



CDSS

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April 17, 2017

ALL-COUNTY LETTER (ACL) NO. 17-33

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☒ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
ALL INTERIM ASSISTANCE REIMBURSEMENT (IAR) PROGRAM MANAGERS
ALL CASH ASSISTANCE PROGRAM FOR IMMIGRANTS (CAPI) MANAGERS

SUBJECT: TRANSMISSION OF UPDATED CASH ASSISTANCE PROGRAM FOR IMMIGRANTS (CAPI) SOC 860 AND CLARIFICATION OF POLICY (SPONSOR'S STATEMENT OF FACTS: INCOME AND RESOURCES)

REFERENCES: [ALL-COUNTY INFORMATION NOTICE I-01-10](#), DATED May 25, 2010; [ALL-COUNTY INFORMATION NOTICE I-47-12](#), DATED November 27, 2012; [MANUAL OF POLICIES AND PROCEDURES \(MPP\)](#) §§49-005(b), 49-020.31, 49-037; WELFARE AND INSTITUTIONS CODE (WIC) [§§18938\(a\)](#), [18940\(b\)](#); [PROGRAM OPERATIONS MANUAL SYSTEM \(POMS\)](#) [§SI 00502.240\(C\)](#)

THIS ALL-COUNTY LETTER SUPERSEDES AND REPLACES ALL-COUNTY INFORMATION NOTICE (ACIN) I-47-12, DATED NOVEMBER 27, 2012.

The purpose of this All County Letter (ACL) is to transmit an updated version of the form [SOC 860](#) (Sponsor's Statement of Facts: Income and Resources) in the Cash Assistance Program for Immigrants (CAPI) and to clarify the California Department of Social Services' (CDSS) policy regarding the use of the SOC 860.

Sponsor-to-Alien Deeming and the SOC 860

Sponsor-to-alien deeming applies to both the "basic CAPI" and "extended CAPI" programs. Generally, the income and resources of an immigrant's sponsor (including the

income and resources of the sponsor's spouse, if he/she resides with the sponsor) are deemed to the immigrant for a period of ten years ("extended CAPI"). [Welfare and Institutions Code \(WIC\) §18940\(b\)](#); [Manual of Policies and Procedures \(MPP\) §49-37.22](#). However, in the case of sponsored immigrants qualifying for "basic CAPI" (e.g., because the sponsor has become disabled), sponsor deeming continues to apply indefinitely (until the sponsor dies, the immigrant naturalizes or the immigrant is credited with 40 qualifying quarters of earnings as a lawfully admitted permanent resident). See [WIC §§18938\(a\)\(2\), 18940\(b\)](#); MPP §§49-005(b), 49-020.31; [Program Operations Manual System \(POMS\) §SI 00502.240\(C\)](#). Sponsored immigrants approved for "extended CAPI" (ten-year sponsor deeming) under an indigence exception should be transferred by the county to the "basic CAPI" program (indefinite sponsor deeming) whenever eligible (e.g., if the sponsor becomes disabled). See [WIC §18938\(a\)\(3\)](#) (immigrant qualifies for extended CAPI only when basic CAPI does not apply). In order for the county (or CAPI consortium) to accurately deem the income and resources of the sponsor to a CAPI applicant/recipient, the county must know how much income and resources the sponsor has. For the duration of the ten-year sponsor deeming period, the sponsor must provide the county with this information:

- when the sponsored immigrant applies for CAPI, and
- at least annually after CAPI is granted.

For the convenience of counties and sponsors, CDSS has developed the Sponsor's Statement of Facts: Income and Resources (SOC 860) for this purpose. Although the original SOC 860 was released in [ACIN I-01-10](#), please note that this form has been superseded by the December, 2016 SOC 860 update. For details, please see below ("Confirming immigrant's allegations regarding sponsor support").

As indicated above, form SOC 860 has been provided by the state as a convenience. However, substitutions are permitted. While sponsors are strongly encouraged to avail themselves of this convenience, counties must accept signed sponsor income and resource statements submitted in other formats. Providing the information requested on SOC 860 to the county is mandatory; using SOC 860 for this purpose is not. As counties require sponsor income and resource information in order to determine whether sponsor deeming applies, incomplete information should not be accepted. The county is expected to specify which information is missing and to contact the sponsor to request that it be provided.

As the amount of a sponsor's income and resources will generally change from year to year, it is necessary for the county to update sponsor information annually (and sooner if the county becomes aware of a change in the sponsor's circumstances during the year) as part of the CAPI redetermination process.

Example 1: Initial CAPI Application

Six months ago, an immigrant's sponsor (within the ten-year deeming period) lost his job and has been unable to find another. The sponsor's unemployment benefits and savings have run out, and he now has zero income and resources. The sponsor has moved into a spare bedroom in his brother's house and is being completely supported by him. Accordingly, the sponsor no longer provides any support to the immigrant,

rendering the immigrant unable to provide himself with shelter and food. Although the immigrant has been rendered indigent, this is not an “indigence exception” because deeming the sponsor’s income (zero) to the immigrant will **not** result in the denial, suspension or reduction of CAPI benefits. MPP §49-037.411. In accordance with CDSS policy, when the immigrant applies for CAPI the county sends form SOC 860 to both the sponsor and the applicant. The sponsor completes the form, indicating zero income and resources and providing documentation of the termination of his unemployment benefits. The county deems the sponsor’s income and resources (zero) to the immigrant. As a result, the county finds that the immigrant meets CAPI income eligibility requirements.

Example 2: Redetermination

More than a year ago, an immigrant within the ten-year sponsor deeming period voluntarily moved out of her sponsor’s residence and relocated to her own apartment. At that time, the sponsor stopped supporting the immigrant (in violation of the New Affidavit of Support that he had signed), stating that he could not afford to pay his mortgage and monthly apartment rent as well. Receiving nothing from the sponsor, the immigrant quickly ran through her meager savings, received a “pay or quit” notice, and was therefore in danger of eviction for nonpayment of rent. Eleven months ago, she applied for and was granted CAPI under the indigence exception to the sponsor deeming rule. It has now been ten months since she began receiving monthly CAPI payments. The county follows CDSS policy by beginning the annual redetermination process promptly. In accordance with CDSS policy, the county sends SOC 860 to both the sponsor and the immigrant. Based on the information provided by the sponsor on the SOC 860, the county concludes that the sponsor could provide support to the CAPI recipient but has chosen not to do so. This statement agrees with the recipient’s SOC 809 claim that she receives nothing from her sponsor. The county finds that the recipient is still eligible for the indigence exception, suspends sponsor deeming and continues her monthly CAPI payments.

Indigence exception

If an immigrant is no longer being provided with support by his or her sponsor, and as a result, the immigrant is unable to provide him/herself with both shelter and food, in some circumstances the immigrant may be eligible for an “indigence exception” to the sponsor deeming rules. In that case, an immigrant whose sponsor’s income would exceed the CAPI income limit may be eligible for suspension of sponsor deeming that would enable the immigrant to receive CAPI benefits. MPP §49-037.23.

During extended CAPI’s ten-year sponsor deeming period (sponsor deeming runs indefinitely for those receiving basic CAPI), a CAPI applicant or recipient must obtain a completed SOC 860 (or equivalent information in another format) at the initial CAPI application and again at each redetermination. Additionally, as part of the indigence exception, CAPI regulations specifically require that the county obtain a signed statement from the sponsor(s) regarding the sponsor’s income and resources. MPP §49-037.53. Accordingly, an immigrant’s sponsor(s) must complete form SOC 860

whenever the immigrant applies for the indigence exception. Each year, the sponsor(s) must file a *new* SOC 860 with the county (reflecting the sponsor's income and resource changes that may have occurred during the year). MPP §49-037.51. The previous year's SOC 860 expires after 12 months and may not continue to be used after a year has elapsed.

Confirming amount of sponsor support to immigrant

Immigrants applying (or reapplying) for the indigence exception must provide the county with information regarding the amount of support received from the sponsor. The immigrant does so by completing the CAPI Indigence Exception Statement ([SOC 809](#)). MPP §49-037.461. The county must then contact the sponsor to verify the immigrant's allegations. MPP §49-037.462. To simplify this process for the counties, CDSS has added Question #4A (monthly amounts of cash support and non-cash support provided by the sponsor to the immigrant) to the 12/16 version of SOC 860.

The county must compare the immigrant's allegations from the SOC 809 to the sponsor's statement of amount of support provided to the immigrant from SOC 860 Question #4A. In order to determine the amount of support that the immigrant obtains from the sponsor, MPP §49-037.463(a), the county must perform any verification and/or investigation necessary to resolve discrepancies between the statements of the sponsor and those of the immigrant.

Sponsor deeming or indigence exception?

For the indigence exception to apply, sponsor deeming must result in denial, suspension or reduction of CAPI benefits. MPP §49-037.411. In reviewing the SOC 860 completed by the sponsor, the county must determine whether applying sponsor deeming would have this result. For example, if the sponsor indicates that he has become indigent himself and is being supported by family, the indigence exception would most likely not apply because deeming the sponsor's (lack of) income to the immigrant would not result in denial, suspension or reduction of CAPI benefits (see Example 1, above).

By contrast, if SOC 860 indicates that the sponsor has substantial income, that deeming it to the immigrant would result in denial, suspension or reduction of CAPI benefits, and that the sponsor is providing little or no support to the immigrant, then the indigence exception would apply if all other requirements of MPP §49-037.4 are satisfied.

In cases where the sponsor fails to complete SOC 860 (or equivalent) to the county's satisfaction (including requested verifications), the county will not be able to accurately determine whether sponsor deeming applies or whether the indigence exception applies. Accordingly, the county must deny or terminate CAPI benefits pursuant to MPP §49-037.512.

Obtaining sponsor's income and resource information

Although CAPI regulations specify that *the non-citizen* is responsible for obtaining the sponsor's cooperation in providing the county with an updated statement of the sponsor's income and resources (MPP §49-037.51), it is CDSS policy that the county send the SOC 860 to *both* the immigrant and sponsor. As it is the sponsor who must

complete SOC 860, sending the form directly to the sponsor may assist the county in making timely eligibility determinations. Please note that the county may not accept any SOC 860 that has been completed by the applicant/recipient.

It is CDSS policy that the county or CAPI consortium take the following steps to obtain the sponsor's income and resource information:

- Each time a CAPI initial application is reviewed (or a redetermination is performed) for a sponsored immigrant within the sponsor deeming period, the county must:
 - provide the applicant/recipient with a blank SOC 860 as part of the CAPI intake or redetermination packet, **and**
 - send a blank SOC 860 to the sponsor along with instructions to complete it and return it to the county within 15 days.
- If any of the immigrant's sponsors do not return the completed SOC 860 to the county within 15 days, the county must send another copy of SOC 860 to that sponsor and recipient along with a second notice to comply within 15 days.
- If any of the immigrant's sponsors fail to return the completed SOC 860 within 15 days (30 days total from time of first request), the county must deny the CAPI application or suspend CAPI eligibility and payment. MPP §49-037.512. The applicant/recipient must be provided with an appropriate notice of action.

To complete review of each CAPI application within the 30-day period prescribed by MPP §30-009, a county may establish a policy that reduces the 15-day response time indicated above (e.g., to 10 days or 12 days).

Verifications

The county must verify all SOC 860 information provided by the sponsor. The sponsor must cooperate with the county's efforts in this regard by providing all supporting documentation requested by the county.

Form SOC 860 requires that the sponsor provide the county with pay stubs or other proof of earnings (Question #5) and, in some cases, with tax returns or other proof of income (Questions #6 and 7). However, the county may request additional documentation from the sponsor in order to verify the sponsor's allegations to the county's satisfaction. Sponsors who do not provide the documentation required by SOC 860 or any verification requested by the county are deemed to have failed to cooperate with the county's CAPI application/redetermination process. In such cases, the county must deny or terminate the applicant's/recipient's CAPI benefits in accordance with MPP §§49-015.13, 49-037.512 and 49-060.1(d).

Failure to cooperate

Please note that a sponsor's failure to cooperate with the county's efforts to obtain current income and resource information may take many forms, including:

- Failure to respond to county's request for completion of SOC 860
- Failure to provide proof of earnings or other verifications requested by the county

- Incomplete SOC 860s, including sponsor statements of refusal to support the immigrant that are not accompanied by sponsor income and resource information
- Sponsor statements indicating refusal to cooperate with the county's efforts

As indicated above, the county must deny or terminate CAPI benefits when the sponsor refuses to cooperate with the county's request for the sponsor's current income and resource information.

Undeliverable mail

If the county's attempt to mail the SOC 860 to the sponsor's address on file with the county is returned by the U.S. Post Office as undeliverable, the county must take the following steps to contact the sponsor:

- Attempt to obtain a more current address for the sponsor from the CAPI applicant/recipient. If such an address is available, restart the process described above. If the immigrant does not have a different address for the sponsor, or if the immigrant states that he or she does not know the sponsor's whereabouts, *then*
- Submit [Form G-845 Supplement](#) to USCIS, requesting the sponsor's name and current address. If the USCIS response to the county includes a different sponsor name and/or address, restart the process described above (using the new address). If USCIS does not respond to the county within 30 days or completes and returns the form to the county with the same sponsor contact information that the county has on file, *then*
- Assume that the sponsor cannot be located and accept the immigrant's SOC 809 allegations regarding sponsor support, if such allegations are credible and do not conflict with other information on file with the county. MPP §49-037.462.

Sponsor cannot be located

Counties and consortia should be aware that an SOC 860 returned by the U.S. Post Office is just one of many possible indications that a sponsor cannot be located. When an applicant or recipient indicates that the whereabouts of one or more sponsors is unknown, it is the responsibility of the county or consortium to investigate this allegation. If the county or consortium verifies to its satisfaction that a sponsor cannot be located, it should accept the applicant's or recipient's statement on SOC 809 regarding the sponsor's support (or lack thereof), if those allegations are credible and do not conflict with other information in the applicant's or recipient's file. MPP §49-037.462(b).

Please be aware that the county is not required to accept non-credible or conflicting information from either the sponsor or the immigrant. The county may request verifications and perform investigations as needed. This is particularly applicable in the case of indigence exception applications, where the county must establish to its satisfaction whether or not the indigence exception applies to a particular case.

Confirming immigrant's allegations regarding sponsor support

Applicants for the indigence exception (initial and redeterminations) must complete the CAPI Indigence Exception Statement (SOC 809). MPP §49-037.413. Regulations require the county to contact the sponsor to confirm the non-citizen's allegations (made

on SOC 809) in regard to the amount of income and resources supplied to the immigrant by the sponsor. To meet this requirement and to streamline this process for the counties, CDSS has added Question #4A (see illustration below) to the bottom of the first page of SOC 860. This question requires the sponsor to indicate the amount of support provided to the applicant or recipient.

4A. I currently provide the following amount of support each month to the CAPI applicant(s)/recipient(s) named at the top of this form:

MONTHLY AMOUNT OF CASH SUPPORT PROVIDED: \$ _____

OTHER NON-CASH SUPPORT (Shelter, food, transportation, clothing, etc.) **Please describe:** _____

Sponsor-to-alien deeming worksheet

After the sponsor's income and resources information has been obtained and verified, the county or CAPI consortium may use the [Sponsor-to-Alien Deeming Worksheet \(SOC 454\)](#) to calculate amounts to be deemed from the sponsor to the CAPI applicant or recipient.

Camera Ready Copies and Translations

For camera-ready copies in English, contact the Forms Management Unit at fmudss@dss.ca.gov. If your office has internet access you may obtain this form from the CDSS [Forms-Brochures/Forms-by-Program webpage](#).

When translations are completed per MPP Section 21-115.2, including Spanish form, they are posted on our website. Copies of the translated forms can be obtained at the [CDSS Forms-by-Program webpage](#).

For questions on translated materials, please contact Language Services at (916) 651-8876. Until translations are available, recipients who have elected to receive materials in languages other than English should be sent the English version of the form or notice along with the *GEN 1365-Notice of Language Services* and a local contact.

The CWDs shall ensure that effective bilingual services are provided. This requirement may be met through utilization of paid interpreters, qualified bilingual employees, and qualified employees of other agencies or community resources. These services shall be provided free of charge to the applicant/recipient.

In the event that CDSS does not provide translations of a form, it is the county's responsibility to provide the translation if an applicant or recipient requests it. More information regarding translations can be found in MPP Section 21-115.

Should you have questions regarding the information contained in this letter, please contact Aron Smith, Cash Programs Manager, Adult Programs Policy and Quality Assurance Branch, Policy and Operations Bureau at (916) 651-1174 or email to aron.smith@dss.ca.gov.

Sincerely,

Original Document Signed By:

DEBBI THOMSON
Deputy Director
Adult Programs Division

c: CWDA