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GAVIN NEWSOM
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June 25, 2019

ERRATA

ALL COUNTY LETTER (ACL) NO. 17-70E III

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

SUBJECT: **ERRATA TO ACL NO. 17-70 RE: SPONSOR VERIFICATIONS IN
INDIGENCE EXCEPTION CASES**

REFERENCE: [WELFARE AND INSTITUTIONS CODE §18940\(b\)](#);
[MANUAL OF POLICIES AND PROCEDURES \(MPP\)](#) §§ 49-015.22,
49-037;
[ALL COUNTY LETTER NO.17-70 \(JULY 21, 2017\)](#);
[ALL COUNTY LETTER NO.17-70E \(DECEMBER 21, 2017\)](#);
[ALL COUNTY LETTER NO.17-70E II \(JUNE 8, 2018\)](#).

The purpose of this All County Letter (ACL) is to clarify California Department of Social Services (CDSS) policy in regard to counties or Cash Assistance Program for Immigrants (CAPI) consortia obtaining sponsor verification of information from a claimant's [Indigence Exception Statement \(SOC 809\)](#).

Background

[All County Letter No.17-70 E II](#) announced that, in cases where a county or CAPI consortium has received a request for or determined that the indigence exception to sponsor deeming applies, it may not require sponsors to provide income and resources information, e.g., on [Sponsor's Statement of Facts: Income and Resources \(SOC 860\)](#) in determining eligibility for the indigence exception to sponsor deeming. However, that ACL did not specify how this policy applies to a sponsor's unavailability or a sponsor's failure to cooperate with a county's efforts to verify claimant statements regarding sponsor support made on the SOC 809 form when determining eligibility for the indigence exception.

The purpose of the SOC 809 is to provide CAPI applicants and recipients with a means of requesting an indigence exception to the sponsor deeming rule. Completion of a signed SOC 809 is one of the requirements for a county or CAPI consortium to approve the indigence exception for a sponsored claimant. (Manual of Policies and Procedures (MPP) §49-037.413).

Policy

A sponsor's failure to cooperate with or respond to information verification attempts by a county or CAPI consortium is not a basis for denial of the indigence exception.

Effective immediately, and retroactive to April 17, 2017, in all CAPI cases in which the indigence exception has been requested, a county or CAPI consortium shall not deny a requested indigence exception solely due to sponsor unavailability or sponsor noncooperation with attempts to verify any information. This includes, but is not limited to, information otherwise provided on the SOC 860 or SOC 809 forms.

When a sponsored claimant completes the SOC 809 to apply for the indigence exception, the county or consortium still must continue to make efforts to contact sponsors for the purpose of verifying the claimant's statements regarding the amount of sponsor support, if any, received. (MPP §49-037.462). However, the county or CAPI consortium may not deny the requested indigence exception solely based on sponsor unavailability or sponsor noncooperation with information verification attempts. In this situation, the county or consortium must accept the claimant's allegations regarding sponsor support (or lack thereof) as indicated on SOC 809.

An exception to the policy stated above is that the county or CAPI consortium does not have to accept a claimant's statements on the SOC 809 regarding sponsor support if they are not credible or conflict with other information in the file. (MPP §49-037.462). If a claimant's statements regarding sponsor support on the SOC 809 are not credible or conflict with other information in the file, the county or CAPI consortium should weigh all evidence in the file, make a decision based on all available evidence, and prepare a written determination on the [SOC 813](#) (Indigence Exception Determination Form) as to whether the indigence exception applies or not. (MPP §49-037.463).

For cases in which an applicant has requested the indigence exception to sponsor deeming, but the county has determined that the indigence exception does not apply, the county may still proceed to evaluate eligibility for regular CAPI benefits with sponsor deeming. In these cases, the county must still use the SOC 860 and 809 for sponsor verification in determining eligibility for regular CAPI benefits with sponsor deeming. The fact that a claimant requested the indigence exception previously but was determined ineligible does not preclude the county from using the SOC 809 and 860 in determining eligibility for regular CAPI benefits with sponsor deeming.

Additionally, counties and CAPI consortia must be aware that many CAPI applicants may not speak English or may have limited English proficiency, may not have the assistance of an authorized representative or others knowledgeable in program rules, and may therefore be unfamiliar with the term “indigence exception” and fail to specifically request it. The MPP §49-015.22 requires that counties and CAPI consortia assist applicants and recipients as needed to establish their eligibility for CAPI.

Accordingly, counties and CAPI consortia may not apply sponsor deeming and may not send SOC 860 to a claimant’s sponsor(s) based solely on the fact that the claimant has not requested the indigence exception. Rather, when a sponsored claimant who is within the 10-year CAPI sponsor deeming period established by [Welfare and Institutions Code §18940\(b\)](#) fails to request the indigence exception, the county or CAPI consortium must first explain to the claimant the availability of the indigence exception and the potential consequences of applying sponsor deeming, and must offer the claimant the opportunity to complete and sign SOC 809 to request the indigence exception. If the claimant declines this offer, the county or CAPI consortium must document the offer and refusal in the case notes. The information in this paragraph supersedes any contradictory interpretation of ACL No. 17-70E II.

Should you have questions regarding the information contained in this letter, please contact Aron Smith, Benefit Programs Unit Manager, in the CDSS Adult Programs Division at aron.smith@dss.ca.gov or (916) 651-1174.

Sincerely,

Original Document Signed By:

DEBBI THOMSON
Deputy Director
Adult Programs Division