

44-310 EXCEPTIONS TO PROTECTIVE REQUIREMENTS.

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- .1 Protective payments under Sections 42-691.233, 42-786.5 and 44-309 are not required if, after making all reasonable efforts (see .2 below), the county is unable to locate an appropriate individual to whom protective payments can be made. In this case, the county shall continue to make payments on behalf of the remaining members of the assistance unit to the sanctioned caretaker.
- .2 At a minimum, reasonable efforts on the part of the county to locate a protective payee shall include the following actions:
 - .21 Inform the sanctioned individual that the county is required to make protective payments if it is able to locate an appropriate protective payee.
 - 22 Ask the sanctioned individual to name a person who can act as the protective payee, and explain the selection criteria of Section 44-309.13 to the sanctioned individual.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.
Reference: California Department of Health Services Manual Letter 77-1.

44-311 COST-OF-LIVING ADJUSTMENTS

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Grant and benefit levels are adjusted annually on July 1 to reflect changes in the cost of living as provided by statute (see W&IC Sections 11453 and 13100).

This section does not apply to foster care rates for AFDC children.

44-313 BUDGETING METHODS FOR AFDC-FG/U

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Budgeting is the activity used to compute the aid payment for a month for which eligibility exists (known as the payment month) using net nonexempt income, see Chapter 44-100, received in a corresponding month (known as the budget month). The two types of budgeting methods are prospective and retrospective. Under prospective budgeting, the budget month and the payment month are the same month. Under retrospective budgeting, the budget month is the second month prior to the payment month.

Budgeting is an activity separate from the determination of eligibility. All eligibility factors, including income eligibility, see Section 44-207, are considered on a prospective basis.

This section defines prospective and retrospective budgeting and specifies the appropriate method for various situations.

For the appropriate budgeting method to be used when an individual is added to or deleted from an existing assistance unit, see Section 44-313.4.

44-313 BUDGETING METHODS FOR AFDC-FG/U (Continued)

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.1 Prospective Budgeting

.11 Prospective budgeting is the method of computing an aid payment for a month using an estimate of the income reasonably expected to be received in that month. The estimate shall be based on the county's knowledge of past and current income and reasonable expectation of future income.

.12 Prospective budgeting shall be used to compute :

.121 The grant for the first and second months that AFDC is granted following a new application or reapplication, see Sections 40-103 .41 and .43.

Example :

If the first month of aid is October, the aid payments for
October and November are computed using estimates of income
reasonably expected to be received in October and November.

.122 The grant for the first and second payment months of AFDC when aid is restored (see Section 40-103 .42) following a break in aid of one calendar month or more.

.123 When aid is restored following a suspension, see Section 44-315.6.

Example :

If aid is discontinued March 31, and aid is restored to be effective anytime in May, the aid payments for May and June are computed using estimates of income reasonably expected in May and June.

.2 Retrospective Budgeting

.21 Retrospective budgeting is the method used to compute the AFDC grant for a month using income received in the second month prior to the payment month. Income information shall be obtained from the Monthly Eligibility Report (CA 7).

.22 Retrospective budgeting is the method used to compute:

.221 The AFDC grant for the third and subsequent payment months, except that income from the budget month which was considered prospectively for any payment month and is not of a continuous nature shall not be counted, see Section 44-313 .3.

Regulations

44-313 BUDGETING METHODS FOR AFDC-FG/U (Continued)

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.222 The AFDC grant for the month following a suspension as required by Section 44-315.6.

.223 The AFDC grant for the month in which aid *is* restored following a break in aid of less than a calendar month provided :

(a) The assistance unit received an aid payment, received a zero grant, or would have received an aid payment except for the restriction o_n grants of less than \$10 , for the immediately preceding two payment months; or

(b) The assistance unit was suspended in either of the two payment months immediately preceding discontinuance and retrospective budgeting was or is required by Section 44-315.6 where aid was or is restored following the suspension.

Example :

If aid is discontinued effective March 31, and aid is restored to be effective anytime in April , the grant for April is computed using income received in February, the grant for May is computed using income received in March, etc .

• 3 Income of a Continuous Nature

.31 For the third and fourth payment periods, the income already used to compute the grant for the first and second payment periods which is not of a continuous nature shall not be counted.

• 4 Budgeting the Income of Individuals Added to or Deleted from an Existing Assistance Unit

.41 The income of an eligible individual added to an existing assistance unit shall be budgeted prospectively for the first two payment months except in the following circumstances:

.411° When aid is restored following a break in aid from that assistance unit when the break in aid is less than one calendar month, retrospective budgeting . shall continue . See Section 44 -313 .223 .

- .412 When the added individual's income has been considered when determining the assistance unit's eligibility for the two months immediately preceding the beginning date of aid, retrospective budgeting shall be used.

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EXAMPLE :

Situation: The assistance unit is in retrospective budgeting. An unaided stepparent has income deemed to the assistance unit in December and January. The stepparent is added to the assistance unit on the first day of February, and remains eligible in subsequent months.

Budgeting: Retrospectively budget the stepparent's income deemed to the assistance unit in December to the February payment month. Retrospectively budget the stepparent's income deemed in January to the March payment month. Retrospectively budget all the stepparent's net nonexempt income received in February to the April payment month.

HANDBOOK ENDS HERE

- .413 When the added individual's income has been considered when determining the assistance unit's eligibility for only the first month immediately preceding the beginning date of aid, his/her income shall be retrospectively budgeted in the second month of aid.

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EXAMPLE :

Situation: The assistance unit is in retrospective budgeting. A second parent moves into the home in January and applies for aid. Eligibility conditions are met at the end of January. The second parent is added to the assistance unit effective the first of February, and remains eligible in subsequent months.

HANDBOOK CONTINUES

44-313 BUDGETING METHODS FOR AFDC-FG/U (Continued)

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Budgeting : Compute the second parent's income considered available to the assistance unit in January according to 44-133 .3, and retrospectively budget this amount to the March payment month. Prospectively budget the second parent's net nonexempt income expected to be received in February to the February payment month. In addition, retrospectively budget the second parent's net nonexempt income received in February to the April payment month, if the income is of a continuous nature. (See Section 44-313 .3 .) Retrospectively budget the second parent's net nonexempt income received in March to the May payment month.

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- .42 The income received during the budget month by an individual deleted from an assistance unit shall not be considered income to the assistance unit for retrospective budgeting in any payment month following his or her discontinuance except in the following circumstance:

- .421 When the person remains in the home following discontinuance and has income which is considered available to the assistance unit under Section 44-133 , retrospective budgeting shall continue .

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Example 1:

A child with income moves from the home in July. The child's needs are not considered for eligibility in August. Therefore , his/her June income . is not considered when computing the grant paid in August.

HANDBOOK CONTINUES

44-313 BUDGETING METHODS FOR AFDC-FG/U (Continued)

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EXAMPLE 2:

Situation: The assistance unit is in retrospective budgeting, and in January and prior months consisted of stepfather, mother and her separate child. Stepfather begins working full time and is removed from the assistance unit as of February 1. The stepfather remains in the home, and his income is deemed to the assistance unit according to 44-133.6 in February and subsequent months.

Budgeting: Retrospectively budget all the net nonexempt income received in November by the three-person assistance unit to the January payment month. Retrospectively budget all the net nonexempt income received in December by the three-person assistance unit to the February payment month. Retrospectively budget all of the net nonexempt income received in January by the three-person assistance unit to the March payment month. Retrospectively budget the net nonexempt income received in February by the two-person assistance unit, including the income deemed from the stepparent in February, to the April payment month. Note: This budgeting method is used even when the stepparent's income is not actually considered available to the family because the stepparent's needs and other deductions allowed under 44-133.6 are greater than the income.

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.5 Budgeting in Approved Alternate Payment Systems

.51 Apply the requirements of 44-313 to approved alternate payment systems (see Section 44-305 .3). Substitute references to "month" with phrase "28- to 31-day period not limited to a calendar month."

.6 Budgeting for Refugee or Cuban/Haitian Entrant Cases Transferred from Refugee or Cuban/Haitian Entrant Cash Assistance to AFDC-FG AND AFDC-U

.61 The budget period for the month of transfer from the Refugee Resettlement or Cuban/Haitian Entrant Programs to AFDC-FG or AFDC-U shall be the second prior calendar month (retrospective budgeting) unless the family did not receive refugee or Cuban/Haitian entrant cash assistance in the second prior calendar month.

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.62 If the family did not receive cash assistance in the second prior calendar month, but did in the prior calendar month, the budget period for the month of transfer shall be the concurrent month. The budget period for the following month shall be the corresponding second prior calendar month .

44-315 AMOUNT OF AID 44-315

.1 Definitions These definitions are specific to and for purposes of this section.

.11 Net Nonexempt Income "Net Nonexempt Income" means all earned and unearned income less applicable disregards.

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[See Chapter 44-J(X) to detennine net nonexempt income.]

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.12 Grant Amount "Grant Amount" means the amount of AFDC which is to be paid to the AU for a given month.

.13 Potential Grant Potential Grant" means the subtotal after the net nonexempt income is subtracted from the MBSACplus special needs. The potential grant may equal the grant amount if the potential grant is equal to or less than the MAP.

.2 County Responsibility The county is responsible for computing the amount of aid payment when:

.21 Granted Aid is granted or restored;

.22 Redetermination A redetermination of eligibility is made;