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**ELIGIBILITY AND ASSISTANCE STANDARDS**  
**CASH ASSISTANCE PROGRAM FOR IMMIGRANTS (CAPI)**

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**CHAPTER 49-000 CASH ASSISTANCE PROGRAM FOR IMMIGRANTS (CAPI)**

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**49-005**                      **SPECIAL DEFINITIONS (Continued)**                      **49-005**

- (A) Entered the United States prior to August 22, 1996 or
- (B) Entered the United States on or after August 22, 1996 and
  - 1. Has a sponsor who is deceased or disabled (as defined in MPP Section 49-020.312) or
  - 2. Is a victim of abuse by the sponsor or the sponsor's spouse.
- (c) (1) "Consortium" means a group of counties that have jointly agreed to have the CAPI program in each individual county administered by a single lead county within the group.
- (d) (1) "Department" means the California Department of Social Services.
- (e) (1) "Eligible Couple" means an eligible individual and his or her eligible spouse.
  - (2) "Eligible individual" means an aged, blind, or disabled individual who meets all the requirements for CAPI eligibility.
  - (3) "Eligible spouse" means an aged, blind, or disabled individual who meets all CAPI eligibility requirements (including filing an application) and is the husband or wife of another aged, blind, or disabled individual and who is living with that individual. (For purposes of calculating the CAPI benefit, a spouse who is receiving SSI/SSP will be considered an eligible spouse.)
  - (4) "Extended CAPI," refers to the more recent eligibility component of CAPI, as set forth in Welfare and Institutions Code Section 18938(a)(3), for which the earliest possible payment date was October 1, 1999. A non-citizen is potentially eligible for extended CAPI if he or she entered the United States on or after August 22, 1996 and also meets one of the following criteria:
    - (A) Does not have a sponsor.
    - (B) Has a sponsor who is NOT deceased or disabled.
    - (C) Has a sponsor and is NOT a victim of abuse by the sponsor or the sponsor's spouse.
- (f) (Reserved)





**49-005**                      **SPECIAL DEFINITIONS (Continued)**                      **49-005**

- (K)     A non-citizen granted lawful temporary resident status under Section 245A of the INA (The Immigration Reform and Control Act of 1986).
  
- (L)     A non-citizen not in one of the above categories, who can show that: (1) INS knows he/she is in the United States; and (2) INS does not intend to deport him/her, either because of the person's status category or individual circumstances.
  
- (q)     (1) "Qualified Alien" means non-citizens who meet the definition of Qualified Alien as described in Section 431 of Public Law 104-193, as amended. Falling within that definition of Qualified Alien is any non-citizen who is:
  - (A)     Lawfully Admitted for Permanent Residence (LAPR).
  
  - (B)     Granted Cuban/Haitian entrant status. (Section 501(e) of the Refugee Education Assistance Act of 1980).
  
  - (C)     A refugee who entered the United States under Section 207 of the INA.
  
  - (D)     Granted status as an asylee under Section 208 of the INA.
  
  - (E)     A non-citizen whose deportation is being withheld under Section 243(h), or whose removal is being withheld under Section 241(b)(3) of the INA.
  
  - (F)     A non-citizen paroled into the United States for a period of at least one year under Section 212(d)(5) of the INA.
  
  - (G)     A conditional entrant admitted to the United States under Section 203(a)(7) of the INA as in effect before April 1, 1980.
  
  - (H)     A battered non-citizen, child of a battered spouse, or parent of a battered child (as defined in MPP Section 49-005(b)(1) above) with a petition pending under Section 204(a)(1)(A) or (B) or 244(a)(3) of the INA.

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(1) For purposes of this program, the definition of Section 49-005(q)(1)(H) means:

(1) an alien who--

(A) has been abused, as specified in Section 49-020.313, in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented to, or acquiesced in, such battery or cruelty, but only if (in the opinion of the agency providing such benefits) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided; and

(B) has been approved or has a petition pending which sets forth a prima facie case for--

(i) status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act,

(ii) classification as a spouse or child of a noncitizen lawfully admitted for permanent residence (LAPR) in the United States pursuant to clause (ii) or (iii) of section 204(a)(1)(B) of the Act,

(iii) cancellation of removal under section 240A of such Act (as in effect prior to April 1, 1997),

(iv) status as a spouse or child of a United States citizen pursuant to clause (i) of section 204(a)(1)(A) of such Act, or as a spouse or child of a noncitizen LAPR in the United States pursuant to clause (i) of section 204(a)(1)(B) of such Act;

(v) cancellation of removal pursuant to section 240A(b)(2) of such Act;

(2) an alien --

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(B) who meets the requirement of 'subparagraph (B) of paragraph (1)'; or

This subsection shall not apply to an alien during any period in which the individual responsible for such battery or cruelty resides in the same household or family eligibility unit as the individual subjected to such battery or cruelty."

(2) When determining that the battered applicant no longer resides in the same household with the batterer, counties should consider the following interim guidance on verification of Citizenship provided by the Department of Justice on November 17, 1997 [Federal Register, Vol. 62, Number 221]: "Although an applicant is not a qualified alien eligible for benefits until the battered applicant or child, or parent ceases residing with the batterer, applicants will generally need the assurance of the availability of benefits in order to be able to leave their batterer and survive independently. Wherever possible in this situation, the benefit provider should complete the eligibility determination process and approve the applicant for receipt of benefits pending the applicant's demonstration that the applicant, his or her child, and/or (in the case of an alien child) his or her parent have separated from the batterer. The applicant can then make arrangements to leave the batterer's residence secure in the knowledge that benefits will be provided as soon as he or she leaves."

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- (r) (Reserved)
- (s) (1) "Sponsor" means a person who has executed an affidavit of support agreeing to support an immigrant as a condition of the immigrant's admission for permanent residence in the United States.
- (2) "Sponsored immigrant" means an immigrant on whose behalf a sponsor has executed an affidavit of support.
- (3) "Spouse", for CAPI purposes, means a husband or wife under any of the following conditions:
- (A) Legally married under the laws of California, or the state where the applicant/recipient and he or she had their permanent residence while living together.

**49-005**                      **SPECIAL DEFINITIONS (Continued)**                      **49-005**

- (B)     Either member of the couple is entitled to husband's or wife's Social Security insurance benefits as the spouse of the other.
  
- (C)     The applicant or recipient and an unrelated person of the opposite sex are living together in the same household and both lead people to believe that they are husband and wife.
  
- (4)     "SSI/SSP" means Supplemental Security Income/State Supplementary Payment and refers to the federal (SSI) and state (SSP) funded program that provides cash assistance to aged, blind, and disabled residents of California.
  
- (5)     "Substantial Gainful Activity" (SGA) means work activity that involves doing significant physical or mental activities and that is usually done for pay or profit, whether or not a profit is realized. Average earnings of more than \$500 per month ordinarily indicate an applicant or recipient is engaged in SGA.
  
- (6)     "Suspension" of benefit payments means a stoppage of CAPI benefits. It is always effective the first day of a month in which an individual no longer meets all eligibility requirements.
  
- (t)     (1)     "Termination" of eligibility is an event that requires an individual to file a new application to receive CAPI benefits. It occurs after 12 consecutive suspension months, or as a result of one of the events in MPP Section 49-060.2.
  
- (u)     (Reserved)
  
- (v)     (Reserved)
  
- (w)     (Reserved)
  
- (x)     (Reserved)
  
- (y)     (Reserved)
  
- (z)     (Reserved)

NOTE: Authority cited: Sections 10553, 10554, 18943, Welfare and Institutions Code. Reference: 8 CFR, Part 213a; 20 CFR 416.105 through 416.110; 20 CFR 416.120; 20 CFR 416.972; 20 CFR 416.974; 20 CFR 416.1133; 20 CFR 416.1140; 20 CFR 416.1160; 20 CFR 416.1321; 20 CFR 416.1618; 20 CFR 416.1806; 20 CFR 416.2001; Social Security Administration's Program Operations Manual System SI 02301.201; Section 213a of the Immigration and Nationality Act, and Sections 18937, 18938, 18940, and 18944, Welfare and Institutions Code.

**49-010 ELIGIBILITY FOR CASH ASSISTANCE PROGRAM FOR IMMIGRANTS (CAPI) 49-010**

- .1 To be eligible for the CAPI a person must complete the application process and meet all of the following conditions:
  - .11 Be a non-citizen and meet appropriate immigration status provisions described in MPP Section 49-020.
  - .12 Be age 65 or over, blind, or disabled as defined for SSI/SSP purposes in 20 CFR Part 416.
  - .13 Be ineligible for SSI/SSP solely due to his or her immigration status under Title IV of Public Law 104-193.
  - .14 Reside in California.

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- .141 California Residency for CAPI purposes will follow the regulations governing California's SSP program found at MPP Section 46-110:
  - (a) No period of residency in the state shall be required to gain eligibility.
  - (b) For SSP eligibility purposes, an individual shall cease to reside in the state if he/she leaves the state with the present intent to abandon it as his/her home.
  - (c) In absence of evidence to the contrary, if an individual is physically absent from the state for more than 90 calendar days, this absence shall be considered as evidence of his/her present intent to abandon this state as his/her home.

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- .15 Not have more income than is permitted.
- .16 Not have more resources than are permitted.
- .17 Meet all other current SSI/SSP eligibility criteria as described in 20 CFR Part 416 or Title XVI of the Social Security Act, except as modified by CAPI regulations beginning with Section 49-001.

**49-010      ELIGIBILITY FOR CASH ASSISTANCE PROGRAM      49-010**  
**FOR IMMIGRANTS (CAPI) (Continued)**

- .2    A person is NOT eligible for CAPI if he or she:
- .21    Is a resident of a public institution for an entire calendar month.

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- .211    20 CFR 416.201 states as follows:

"Public institution means an institution that is operated by or controlled by the Federal government, a State, or a political subdivision of a State such as a city or county. The term public institution does not include a publicly operated community residence which serves 16 or fewer residents." The most common examples of public institutions are jails, prisons, and VA Hospitals.

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- .22    Flees to avoid prosecution, or custody or confinement after conviction for a crime which is a felony under the laws of the place from which the person flees.
- .23    Violates a condition of probation or parole imposed under federal or state law.
- .24    Is outside of the United States for an entire calendar month.
- .241    A person who is outside of the United States for at least 30 consecutive days is considered to remain outside the United States until he or she has been back in the United States for at least 30 consecutive days.

**49-010**                      **ELIGIBILITY FOR CASH ASSISTANCE PROGRAM FOR IMMIGRANTS (CAPI) (Continued)**                      **49-010**

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- (a) Example: Mr. Lee left the United States on March 1 and returned on April 1. Counting March 2 through March 31, he was outside the United States for 30 consecutive days; thus, his absence continues for an additional 30 days through April 30. He remains eligible for March because he was not outside the country for the entire month, is ineligible for April, and is otherwise eligible effective May 1.
  
- (b) Example: Mr. Fox left the United States on July 1 and returned on August 1. Counting July 2 through July 31, he was outside the United States for 30 consecutive days and his absence continues for another 30 days. Beginning with the day of his return and counting through August 30, he was not absent for any full calendar month and is therefore eligible for both July and August.

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.25 Fails to file for all other possible benefits as described in MPP Section 49-045.

NOTE: Authority cited: Sections 10553, 10554, and 18943, Welfare and Institutions Code. Reference: 20 CFR 416.210; 20 CFR 416.211; 20 CFR 416.215; 20 CFR 416.2010; P.L. 104-193, Section 202 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996), and Sections 12003, 18937, 18938, and 18940, Welfare and Institutions Code.

**49-013**                      **ADMINISTRATION**                      **49-013**

- .1 Counties, or consortia of counties, must administer this program in accordance with the federal and state laws and regulations as directed by the department in these regulations or other departmental instructions.
  
- .11 Counties or consortia of counties must administer this program in accordance with interpretation of applicable federal laws and regulations and their amendments contained in policy guidelines or instructions issued by the Social Security Administration, including the Program Operations Manual System (POMS).

**49-013**                      **ADMINISTRATION (Continued)**                      **49-013**

- .2 This program must be administered under the administrative standards set forth in MPP Section 10-001 et seq. and under the civil rights standards set forth in MPP Section 21-001 et seq. unless specifically instructed otherwise by these regulations or other departmental instructions.
- .3 The case record for persons found eligible as specified in MPP Section 49-010 must include:
  - .31 The information and evidence used by the county to establish age, blindness, disability, and non-citizen status.
  - .32 The information regarding the recipient's property, income, and living arrangements used by the county or consortium in determining eligibility. Such information must be recorded on a dated statement of facts form which must be signed by the recipient or his or her authorized representative under penalty of perjury.
  - .33 Verification of this information under the guidelines established by the Social Security Administration (SSA) for its administration of the SSI/SSP program as set forth in SSA's Program Operations Manual System (POMS). The county or consortium may verify other information if necessary to insure a correct eligibility determination.
  - .34 The computation of the benefit amount.
  - .35 Documentation of all contacts with the recipient or any other individual or organization regarding the recipient or the recipient's case.

NOTE: Authority cited: Sections 10553, 10554, and 18943, Welfare and Institutions Code. Reference: Sections 10600, 10603, 18937, and 18940, Welfare and Institutions Code.

**49-015**                      **APPLICATION PROCESS**                      **49-015**

- .1 To be eligible for CAPI, all persons seeking a CAPI benefit must:
  - .11 Sign the completed CAPI application form(s).
    - .111 Each member of a couple who is seeking CAPI benefits must sign the completed application form(s).



**49-015      APPLICATION PROCESS (Continued)      49-015**

- .4    In order to be allowed, an application may be filed no earlier than the month prior to the month that all eligibility factors are met.
- .41   The effective date of benefit payments is the first of the month following the later of the date the application is filed or the date the individual would otherwise become eligible for benefits.

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- .42   Example: Mr. Jones will attain age 65 on March 29, 1999. He can file an application as early as February 1, 1999, but his CAPI benefits will not be effective until April 1, 1999.

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NOTE: Authority cited: Sections 10553, 10554, and 18943, Welfare and Institutions Code. Reference: 20 CFR 416.200, 20 CFR 416.203; 20 CFR 416.315; 20 CFR 416.320; 20 CFR 416.330; P.L. 104-193, Section 204 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996), and Sections 18937, 18938, 18940, and 18944, Welfare and Institutions Code.

**49-020      IMMIGRATION STATUS      49-020**

- .1    General requirements
- .11   To be eligible for CAPI, a noncitizen must be one of the following:
- .111   A legal immigrant who meets the immigration status requirements in effect for SSI/SSP on August 21, 1996, or
- .112   A victim of human trafficking, domestic violence or other serious crimes as defined in Welfare and Institutions Code Section 18945. Applicants qualified under these provisions will be eligible for benefits and services to the same extent as individuals who are admitted to the United States as refugees.
- .12   The previous SSI/SSP requirements for immigrant status, found in 20 CFR 416.1600, stated that a non-citizen had to be a resident of the United States and an alien lawfully admitted for permanent residence in the United States, or an alien permanently residing in the United States under color of law (PRUCOL). This means the individual had to have a status listed under either "Qualified Alien" or "PRUCOL" in Section 49-005.



**49-020**                      **IMMIGRATION STATUS (Continued)**                      **49-020**

- .13 A victim of trafficking must meet the same eligibility criteria as those used for the State Trafficking and Crime Victims Assistance Program (TCVAP) found in MPP Sections 70-102 and 70-103.1 through .4.
- .14 A victim of domestic violence or other serious crimes must meet the same eligibility criteria as those used for the TCVAP found in MPP Section 70-104.1.
- .2 Specific eligibility requirements for individuals whose date of entry into the United States was prior to August 22, 1996. Non-citizens in this category (who meet all other requirements) are eligible for basic CAPI, but not extended CAPI.
- .21 Qualified Aliens as defined in MPP Section 49-005(q)(1) who were lawfully residing in the United States on August 21, 1996 must be age 65 or older to be eligible for CAPI.

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**49-020**                      **IMMIGRATION STATUS (Continued)**                      **49-020**

- .22 Noncitizens who do not meet the definition of Qualified Alien must meet the other immigration standards in effect for SSI/SSP on August 21, 1996, which are known as the PRUCOL categories as defined in MPP Section 49-005(p), or be a victim of human trafficking, domestic violence, or other serious crimes as specified in MPP Section 49-020.1, to be eligible for CAPI.
- .221 Individuals in this group can establish eligibility under any one of the three basic eligibility criteria (aged, blind or disabled).
- .3 Two different sets of specific eligibility requirements exist for individuals who legally entered the United States on or after August 22, 1996. One set exists for basic CAPI, and another set for extended CAPI (as defined in MPP Sections 49-005(b) and (e), respectively). Refer to MPP Section 49-037 for the different deeming periods for each component.
- .31 To be eligible for basic CAPI, an immigrant who legally entered the United States on or after August 22, 1996 must be sponsored and one of the following must apply:
- .311 The sponsor is deceased.
- (a) The applicant must provide evidence that his or her sponsor has died.
- .312 The sponsor is disabled as defined in Welfare and Institutions Code Section 11320.3(b)(3)(A).
- (a) The applicant must provide verification of the sponsor's disability.

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- (b) Welfare and Institutions Code Section 11320.3(b)(3)(A) states:
- "The individual is disabled as determined by a doctor's verification that the disability is expected to last at least 30 days and that it significantly impairs the recipient's ability to be regularly employed or participate in welfare-to-work activities, provided that the individual is actively seeking appropriate medical treatment."

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- .313 The applicant is a victim of abuse by the sponsor or the sponsor's spouse. Abuse is defined in the same manner as provided in MPP Section 42-701.2(d)(3), as authorized by Welfare and Institutions Code Section 11495.1.

**49-020      IMMIGRATION STATUS (Continued)      49-020**

- (a) Abuse means assaultive or coercive behavior that includes, but is not limited to, physical abuse, sexual abuse, psychological abuse, economic control, isolation, stalking, and threats or other types of coercive behavior.

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- (b) Welfare and Institutions Code Section 18938(A)(4) states in part:

"(A)(4) ...A sworn statement of abuse by a victim, or the representative of the victim if the victim is not able to competently swear, shall be sufficient to establish abuse if one or more additional items of evidence of abuse is also provided. Additional evidence may include, but is not limited to the following:

"(i) Police, government agency, or court records or files.

"(ii) Documentation from a domestic violence program, legal, clinical, medical, or other professional from whom the applicant or recipient has sought assistance in dealing with abuse.

"(iii) A statement from any other individual with knowledge of the circumstances that provided the basis for the claim.

"(iv) Physical evidence of abuse.

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- (c) If the victim cannot provide additional evidence of abuse, then a confidential sworn statement shall be sufficient if the county makes a determination documented in the case file that the applicant is credible.

.32 To be eligible for extended CAPI, a noncitizen who meets the definition of Qualified Alien, Permanently Residing in the United States Under Color of Law (as defined in MPP Sections 49-005(q) and (p), respectively), or who is a victim of human trafficking, domestic violence or other serious crimes as specified in MPP Section 49-020.1, must have entered the United States on or after August 22, 1996 and be ineligible for basic CAPI under any of the conditions described in MPP Sections 49-020.311 through .313.

**49-020**                      **IMMIGRATION STATUS (Continued)**                      **49-020**

- .4 For purposes of determining eligibility for CAPI under the provisions of Welfare and Institutions Code Sections 18938 and 18940, "entered the United States" or "entry date" means the effective date of the non-citizen's current immigration status as determined by the Immigration and Naturalization Service, except in either of the following situations:
- .41 The non-citizen is a current CAPI recipient whose immigration status was adjusted after he or she began receiving CAPI benefits. In the situation, the same entry date that was used to determine his or her initial CAPI eligibility will continue to be used for redetermination of eligibility.
  - .42 The non-citizen, as of August 21, 1996, had an immigration status that met the definition of "Qualified Alien" [as defined in MPP Section 49-002(q)(1)], and has maintained continuous residence in the United States since at least August 21, 1996. In this situation the effective date of the Qualified Alien status held by the non-citizen on August 21, 1996 will be deemed to be his or her "entry date" for purposes of determining CAPI eligibility even if the non-citizen later adjusts his or her immigration status.

NOTE: Authority cited: Sections 10553, 10554, and 18943, Welfare and Institutions Code; and SB 1569 (Chapter 672, Statutes of 2006). Reference: 20 CFR 416.1600; P.L. 104-193 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996) as amended, Sections 401 and 402 and Sections 13283, 18938, 18940, 18944, and 18945, Welfare and Institutions Code.

**49-025**                      **AGE AND DISABILITY**                      **49-025**

- .1 To be eligible for CAPI as an aged individual, a person must be 65 years of age or older.
- .11 An applicant must submit evidence of his or her date of birth in accordance with federal regulations.
    - .111 An applicant whose age is a condition of eligibility must submit a public record of birth, or a religious record of birth or baptism recorded before age 5, if available. If such records are not available, other evidence may be submitted to establish the applicant's date of birth. If the applicant alleges to be at least age 68, any document submitted that is at least 3 years old will be sufficient.
- .2 To be eligible for CAPI as a blind individual, a person must meet the requirements specified in 20 CFR 416.981 et seq. for the SSI/SSP program.

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- .21 A person who is determined to be statutorily blind is considered blind for purposes of SSI/SSP eligibility as stated in 20 CFR 416.981:

"Statutory blindness is central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which has a limitation in the field of vision so that the widest diameter of the visual field subtends an angle no greater than 20 degrees is considered to have a central visual acuity of 20/200 or less."

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- .22 The Department's Disability and Adult Programs Division is responsible for making all blindness and disability determinations for CAPI.

.221 A current determination of blindness established for Title II Social Security, SSI/SSP, or Medi-Cal can be used to establish blindness for CAPI. A current determination is one that has not lapsed due to benefit termination.

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.222 Medical History and related forms must be completed and transmitted to the State Programs Branch of the Disability and Adult Programs Division along with any other medical documentation. The required forms are the MC 220, MC 221, and MC 223 and must be annotated with the identifier "CAPI CASE".

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- .3 To be eligible for CAPI as a disabled individual, a person must meet the requirements specified in 20 CFR 416.901 et seq. for the SSI/SSP program.

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- .31 20 CFR 416.905(a) defines disability for adults as follows:

"(a) The law defines disability as the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months." To meet this definition, applicants must have a severe impairment, which makes them unable to do their previous work or any other substantial gainful activity which exists in the national economy. To determine whether a person is able to do any other work, SSA considers a person's residual functional capacity, age, education, and work experience."

- .32 20 CFR 416.906 defines disability for children under age 18 as follows:

"If you are under age 18, we will consider you disabled if you have a medically determinable physical or mental impairment or combination of impairments that causes marked and severe functional limitations, and that can be expected to cause death or that has lasted or can be expected to last for a continuous period of not less than 12 months...."

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- .33 Any child or adult who is engaging in substantial gainful activity at the time of filing a new CAPI application will not be considered disabled.

- .34 The Department's Disability and Adult Programs Division is responsible for making all blindness and disability determinations for CAPI.

- .341 A current determination of disability established for Title II Social Security, SSI/SSP or Medi-Cal can be used to establish disability for CAPI. A current determination is one that has not lapsed due to benefit termination.

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- .342 Medical History and related forms must be completed and transmitted to the State Programs Branch of the Disability and Adult Programs Division along with any other medical documentation. The required forms are the MC 220, MC 221, and MC 223 and must be annotated with the identifier "CAPI CASE".

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**49-025**      **AGE AND DISABILITY** (Continued)      **49-025**

.4      Counties may make a Presumptive Disability determination while awaiting the formal disability or blindness determinations from the State Programs Branch.

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- .41      The Presumptive Disability decision may only be made when the applicant meets specific diagnoses listed below:
- (a)      Amputation of two limbs.
  - (b)      Amputation of a leg at the hip.
  - (c)      Allegation of total deafness.
  - (d)      Allegation of total blindness.
  - (e)      Allegation of bed confinement or immobility without a wheel chair, walker or crutches, due to a long-standing condition (excluding recent accident or recent surgery).
  - (f)      Allegation of stroke (cerebral vascular accident) more than 3 months in the past and continued marked difficulty in walking or using a hand or arm.
  - (g)      Allegation of cerebral palsy, muscular dystrophy, or muscle atrophy and marked difficulty in walking (e.g., use of braces), speaking, or coordination of hands or arms.
  - (h)      Allegation of diabetes with amputation of foot.
  - (i)      Allegation of Down's Syndrome.
  - (j)      Allegation of severe mental deficiency made by another individual filing on behalf of the claimant who is at least 7 years old. (For example: A mother filing for benefits for her child states that the child attends (or attended) a special school, or special classes in school, because of mental deficiency or, is unable (or was unable) to attend any type of school, and requires care and supervision of routine daily activities.) Note: "mental deficiency" means mental retardation. This category pertains to individuals who depend upon others for meeting personal care needs such as hygiene and for doing other routine activities which grossly exceeds age-appropriate dependence as a result of mental retardation.

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**HANDBOOK CONTINUES**

- (k) A child is age 6 months or younger and the birth certificate or other evidence (e.g., hospital admission summary) shows a weight at birth below 2 pounds, 10 ounces (1,200 grams).
- (l) Human immunodeficiency virus (HIV) infection (accompanied by a medical-source statement regarding manifestations of illness.)
- (m) A child is 6 months or younger and available evidence (e.g., hospital admission summary) shows a gestational age at birth as follows:

Gestational Age (in weeks)	Birth Weight
37-40	Less than 2,000 grams (4 lbs. 6 oz.)
36	1,875 grams or less (4lbs. 2 oz.)
35	1,700 grams or less (3 lbs. 12 oz.)
34	1,500 grams or less (3 lbs. 5 oz.)
33	1,325 grams or less

- (n) A physician or knowledgeable hospice official confirms an individual is receiving hospice services due to terminal cancer.

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**HANDBOOK ENDS HERE**

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- .42 To be eligible for CAPI benefits based on a finding of presumptive disability, a person must meet all other eligibility criteria.
- .43 CAPI payments based on presumptive disability cannot be made for longer than 6 months.
- .44 Payments based on a presumptive disability are not considered overpayments if the applicant is ultimately determined to be not blind or disabled.

NOTE: Authority cited: Sections 10553, 10554, and 18943, Welfare and Institutions Code. Reference: 20 CFR 404.1505; 20 CFR 404.1581; 20 CFR 416.202; 20 CFR 416.906; 20 CFR 416.920; 20 CFR 416.931 through .944; 42 CFR 435.530; 42 CFR 435.540, and Sections 18937 and 18940, Welfare and Institutions Code.









<b>49-035</b>	<b>INCOME (Continued)</b>	<b>49-035</b>
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- (b) Any public agency's refund of taxes paid on real property or food.
- (c) Assistance based on need which is wholly funded by a state or political subdivision.
- (d) Any portion of a grant, scholarship, or fellowship used for paying tuition, fees, or other necessary educational expenses other than food, clothing, or shelter.
- (e) Food raised and consumed by the applicant or other household members.
- (f) Assistance received under the Disaster Relief and Emergency Assistance Act.
- (g) Up to \$20 of irregular and infrequent income received no more than once in a calendar quarter.
- (h) Alaska Longevity Bonus payments.
- (i) Payments for providing foster care to an ineligible child who was placed in the applicant's or recipient's home by a public or private nonprofit agency.
- (j) Interest earned on excluded burial funds.
- (k) In-kind home energy assistance provided by a non-profit agency or utility company.
- (l) One-third of support payments made to or for a child from an absent parent.
- (m) The first \$20 of any unearned income in a month other than income based on need.
- (n) Any unearned income used to fulfill an approved plan to achieve self support for blind and disabled persons under age 65 or persons who received CAPI benefits as a blind or disabled individual for the month prior to age 65.
- (o) The value of any Federal Housing subsidies.
- (p) Interest earned on excluded burial space.
- (q) The value of any commercial transportation ticket for United States travel (including Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands) that is received as a gift.
- (r) Payments from a state fund to aid victims of crime.



**HANDBOOK BEGINS HERE**

- .691      Example: Receipt of a car with a current market value of less than \$4500 by a person who owns no other vehicles is excluded because it would be an excluded resource and it is not food, clothing, or shelter.

**HANDBOOK ENDS HERE**

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- .7      Deemed income is the amount of another person's income that is considered to belong to the applicant or recipient regardless of whether the other person actually makes the money available to the applicant or recipient.
- .71      The steps used in the deeming process are the same as those used to determine SSI/SSP eligibility and benefit amount. Unless otherwise modified by these regulations or other instructions issued by the department, counties must follow the detailed rules found in 20 CFR 416.1160 et seq. These steps are reflected in the CAPI Income Eligibility-Adult form (SOC 452) for spouse-to-spouse deeming and in form SOC 454 for sponsor-deeming.
- .72      There are three categories of individuals whose income may be deemed to an applicant or recipient.
- .721      Ineligible spouse who is living in the same household as the applicant or recipient.
- .722      Ineligible parent(s) who is living in the same household as the minor applicant or recipient.
- (a)      Deeming from an ineligible parent(s) to a child stops effective with the month following the month in which the child attains age 18.
- .723      Sponsor of a non-citizen, regardless of where the sponsor is living.
- (a)      The sponsor's income also includes the sponsor's spouse's income if the sponsor and the spouse live in the same household.
- (b)      The length of the deeming period depends on:
- (1)      Which version of Affidavit of Support [as defined in MPP Section 49-005(a)] the sponsor signed, and



**49-035 INCOME (Continued) 49-035**

- (2) For a non-citizen who entered the United States on or after August 22, 1996, whether he or she is eligible for basic CAPI or extended CAPI (see MPP Sections 49-020.2 through .32).
- (c) Refer to Section 49-037 for detailed instructions on when sponsor deeming applies, length of sponsor deeming periods, and exceptions to sponsor deeming.
- .73 Income excluded from deeming from an ineligible parent or spouse includes all of the following:
  - .731 All of the income exclusions listed in MPP Sections 49-035.4 and 49-035.53.
  - .732 Any public income-maintenance payments, except SSI/SSP that the ineligible spouse receives, and any income which was counted or excluded in figuring the amount of that benefit.
  - .733 Income used to comply with the terms of court-ordered support.
  - .734 In-kind support and maintenance.
  - .735 IHSS paid to the ineligible spouse or parent(s) for providing chore, attendant or homemaker services to the applicant or recipient.
- .74 Income excluded in deeming from a sponsor includes only income excluded under other Federal laws as listed in the appendix of Subpart K of 20 CFR Part 416, and certain in-kind income described in 20 CFR 416.1157(c).

NOTE: Authority cited: Sections 10553, 10554, and 18943, Welfare and Institutions Code. Reference: 8 CFR 213a.2(e); 20 CFR 416.202; 20 CFR 416.1103; 20 CFR 416.1104; 20 CFR 416.1110 through .1112; 20 CFR 416.1120; 20 CFR 416.1124; 20 CFR 416.1130; 20 CFR 416.1131; 20 CFR 416.1132; 20 CFR 416.1140; 20 CFR 416.1157; 20 CFR 416.1160; 20 CFR 416.1161; 20 CFR 416.1165, 20 CFR 416.1166a(c) and (d)(3); P.L. 104-193, Section 421(b) and (f), (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); Section 1621 of the Social Security Act, 8 US Code Section 1631; Social Security Administration's Program Operations Manual System, Sections SI 00502.240, SI 00502.280, SI 01320.910, SI 01320.915, and SI 01320.920; and Sections 18938, 18940 and 18941, Welfare and Institutions Code.

**49-037**                      **SPONSOR DEEMING**                      **49-037**

- .1 Sponsor-deeming rules apply regardless of whether or not the sponsor actually provides the non-citizen with any support. Sponsor-deeming rules include counting the income and resources of the sponsor as belonging to the non-citizen, verifying the sponsor's information, establishing the correct deeming period, interaction with other deeming rules, and applying appropriate exceptions and income or resource exclusions in determining the amount of income and resources to be deemed to the non-citizen.
- .2 Sponsor deeming for non-citizens whose sponsor signed the New Affidavit of Support
  - .21 Deeming from a sponsor who signed a New Affidavit of Support applies to a non-citizen who is eligible for basic CAPI unless one of the following occurs:
    - .211 The sponsor dies or
    - .212 The non-citizen becomes a naturalized citizen or
    - .213 The non-citizen is credited with 40 quarters of coverage as defined under Title II of the Social Security Act.
  - .22 For a non-citizen who is ineligible for basic CAPI, deeming from a sponsor who signed a New Affidavit of Support applies for 10 years from the date of the sponsor's execution of the Affidavit or the date of the non-citizen's arrival in the United States, whichever is later.
  - .23 Sponsor deeming does NOT apply under either basic CAPI or extended CAPI if a sponsor has signed a New Affidavit of Support and any of the following is true:
    - .231 The non-citizen, the non-citizen's minor child, or the non-citizen's parent if the non-citizen is a minor child, is a victim of abuse as defined in MPP Section 49-020.313, and the victim is living in a different household than the abuser or
    - .232 The county determines that the non-citizen is a victim of abuse by his or her sponsor or the sponsor's spouse or
    - .233 The county determines that the non-citizen meets the criteria for the indigence exception as described in MPP Section 49-037.4.
  - .24 For both basic CAPI and extended CAPI, when the sponsor has signed the New Affidavit of Support and the sponsor is the non-citizen's ineligible spouse or parent, sponsor-deeming rules apply instead of rules regarding deeming from an ineligible spouse or parent.



- 49-037      SPONSOR DEEMING (Continued)      49-037**
- .413    The non-citizen completes and signs the CAPI Indigence Exception Statement (SOC 809) and
  - .414    The county determines that the indigence exception applies.
  - .42    The indigence exception does NOT apply when:
    - .421    The non-citizen lives with his or her sponsor, or
    - .422    The non-citizen lives with someone other than the spnsor and receives free room and board.
  - .43    If the non-citizen is living apart from his or her sponsor and not receiving free food and shelter in another person's household, the non-citizen shall be considered unable to obtain food and shelter if:
    - .431    The total gross income that the non-citizen receives from all sources is less than the federal SSI Individual rate if the non-citizen is not living with his or her spouse, or the federal SSI Couple rate if the non-citizen is living with his or her spouse, and
    - .432    The resources available to the non-citizen are less than the applicable CAPI resource limit.
  - .44    The total gross income and available resources counted for the purpose of determining whether the non-citizen is unable to obtain food and shelter consist of:
    - .441    All of the non-citizen's own income (including income normally excluded such as General Assistance and Food Stamps) and resources (including liquid resources normally excluded such as burial funds);
    - .442    The income and resources of the non-citizen's spouse (if living together) or parent(s) (if living with the minor non-citizen); and
    - .443    Any cash, food, housing, or other assistance provided by other individuals or agencies (including the sponsor).
  - .45    The indigence exception applies for a 12-month period.
    - .451    The period begins whenever all of the conditions are met and runs for 12 consecutive months (including nonpayment months).

**49-037**                      **SPONSOR DEEMING (Continued)**                      **49-037**

- .452 Sponsor-deeming does not apply during the 12-month period.
- .453 The exception period ends with the last day of the 12<sup>th</sup> month unless a new indigence determination is made prior to the expiration of the existing period. If all the criteria in MPP Section 49-037.41 are met, a new 12-month period may begin any time after the current period expires.
- .46 The county must do all of the following whenever the non-citizen has requested the indigence exception:
  - .461 Obtain a completed form (SOC 809) signed by the non-citizen specifically applying for the exception that provides information regarding his or her living arrangements and income.
  - .462 Contact the sponsor to confirm the non-citizen's allegations regarding the amount of income and resources that the sponsor provides or makes available to the non-citizen.
    - (a) Contact INS for the sponsor's address if the sponsor's whereabouts are unknown.
    - (b) If the sponsor cannot be located, accept the non-citizen's allegation if it is credible and does not conflict with other information in the file.
  - .463 Based on all available evidence, prepare a written determination as to whether the indigence exception applies or not. If the exception does apply:
    - (a) Determine the amount of income and support the non-citizen receives from the sponsor plus other sources, and the resources available to the non-citizen. Determine CAPI eligibility and payment amount based on these figures.
    - (b) Notify the Immigration and Naturalization Service and the Department of the determination.
- .5 Verification of Sponsor Information
  - .51 The non-citizen is responsible for obtaining the sponsor's cooperation in developing and documenting the information needed to determine the sponsor's income and resources, the information needed to make an indigence exception determination, or any other information from the sponsor needed to apply the deeming rules described in this sub-chapter.

**49-037      SPONSOR DEEMING (Continued)      49-037**

- .511 If a sponsor cannot be located or leaves the United States, it is the non-citizen's responsibility to obtain evidence of the sponsor's income and resources.
- .512 If the non-citizen does not provide requested verification of the sponsor's income and resources including a signed statement from the sponsor regarding his or her income and resources, the county must deny the application or suspend eligibility and payment in accordance with MPP Sections 49-015.13 or 49-060.1(d).
  
- .52 The county must verify alleged lack of sponsorship with the Immigration and Naturalization Service whenever a non-citizen who is Lawfully Admitted for Permanent Residence (as determined by the Immigration and Naturalization Service) alleges not having a sponsor.
  
- .53 The county must request a signed statement from the sponsor(s) regarding the income and resources of the sponsor(s), unless the statement of the non-citizen regarding the sponsor(s)' income and resources would preclude CAPI eligibility.
  
- .54 The county must ensure that a copy of the Affidavit is in the file and must compare it with the sponsor's allegations regarding income and resources if the allegations appear to allow eligibility for the non-citizen, unless the non-citizen is exempt from sponsor deeming under any other provisions of this subchapter.
  - .541 The non-citizen is ultimately responsible for obtaining a copy of the Affidavit. (A non-citizen can request a copy of the Affidavit from the Immigration and Naturalization Service under the Freedom of Information Act, if necessary.)
  - .542 The sponsor must explain and provide evidence for any material discrepancy between his or her current allegations regarding income and resources and the income and resources that were recorded in the Affidavit.

NOTE: Authority cited: Sections 10553, 10554, and 18943, Welfare and Institutions Code. Reference: Sections 10553, 10554, 18938, and 18940, Welfare and Institutions Code; 20 CFR 416.1160, 416.1166a, and 416.1204; Social Security Administration's Program Operations Manual System (POMS) SI 00502.240, SI 00502.280, SI 01320.910, SI 01320.915, and SI 01320.920; and 8 USC 1631.

**49-040      RESOURCES      49-040**

- .1 To be eligible for CAPI, an individual's or couple's non-excludable resources must not exceed \$2,000 for an individual or \$3,000 for a couple.
  - .11 Detailed resource rules are found in 20 CFR, Part 416, Subpart L.

**49-040      RESOURCES (Continued)      49-040**

.2    The definition of resources for CAPI purposes is the same as the one used for SSI/SSP and is found in 20 CFR 416.1201(a) and (a)(1).

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.21    20 CFR 416.1201(a) states:

"(a) Resources; defined. For purposes of this subpart L, resources means cash or other liquid assets or any real or personal property that an individual (or spouse, if any) owns and could convert to cash to be used for his or her support and maintenance."

.22    20 CFR 415.1201(a)(1) states:

"(a)(1) If the individual has the right, authority or power to liquidate the property or his or her share of the property, it is considered a resource. If a property right cannot be liquidated, the property will not be considered a resource of the individual (or spouse)."

.23    20 CFR 416.1201(b) states:

"(b) Liquid resources are cash or other property which can be converted to cash within 20 days, excluding certain nonwork days as explained in 20 CFR 416.120(d). Examples of resources that are ordinarily liquid are stocks, bonds, mutual fund shares, promissory notes, mortgages, life insurance policies, financial institution accounts (including savings, checking, and time deposits, also known as certificates of deposit) and similar items. Liquid resources, other than cash, are evaluated according to the individual's equity in the resources."

.24    20 CFR 416.1201(c) states:

"(c) Nonliquid resources are property which is not cash and which cannot be converted to cash within 20 days excluding certain nonwork days as explained in 20 CFR 416.120(d). Examples of resources that are ordinarily nonliquid are loan agreements, household goods, automobiles, trucks, tractors, boats, machinery, livestock, buildings and land. Nonliquid resources are evaluated according to their equity value except as otherwise provided. (See 20 CFR 416.1218 for treatment of automobiles.)"

.25    20 CFR 416.1201(c)(2) defines equity value of an item as:

"(c)(2) the price that item can reasonably be expected to sell for on the open market in the particular geographic area involved, minus any encumbrances."

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**49-040**                      **RESOURCES (Continued)**                      **49-040**

- .72 The resources of the sponsor's spouse are also included if the sponsor and his or her spouse live in the same household.
- .73 The resources of the sponsor (and spouse, if any) are only counted to the extent they exceed the applicable resource limits of \$2,000 for an individual or \$3,000 for a couple.
- .74 Refer to Section 49-037 for detailed instructions on when sponsor deeming applies, length of sponsor deeming periods, and exceptions to sponsor deeming.
- .8 Resource determinations are made as of the first moment of the month based on what assets an individual has, what their values are, and whether any of the items can be excluded as of the first moment of the month.
  - .81 Any increase or decrease in the value of a resource during the month is counted as of the first moment of the next month.
  - .82 Items received during a month are counted first under the income rules and then if retained, counted as a resource as of the first moment of the following month.
  - .83 If an applicant or recipient sells, exchanges, or replaces a resource, the receipts are not income. They are still considered to be a resource.

NOTE: Authority cited: Sections 10553, 10554, and 18943, Welfare and Institutions Code. Reference: 20 CFR 416.1201; 20 CFR 416.1202; 20 CFR 416.1204; 20 CFR 416.1205; 20 CFR 416.1207; 20 CFR 416.1210 through 416.1239; Section 1631(a)(3) of the Social Security Act, 8 USC Section 1631, and Section 18940, Welfare and Institutions Code.

**49-045**                      **FILING FOR OTHER BENEFITS**                      **49-045**

- .1 To be eligible or remain eligible for CAPI, an individual must file for SSI/SSP benefits, and appeal SSI/SSP benefit decisions, if the county makes the referral to do so.
  - .11 Filing for SSI/SSP also includes cooperating with the Social Security Administration by providing all requested information and evidence.
  - .12 The county must refer any CAPI applicant or recipient who they believe to be eligible for SSI/SSP to file for SSI/SSP regardless of any previous determinations by the Social Security Administration.
  - .13 Any CAPI applicant or recipient who has been denied SSI/SSP because of a determination that he or she is not disabled must be referred to file an appeal of the disability decision.

**49-045**                      **FILING FOR OTHER BENEFITS (Continued)**                      **49-045**

- .14 Individuals are eligible or remain eligible for CAPI benefits while the SSI/SSP claim or appeal of an immigration status or disability issue is pending, as long as the individual fully cooperates in the application and administrative appeal process of the Social Security Administration.
- .15 An applicant or recipient who does not file for SSI/SSP within 30 days of receiving the county referral is not eligible or does not remain eligible for CAPI, unless the county determines that a good reason exists for not filing within the 30-day period.
- .2 Counties are required to determine if a recipient would benefit from county advocacy activities in his or her effort to become eligible for SSI/SSP.
  - .21 Counties are required to determine which advocacy activities would most likely help CAPI recipients become eligible for SSI/SSP, and to provide those activities. The allowable advocacy activities are:
    - .211 Assist the recipient in completing SSI/SSP appeal forms.
    - .212 Refer recipients to a panel of attorneys to provide representation at an SSI/SSP hearing.
    - .213 Assist in collecting medical and psychological records for the recipient after the recipient's initial SSI/SSP denial. This activity does not include providing transportation or accompaniment for the recipient to or from medical appointments.
    - .214 Assist the recipient in scheduling medical/psychiatric appointments after the recipient's initial SSI/SSP denial. This activity does not include providing transportation or accompaniment for the recipient to or from medical appointments.
    - .215 Assist the recipient in arranging for transportation to medical appointments after the recipient's initial SSI/SSP denial. This activity does not include providing transportation or accompaniment for the recipient to or from medical appointments.
    - .216 Submit completed forms to SSI and the State Disability Determination Office.
    - .217 Act as a liaison with SSA and the State Disability Determination Office to ensure that all SSI related requirements are met for SSI approval.

**49-045**            **FILING FOR OTHER BENEFITS** (Continued)                      **49-045**

.218    Assist the client in obtaining citizenship. This assistance is limited to making referrals to the Immigration and Naturalization Service, assisting in completion of required citizenship documents, and making referrals to citizenship courses. It does not include payment for courses or providing transportation or accompaniment for the recipient to or from registration or classes.

(a)      "Assisting in completion" of required documents does not include preparing those documents.

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(b)      8 CFR 1.1(k) states:

"The term "preparation," constituting practice, means the study of the facts of a case and the applicable laws, coupled with the giving of advice and auxiliary activities, including the incidental preparation of papers, but does not include the lawful functions of a notary public or service consisting solely of assistance in the completion of blank spaces on printed Service forms by one whose remuneration, if any, is nominal and who does not hold himself out as qualified in legal matters or in immigration and naturalization procedure."

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**HANDBOOK ENDS HERE**

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.3      To be eligible or remain eligible for CAPI, an individual must file for all other benefits for which he or she may be entitled when the county makes a referral.

.31    Other benefits include any payments for which an individual can apply that are available on an ongoing or one-time basis such as annuities, pensions, retirement benefits, disability benefits, unemployment or worker's compensation, and Social Security benefits.

.32    The county must refer any CAPI applicant or recipient who they believe to be eligible for another benefit to file for that benefit.

.33    Filing for other benefits also includes cooperating with the other agency by providing all requested information and evidence.

.34    An applicant or recipient who does not file for the other benefit within 30 days of receiving the county referral is not eligible or does not remain eligible for CAPI, unless the county determines that a good reason exists for not filing within the 30-day period.

NOTE: Authority cited: Sections 10553, 10554, and 18943, Welfare and Institutions Code. Reference: 20 CFR 416.210 and Sections 18938, 18939, and 18940, Welfare and Institutions Code.

**49-050**      **LIVING ARRANGEMENTS AND BENEFIT CATEGORIES**                      **49-050**

- .1      CAPI payment standards are equivalent to SSI/SSP payment standards, except that:
  - .11     The payment standards for individuals are \$10 less than the SSI/SSP payment standards for individuals.
  - .12     The payment standards for eligible couples are \$20 less than the SSI/SSP payment standards for eligible couples.
  - .13     The payment standards for couples when one member is receiving or applying for CAPI and the other is receiving SSI/SSP is \$10 less than the SSI/SSP payment standards for eligible couples.
  
- .2      A person's living arrangement affects which CAPI payment standard is selected to determine the individual's benefit amount. Living arrangements are always determined as of the first moment of the month and that determination is the basis for the payment standard used for that month, subject to the throughout-a-month rule for institutions or reduced needs living arrangements. The living arrangements for CAPI described below are determined in the same manner as they are for SSI/SSP.
  - .21     Independent living means that one of the following conditions applies to the person (or spouse or parent whose income is deemed to the applicant or recipient living in the same home):
    - .211    Has ownership interest in the home.
    - .212    Has rental liability.
    - .213    Lives alone.
    - .214    Lives with others and pays a pro rata share of the shelter and/or food expenses.
    - .215    Lives with others and all members of the household receive public income maintenance payments.
  
  - .22     Independent living without cooking facilities means that the aged or disabled individual meets one of the criteria in Section 49-050.21, does not have a stove and refrigerator available for his or her use, and does not have meals provided as part of the living arrangement.
    - .221    Detailed provisions are found in MPP Section 46-160.

**49-050**                      **LIVING ARRANGEMENTS AND BENEFIT CATEGORIES**                      **49-050**  
(Continued)

- .23 Reduced needs with in-kind room and board means that none of the conditions listed in MPP Section 49-050.21 apply and the applicant (or parent, if the applicant is a minor child) is living in the household of another (relative or non-relative) for a full calendar month and receiving both food and shelter as described in MPP Section 49-035.521.
  - .231 This living arrangement does not apply if the person supplying the support and maintenance is the spouse of the recipient or applicant, or parent if the recipient or applicant is a minor child.
- .24 Nonmedical out-of-home care means receiving room, board and care and supervision related to the person's individual needs in a licensed nonmedical facility, or the home of a relative.
  - .241 Detailed provisions are found in MPP Section 46-140.
  - .242 The reduced needs nonmedical out of home care payment standard applies to persons who meet the conditions in MPP Section 49-050.23 above and are receiving care and supervision while living in the home of a relative.
  - .243 The higher nonmedical out-of-home care payment standard applies to all other persons who receive care and supervision in a licensed facility, or who live in the home of a relative and meet one of the conditions listed in MPP Section 49-050.214 or .215 above.
- .25 The disabled child payment standard applies to all disabled children under age 18 who are living with a parent, guardian, or relative by blood or marriage.
  - .251 The reduced needs payment standard for children may apply to children living with a parent(s) if the parent meets the conditions in MPP Section 49-050.23 above.
  - .252 One of the nonmedical out-of-home care payment standards may apply to children living with a non-parent relative or guardian if the conditions described in MPP Section 49-050.24 above are met.
  - .253 Benefits for blind children are determined using the payment standards for blind adults.
- .26 The Title XIX medical facility payment standard applies to persons who reside throughout a month in a medical facility and Medi-Cal (title XIX of the Social Security Act) pays more than 50 percent of the cost of the person's care.

**49-050      LIVING ARRANGEMENTS AND BENEFIT CATEGORIES      49-050**  
(Continued)

.261    An exception to the Title XIX medical facility rule applies, and one of the other payment standards would be used when a recipient is temporarily confined for medical care and all of the following apply:

- (a)    The individual must have been eligible for CAPI benefit under one of the higher payment standards in the month prior to entering a facility where the Title XIX facility rate would apply.
- (b)    A physician must certify that the recipient is expected to be medically confined for 90 consecutive days or less.
- (c)    The recipient must demonstrate that he or she needs to pay some or all of the expenses of maintaining the home or living arrangement to which he or she may return.

.27    Higher CAPI payment standards apply for blind individuals, or couples where at least one member is blind, if the individual or couple is in either the independent living or reduced needs household of another living arrangement.

NOTE: Authority cited: Sections 10553, 10554, and 18943, Welfare and Institutions Code. Reference: 20 CFR 416.414; 20 CFR 416.1131 - 416.1132; 20 CFR 416.1148; Section 1611(e)(1)(G) of Title XVI of the Social Security Act, and Sections 12200, 12201.5, 18940, and 18941, Welfare and Institutions Code.

**49-055      BENEFIT DETERMINATIONS      49-055**

.1    Retrospective monthly accounting is used in determining the CAPI benefit amount. This means that as a general rule the individual's or couple's countable income received two months prior to the current month is used to determine the CAPI benefit in the current, or payment, month.

.11    The month that is two months prior to the current month will be referred to as the budget month.

.2    The following exceptions apply to the retrospective monthly accounting rule:

.21    For the first two months of initial eligibility, the budget and payment months will be the same.

.211    Non-recurring income received in the first month of eligibility is not considered in determining the benefit amount for the third month of eligibility.



**49-055**      **BENEFIT DETERMINATIONS (Continued)**                      **49-055**

- .212 Non-recurring income received in the second month of eligibility is not considered in determining the benefit amount for the fourth month of eligibility.
- .213 Non-recurring income is a type of income (Social Security, in-kind, earned, deemed, etc.) present in one month, but not the next month of eligibility. The same type of income received in one month and the next month, but in different amounts, does NOT meet the definition of non-recurring income.
- .22 In-kind support and maintenance received in the budget month is not used to further reduce a CAPI payment that is already reduced in the payment month because the individual is in the reduced needs household of another living arrangement.
- .23 Deemed income from an ineligible spouse from the budget month is not counted in determining CAPI benefits effective with the month after the month the ineligible spouse dies.
- .24 Deemed income from an ineligible parent from the budget month is not counted in determining CAPI benefits effective with the month after the month the ineligible parent dies, or after the month child attains age 18.
- .3 The CAPI benefit is calculated in the following manner:
  - .31 Determine the correct payment standard for the payment month based on the applicant's or recipient's living arrangement for that month.
  - .32 Subtract the individual's, or couple's, countable income from the budget month from the payment standard for the current month (subject to the exceptions listed in MPP Section 49-055.2).
  - .33 The difference is the CAPI benefit amount for that month.
- .4 Each member of an eligible couple receives one-half of the couple's benefit amount when each member is eligible for CAPI.

NOTE: Authority cited: Sections 10553, 10554, and 18943, Welfare and Institutions Code. Reference: Jones v. Shalala 5 F3d 447 (9th Cir. 1993); 20 CFR 416.420(a); 20 CFR 416.502, and Section 18940, Welfare and Institutions Code.





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**49-060**            **BENEFIT SUSPENSIONS AND TERMINATIONS (Continued)**                      **49-060**

- .33    When the recipient dies.
- .34    When the recipient under age 65 is no longer blind or disabled.
- .35    When the recipient asks to voluntarily terminate his or her CAPI benefits.
- .4     A new application shall be filed to re-establish eligibility following termination, unless there is a favorable appeal decision.

NOTE: Authority cited: Sections 10553, 10554, and 18943, Welfare and Institutions Code; and SB 1569 (Chapter 672, Statutes of 2006). Reference: 20 CFR 416.1323; 20 CFR 416.1324; 20 CFR 416.1325; 20 CFR 416.1330; 20 CFR 416.1331; 20 CFR 416.1333 through .1335; P.L. 104-193, Section 202 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996), and Sections 18937, 18938, 18940, and 18945, Welfare and Institutions Code.

**49-065**            **INTERIM ASSISTANCE REIMBURSEMENT**                      **49-065**

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- .1     The Social Security Administration provides interim assistance reimbursement by withholding all or part of a recipient's retroactive SSI/SSP payment(s) to repay states or counties for any interim assistance paid while the SSI/SSP application was pending, or while the SSI/SSP benefits were suspended if the person is subsequently found to be eligible, if certain conditions are met.

- .11    The following definition of interim assistance is found in 20 CFR 416.1902:

*"Interim assistance means assistance the State gives you, including payments made on your behalf to providers of goods or services, to meet your basic needs, beginning with the day of the month you apply for SSI benefits and are eligible for them, and ending with, and including, the month your SSI benefit payments begin, or assistance the State gives you beginning with the day for which your eligibility for SSI benefits is reinstated after a period of suspension or termination and ending with, and including, the month the Commissioner makes the first payment of benefits following the suspension or termination if it is determined subsequently that you were eligible for benefits during that period. It does not include assistance the State gives to or for any other person. If the State has prepared and cannot stop delivery of its last assistance payment to you when it receives your SSI benefit payment from us, that assistance payment is included as interim assistance to be reimbursed. Interim assistance does not include assistance payments financed wholly or partly with Federal funds."*

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**HANDBOOK ENDS HERE**

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**49-065      INTERIM ASSISTANCE REIMBURSEMENT (Continued)      49-065**

- .2 Counties must take all necessary steps to qualify any CAPI benefits paid for federal interim assistance reimbursement. These steps include:
  - .21 Obtaining a signed authorization form from the applicant or recipient.
  - .22 Forwarding the signed authorization form (or approved electronic authorization) to the Social Security Administration.
  - .23 Crediting or refunding any federal interim assistance reimbursement received for CAPI payments to the state.
- .3 The state will provide its own interim assistance reimbursement to counties who provide interim assistance during the period of time that an individual's initial application is pending, or during a period of CAPI payment suspension prior to reinstatement. The reimbursement period begins with the first month of CAPI eligibility, and ends with, and includes, the month that the individual's CAPI payments begin.
  - .31 Interim assistance, for purposes of state reimbursement, means any financial assistance the county provides to the CAPI applicant during the period beginning with the first month of CAPI eligibility, and ending with, and including, the month that the individual's CAPI payments begin.
  - .32 The interim assistance for state reimbursement does not include any payments financed wholly or partly with federal or state funds.
  - .33 For a county to receive state interim assistance reimbursement, the county must do all of the following:
    - .331 For applications filed on or after March 4, 1999, obtain a signed authorization form (SOC 455) from the applicant or recipient.
    - .332 For applications filed prior to March 4, 1999, counties were required to obtain both: 1) the SSP 14 or replacement form authorizing SSA to reimburse from the individual's SSI/SSP check to the county for GA expenditures made during the SSI/SSP eligibility period, and 2) the IAR part of CAPI form SOC 451 authorizing SSA to reimburse from the individual's SSI/SSP check to the county, on behalf of the state, for CAPI expenditures made during the SSI/SSP eligibility period.)
    - .333 Issue, or request issuance of, a net retroactive CAPI payment (after withholding the amount of the interim assistance owed to the county) directly to the recipient within 10 working days of the date CAPI eligibility and payment amount have been determined.

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**ELIGIBILITY AND ASSISTANCE STANDARDS**

<b>Regulations</b>	<b>CASH ASSISTANCE PROGRAM FOR IMMIGRANTS (CAPI)</b>	<b>49-070</b>
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**49-065 INTERIM ASSISTANCE REIMBURSEMENT (Continued) 49-065**

- .334 Not delay issuance of a CAPI check solely to obtain a signed authorization form.
- .335 Provide proper notification concerning the withholding of the interim assistance amount on the approval notice to the applicant or recipient.
- .336 Consortia of CAPI counties must notify the county requesting reimbursement as soon as CAPI eligibility or ineligibility is determined, and obtain the amount of the interim assistance.

NOTE: Authority cited: Sections 10553, 10554, and 18943, Welfare and Institutions Code. Reference: 20 CFR 416.1901; 20 CFR 416.1902; 20 CFR 416.1904, and Sections 18938 and 18940, Welfare and Institutions Code.

**49-070 REDETERMINATIONS 49-070**

- .1 A recipient's eligibility must be redetermined within 12 months of the recipient's initial benefit payment date and within each succeeding 12-month period.

NOTE: Authority cited: Sections 10553, 10554, and 18943, Welfare and Institutions Code. Reference: Section 18938, Welfare and Institutions Code.

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**ELIGIBILITY AND ASSISTANCE STANDARDS  
CASH ASSISTANCE PROGRAM FOR IMMIGRANTS (CAPI)**

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**49-105      SPECIAL DEFINITIONS (Continued)      49-105**

- (o) (Reserved)
- (p) (Reserved)
- (q) (Reserved)
- (r) (Reserved)
- (s) (1) “SSI” means Supplemental Security Income, a federally-funded, cash benefit paid under Title XVI of the Social Security Act to needy aged, blind, and disabled persons living in the United States. The SSI program is administered by the Social Security Administration (SSA).
- (2) “SSP” means California’s State Supplementary Payment program authorized under Welfare and Institutions Code Section 12000, et seq. The SSA administers the SSP program in conjunction with the federal SSI program.
- (3) “SVB” means the Special Veterans Benefit, a federally-funded, cash benefit paid under Title VIII of the Social Security Act, which is paid to certain veterans of World War II. The SVB program is administered by the SSA.
- (t) (Reserved)
- (u) (Reserved)
- (v) (Reserved)
- (w) (Reserved)
- (x) (Reserved)
- (y) (Reserved)
- (z) (Reserved)

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 12050, 12200, and 12400, Welfare and Institutions Code; 20 CFR 416.105, 416.110, and 416.2001; and Program Operations Manual System Section VB 00101.001.



**49-115      ELIGIBILITY FOR THE CALIFORNIA VETERANS CASH BENEFIT (CVCB) PROGRAM (Continued)      49-115**

- .122      A person who meets the definition in Section 49-115.121 is presumed to have been in the service of the United States during World War II on July 31, 1941 or thereafter.
  
- .13      The person is eligible for the same period to receive an SVB payment, under Title VIII of the Social Security Act, as a result of the application of federal Public Law 106-169.
  - .131      Eligibility for SVB payments must be determined by the SSA.
  
- .14      The person is residing in the Republic of the Philippines.
  - .141      Residency in the Republic of the Philippines for the CVCB program must be determined in the same manner as residency in a foreign country is determined for the federal SVB program.
  
  - .142      A person is considered to be residing in the Republic of the Philippines if he/she has established an actual dwelling place in the Republic of the Philippines with the intention of continuing to live there. A person is considered to be residing in the Republic of the Philippines if, on the first day of the month, he or she is residing, as determined under SVB rules, in the Republic of the Philippines.
  
  - .143      For CVCB purposes, a person can be a resident of only one country at a time. A person cannot maintain a residence in the Republic of the Philippines and a residence in the United States or any other country at the same time.
  
- .2      Eligibility begins with the first of the month in which all eligibility requirements are met, except that no CVCB payments can be made for a month prior to May 1, 2000.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 12400, Welfare and Institutions Code; Sections 803 and 812 of the Social Security Act (42 U.S.C. Sections 1003 and 1012, respectively), and Program Operations Manual System VB 00205.020 and VB 00205.150.

**49-120      PAYMENT STANDARDS      49-120**

- .1    The CVCB payment standard for a person who is not blind is equivalent to the SSP standard for an aged or disabled individual living independently as determined under Welfare and Institutions Code Section 12200(c). The CVCB payment standard must be adjusted at the same time that the SSP payment standard is adjusted in accordance with Welfare and Institutions Code Section 12200 et seq.
  
- .2    The CVCB payment standard for a person who is blind is equivalent to the SSP payment standard for a blind individual living independently as determined under Welfare and Institutions Code Section 12200(a). The CVCB payment standard must be adjusted at the same time that the SSP payment standard is adjusted in accordance with Welfare and Institutions Code Section 12200 et seq.
  - .21    In order to qualify for the blind rate, SSA must have determined, prior to the date the person becomes eligible for the SVB program, that the person is blind for the purpose of qualifying for an SSP rate based on blindness.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 12400, Welfare and Institutions Code.

**49-125      INELIGIBILITY      49-125**

- .1    A recipient becomes ineligible for CVCB payments effective for the first full calendar month he or she is no longer a resident, as determined by SSA under SVB rules, of the Republic of the Philippines.
  
- .2    A recipient becomes ineligible for CVCB payments effective with any month he or she is ineligible for the federally-funded SVB program.
  
- .3    A recipient becomes ineligible for CVCB payments effective for the month immediately following his or her date of death.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 12400, Welfare and Institutions Code.

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