approved for food stamps in another household; county must recompute the TFS benefit for the remaining TFS household members by removing the individual from the TFS household along with his/her income, if any. (63-502.132(c); ACL 08-22)

**236-1**

CFAP eligibility, victims of trafficking or domestic abuse now eligible for CFAP eff. 7/1/08 (63-403.1, .11)

**243-3**

CFAP eligibility for certain legal non-citizens not eligible for federal food stamps including eligibility for victims of trafficking, domestic violence or other serious crimes (63-403.1)

**260-3**

Net income of all other HHs other than elderly or disabled (63-503.311; 63-502.2(p); Handbook 63-1101.2; ACIN I-45-07, I-48-07, I-61-08; ACL 08-37)

**260-3C**

Net monthly income of household with elderly or disabled member (63-503.312; 63-502.2(p); ACIN I-45-07, I-48-07, ACL 08-37, ACIN I-61-08)

**260-3D**

Standard deduction amounts current year and prior year (ACIN I-45-07, I-61-08)

**260-3G**

Current and last year SUA (ACIN I-45-07, I-61-08)

**270-9**

Mandatory SUA effective November 1, 2006; Amount of SUA (63-502.363; ACIN I-61-08)

**272-1**

Net monthly income of HH with elderly or disabled member (63-503.312; 63-502.2(p); ACIN I-48-07, I-61-08)

**272-1A**

Legally obligated child support to non-household member is a deduction prior to November 2006; treated as an exemption effective November 2006 (ACL 95-49; 63-502.2(p); ACIN I-48-07)

**273-1B**

Insert deductions, standard, shelter cost; standard deduction for one to three persons increased effective October 1, 2008 (ACL 08-37; ACIN I-\_\_-\_\_)

**421-2**

Applicants and beneficiaries who are exempt from citizenship/identity verification (ACWDL 07-12; 08-29)

**433-4**

QI-1 program sunset extended to December 30, 2009 (ACWDL 08-33)

**439-5**

Effective A&D FPL limit for individual and couples in current and prior year (ACWDLs 07-06, 08-06, 08-13, and 08-24)

**452-3**

Definition of "Long-Term Care Status" (ACWDL 90-01, draft regulation 50056; W&IC 14050.3)

**622-7**

Multiply hours authorized by minimum wage to determine IHSS payment level (30-764.12, 30-764.21; ACIN I-100-06)

**721-2**

Eight-month RCA eligibility, beginning with month of entry for most recipients (69-202.41, Handbook 69-202.411; 45 CFR 400.203, .211)

**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)

**ADDITIONS****019-2b**

State-funded victim of trafficking, domestic violence or other serious crimes not required to meet Social Security number requirements (40-105.26)

**103-16**

Counties must allow on-line courses as an activity if they are consistent with the participant's assessment and participation can be verified (ACIN I-47-08)

**103-16A**

Counties must apply their on-line course policies equitably to all participants (ACIN I- 47-08)

**105-10**

Reimbursement of supportive services incurred by a SIP participant prior to signing a WTW plan is required within established limitations (ACL 08-36, *Camacho v Allenby*)

**105-10A**

County not obligated to reimburse or pay supportive services for persons who do not qualify for a SIP until Welfare to Work plan is signed (ACL 08-36)

**106-12**

CalWORKs participants assigned to on-line courses are eligible for supportive services including transportation, ancillary expenses, and child-care (ACIN I-47-08)

**106-12A**

On-line course participants may be eligible for child-care services provided that the on-line course is part of the approved WTW activity (ACIN I-47-08)

**187-1**

Federal Safe and Timely Interstate Placement of Foster Children Act requires states to develop a process for home studies for children placed across state lines (ACL 08-26)

**187-2**

Family Code Sections 7901.1 and 7906.5 require California to conduct a study of home environment to assess safety and suitability within 60 days of receiving request from another state (ACL 08-26)

**187-3**

Exception to 60-day to home study requirement up to September 30, 2008 if county is unable to meet 60-day requirement (ACL 08-26)

**187-4**

Complete home study request based on date the county or adoptions district office had all relevant documents (ACL 08-26)

**187-5**

Timelines for rejecting foster or adoptive home study by other states (ACL 08-26)

**200-8**

Food Stamp Program renamed the "Supplemental Nutrition Assistance Program" or SNAP effective October 1, 2008. (ACL 08-37)

**216-1A**

Counties must send the household an appointment letter (FS29) which informs them about the date and time of their recertification interview (ACL 08-29)

**216-1B**

Counties must send NOMI even if household fails to mail back a completed application (ACL 08-20)

**233-11**

A sponsored non-citizen may not claim indigent status if he/she does not provide information regarding the sponsor's income (ACIN I-58-08)

**240-2B**

Under QR/PB, a child who receives food stamps and then is placed in Foster Care is eligible for food stamps until the end of the quarter unless the child is approved for food stamps in the foster care household (ACIN I-58-08)

**243-7B**

A person is a fleeing felon and thus ineligible for food stamps even if he is aware of an active felony warrant from another state and is not extraditable to that state. (ACIN I-58-08)

**252-2B**

All tax-preferred education accounts (e.g., 529s) and retirement accounts (e.g., IRAs), are excluded from countable resources in determining eligibility (ACL 08-37)

**265-2A**

Adoption assistance payments are treated as unearned income in food stamps except for that portion of the adoption subsidy that is earmarked for an excludable reimbursement (ACIN I-58-08)

**271-1A**

The cap on the dependent care deduction is eliminated (ACL 08-37)

**273-1**

Standard deduction current and prior year (ACIN I-45-07, I-61-08)

**273-1A**

SUA current and prior year (ACIN I-45-07, I-61-08)

**293-2D**

No current State regulations that would prevent counties from pursuing collections of an established administrative error or inadvertent household error overissuance claim (ACIN I-58-08)

**296-17**

Collecting overissuances from EBT accounts (16-750.1-.13)

**296-18**

The county can collect from two separate cases at the same time for one claim as long as each case consists of an adult member who was an adult member of another household that received more food stamp benefits than it was entitled to receive (ACIN I-58-08)

**316-6**

EBT account will become dormant when a household has not accessed its benefits after 180 days; Benefits will be expunged from an EBT account when they have not been accessed after 365 days (ACL 08-37)

**410-18I**

If person who no longer has linkage to Medi-Cal program but alleges disability on MC210 RV, county must continue Medi-Cal (ACWDL 06-17)

**421-2A**

Former SSI or Medicare recipients are not exempt from citizenship/identity requirements (ACWDL 08-29)

**421-4E**

New documents added as acceptable evidence of identity (ACWDL 08-29)

**421-4F**

Clarification related to acceptable evidence of identity (ACWDL 08-29)

**430-1A**

Beneficiaries of the Presumptive Eligibility for Pregnant Women (PE) program may require retroactive Medi-Cal; county duty to advise of retroactive coverage (ACWDL 08-27)

**447-12**

Determining eligibility for Pickle couples (Pickle Handbook §15-9)

**483-2C**

County department responsibilities for informing all Medi-Cal applicants or potential applicants at screening (ACWDL 90-01; 50154)

**483-12**

Treatment of pension funds, including IRAs (ACWDL 90-01; 50458)

**611-2A**

Non-citizen victims of human trafficking, domestic violence and other serious crimes potentially eligible for IHSS-Residual (30-770.51)

**611-10**

Non-citizens who are LAPRs or considered to be PRUCOL are potentially eligible for IHSS-R (ACIN I-18-08)

**721-2A**

Time-limit eligibility and exceptions (69-205.241)

**726-1**

Implementation of state TCVAP program for victims of human trafficking not eligible for RCA or for non-citizen victims of domestic violence or other serious crimes (70-101)

**726-1A**

CWD shall determine the trafficking status of non-federally eligible individuals applying for state benefits and services as victims of a severe form of human trafficking. (70-102; 70-102.11 handbook)

**726-1B**

Sworn victim or representative statement plus one item of additional evidence is sufficient to verify trafficking status; if no additional evidence is available, credible victim statement is sufficient (70-102.2 and.3)

**825-3K**

General non-citizen eligibility requirements for CAPI (49-020.1)