

DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

January 3, 1974

COUNTY LETTER NO. 1-74

TO: ALL COUNTY WELFARE DIRECTORS

STATE SUPPLEMENTARY PROGRAM FOR AGED, BLIND AND DISABLED

Enclosed are adopted regulations relating to emergency payments, responsible relatives, and restaurant meals certification. These regulations were filed with the Secretary of State on January 2, 1974, and are effective immediately.

Sections 46-335.5 and .6, regarding county action on uncollected loans and state reimbursement for those loans, will be revised shortly to set forth more specifically the procedures to be followed.

Sincerely,

A handwritten signature in cursive script that reads "David B. Swop".

DAVID B. SWOAP
Director

Attachment

OBSOLETESuperseded by ACL # 77-15Issued 3-17-77

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FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

**ENDORSED
FILED**

in the office of the Secretary of State
of the State of California

JAN 2 - 1974

At 4:50 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

State Department of Social Welfare

(Agency)

Dated: JAN 2 1974

By: *Quinn B. Swaney*

Director

(Title)

ENDORSED
APPROVED FOR FILING
(Gov. Code 11380.2)
JAN 2 1974

Office of Administrative Hearings

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554, and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

FINDING OF EMERGENCY

The implementation of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

- Adopt: Division 46, Sections 46-326
- 46-335
- 46-410
- 46-412
- 46-414
- 46-416

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-326 ALLOWANCE FOR RESTAURANT MEALS

46-326

The aged or disabled recipient individual or couple, both of whom are aged or disabled, whose living arrangement prevents the preparation of meals at home shall be entitled to an allowance of \$25 for an individual or \$50 for a couple in addition to any other payments for which he or they are eligible.

The county welfare department will be responsible for certification of the living arrangement. The criteria shall be availability and adequacy of cooking and food storage facilities for preparation of all meals as distinguished from makeshift facilities, such as a hotplate, with which only a limited or light meal can be prepared.

.1 Certification

Certification will be made on Form SSA 1620 CI and forwarded to the local SSA office at the following times:

- .11 Upon application for the allowance; and
- .12 When the living arrangement changes.

.2 Recertifications

Counties shall maintain controls on all restaurant meal certifications, and recertify no less than once a year.

.3 Verification of Living Arrangement

.31 If the situation is known to the county, no inspection of the recipient's cooking and storage facilities is necessary. The

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REGISTRATION FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

46-326 ALLOWANCE FOR RESTAURANT MEALS (Continued)

46-326

recipient individual's or couple's need for the allowance may be verified at the county welfare department.

- .32 If the situation is not known to the county, or if there is doubt, a home visit must be made to certify the need for the meal allowance.

46-335 EMERGENCY LOANS

46-335

The Welfare & Institutions Code provides for county issuance of emergency loans to recipients of state supplementary payments whose regular monthly SSP payment is not available to them due to loss, theft, or delay of more than five days beyond the date the check should have been received by the recipient.

.1 Eligibility for Loans

A recipient of state supplementary payments who is without his SSI/SSP entitlement due to loss, theft or delay shall be eligible to receive an emergency loan if:

- (a) such recipient either received or was eligible to receive a regular supplementary payment for the month immediately preceding the month of application for a loan; and
- (b) a replacement of the recipient's regular monthly check has not been received within four days of the date such fact was reported to the Social Security Administration.

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(Pursuant to Government Code Section 11380.1)

46-335 EMERGENCY LOANS (Continued)

46-335

.11 Special Eligibility for January 1974

Recipients who for the month of December 1973 were cash grant recipients under the OAS, ATD, or AB programs and were converted or eligible to be converted to the Federal Supplemental Security Income Program shall be eligible for emergency loans for the month of January 1974, providing such recipients meet the other requirements of this section.

.2 Referral of Recipients for Emergency Loans

.21 Recipient Contacts Social Security Office

When a recipient directly contacts the Social Security district office and informs such office of the theft, loss or nonreceipt of his state supplementary payment, the Social Security Office will complete Form SSP-2 (Emergency Payment Referral) and will provide such information on this form as is needed by the county to determine eligibility for and the amount of the emergency loan.

Completed Form SSP-2 will then be taken by the recipient to the county welfare department for evaluation and payment to eligible recipients.

.22 Recipient Contacts the County Welfare Department

If a recipient initially contacts the county welfare department regarding loss, theft or nonreceipt of his state supplementary payment, he shall be referred to the appropriate Social Security

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(Pursuant to Government Code Section 11380.1)

46-335 EMERGENCY LOANS (Continued)

46-335

district office. The district office will then follow the procedure provided under .21 above.

.3 Determination of Loan Amount

.31 The amount of the loan shall be an amount up to the amount of the recipient's SSI/SSP benefit received for the month immediately preceding the month in which application for an emergency loan is made.

.32 Under no circumstances shall the amount of the loan exceed \$200.

.33 The amount of the loan determined under .31 shall be reduced by the amount of any Federal emergency payment as indicated on the SSP-2.

.34 In determining the amount of a loan made to a recipient who is a member of a recipient couple under the SSI/SSP program, the benefit amount to be used shall be one-half of the SSI/SSP benefit provided for such recipient and his recipient spouse.

.35 For the month of January 1974, an otherwise eligible recipient who was a recipient of OAS, ATD, or AB for the month of December 1973 shall receive a loan up to the amount of his December 1973 grant less any emergency payment received from the Social Security Administration. In no event shall the amount of the loan plus the amount of any Federal emergency payment exceed \$200.

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(Pursuant to Government Code Section 11380.1)

46-335 EMERGENCY LOANS (Continued)

46-335

.4 County Issuance of Emergency Loans and Loan Agreement.41 Recipient Responsibility

.411 Prior to county issuance of an emergency loan, the recipient shall complete Form SSP-3 (Affidavit) attesting under penalty of perjury to the following:

- (a) that such recipient's SSI/SSP warrant was either not received, lost, or stolen; and
- (b) the date such recipient informed the Social Security Administration of such fact.

.412 The recipient shall sign Form SSP-3 indicating his obligation to repay the county under the terms of the agreement by such date as indicated in the agreement.

.413 If the recipient is a member of a recipient couple and both members of such couple are applying for an emergency loan, each recipient shall complete Form SSP-3 as required under .411 and .412 above.

.42 County Responsibility

The county is responsible for explaining to the recipient the terms of the loan agreement and his obligation to repay the county under the agreement.

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46-335 EMERGENCY LOANS (Continued)

46-335

.43 Effective Dates of Loan Issuance and Collection

.431 The effective date of the loan issuance shall be immediately upon receipt by the county of Form SSP-2 from the recipient, but not earlier than the fourth day following the date the recipient reported loss, theft or nonreceipt of his warrant to the Social Security office.

.432 The effective date of the repayment of the emergency loan shall be the date agreed upon by the county and the recipient or five days after the recipient has received the SSI/SSP replacement warrant, whichever is earlier.

.5 County Action on Defaulted Loans

When a recipient fails to repay a loan by the date agreed upon in the loan agreement, the county shall undertake appropriate efforts to obtain collection of the amount owed, including legal action by the District Attorney or other appropriate county officer. Legal action shall include the filing of a civil complaint.

.6 State Reimbursement for Uncollected Loans

.61 If, after the county has taken legal action to enforce repayment of defaulted loans, the county is not able to obtain repayment, the State shall reimburse the county in an amount equal to the amount of such emergency loan. Reimbursement shall be made in accordance with procedures established in the Fiscal Manual. Reimbursement shall not occur until 30 days have elapsed since the date of taking legal action.

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(Pursuant to Government Code Section 11380.1)

46-335 EMERGENCY LOANS (Continued)

46-335

.7 State Responsibility for Administrative Costs

.71 The State shall reimburse the county for the costs of administering the Emergency Loan Program. Counties shall submit a claim for reimbursement of such costs as provided in the Fiscal Manual.

.8 County Repayment of State Reimbursements

.81 If the county receives state reimbursement for an uncollected loan and subsequently obtains repayment from the recipient, the amount of the state reimbursement shall be remitted to the state.

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(Pursuant to Government Code Section 11380.1)

46-410 RECOVERIES FROM RESPONSIBLE RELATIVES OF AGED RECIPIENTS 46-410

This chapter shall apply only to the responsible relatives of SSP recipients who are eligible for assistance on the basis of age.

Contributions from responsible relatives for the support of SSP recipients must be remitted to the county welfare department. The contributions are considered to be recoveries on cash grants paid to SSP recipients and do not affect determination of eligibility or the amount of the grant. In each month when a responsible relative makes his full contribution on a current basis, the county shall pay to the SSP recipient against whose grant the contribution is made an amount not to exceed \$20.00. This payment should be reduced to the extent that an income exemption is allowed.

Contributions paid directly to SSP recipients do not discharge the responsible relative from his support obligation (except in-kind contributions, see Section 46-414.4). However, contributions actually received by an applicant or recipient must be reported to the Social Security Administration as income and shall be considered in the determination of eligibility and the amount of the grant.

Failure of the responsible relative to cooperate in providing the information necessary to determine his liability or failure of the relative to meet his liability as fixed by the county are bases for a report by the county to the district attorney or other civil legal officer for appropriate action.

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(Pursuant to Government Code Section 11380.1)

46-412 RESPONSIBLE RELATIVES - DEFINITIONS

46-412

.1 Responsible Relative

A responsible relative is one who is legally liable to provide financial support or to contribute to the support of another person because of his relationship through a blood tie or as a result of marriage, or adoption. A relative who is a recipient of public assistance is not held liable to contribute from his grant of aid to the support of another person or family.

Responsible relatives include the adult children living within this state of an applicant or recipient who is eligible for SSP. Adult children, as used herein, refers to the adult children of such applicants or recipients, including emancipated minor children, i.e., children for whom the parent has voluntarily relinquished parental control.

.2 Dependent

A dependent of an adult child of an applicant or recipient is a person other than the applicant or recipient who meets all of the following requirements:

- a. Is related to the adult child by blood, marriage or adoption;
- b. Has income insufficient to meet his needs; and
- c. Is receiving his major support (in or out of the home) from the adult child.

For the purposes of determining liability under the Relatives' Contribution Scale, a dependent also includes the adult child himself.

Interpretation - A person with income of \$100 a month or more would not generally be considered a dependent. However, if the needs of such person exceed his income because of factors such as medical care, higher education costs, etc.,

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(Pursuant to Government Code Section 11380.1)

46-412 RESPONSIBLE RELATIVES - DEFINITIONS (Continued)

46-412

and as a result he in fact received major support from the adult child he would be considered a dependent.

.3 Gross Income (Adult Child)

Gross income is the income otherwise available before any payments or deductions for taxes, insurance, retirement contributions, expenses incident to operation of a business, etc.

.4 Net Income (Adult Child)

.41 Salary or Wages

Net income from salary or wages derived from employment by others is gross income less a flat allowance for the cost of personal income taxes, disability insurance taxes and social security taxes, expenses necessary to produce the income, including the cost of transportation to and from work, meals eaten at work, and union dues, and the cost of tools, equipment and uniforms. The flat allowance is 25 percent for responsible relatives under 60 years old, and 50 percent for those 60 years old or older.

.42 Income from Sources Other than Salary or Wages Specified in .41 Above

Net income is gross income less the following:

- a. Deductible expenses permitted in the determination of net income for purposes of California State Income Tax;
- b. Principal payments, to the extent such payments are necessary to the operation of the business or enterprise or are required to

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46-412 RESPONSIBLE RELATIVES - DEFINITIONS (Continued)

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maintain and preserve the capital investment of the relative. (Principal payments are not included on indebtedness incurred subsequent to the initial determination of liability if such indebtedness was to expand a business or to otherwise increase property holdings. However, exception to this general rule is made if the incurring of such indebtedness was necessary to preserve and maintain the investment the relative already had in the business or property.);

- c. Twenty-five percent, or 50 percent for a responsible relative 60 years old or older, of the balance (the remainder after allowable expenses under a. and b. have been deducted) for the cost of personal income taxes, disability insurance taxes and social security taxes, expenses necessary to produce the income, including the cost of transportation to and from work, meals eaten at work, and union dues, and the cost of tools, equipment and uniforms.

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46-414 RESPONSIBILITY OF ADULT CHILD

46-414

The maximum liability of an adult child shall be determined under the Relatives' Contribution Scale (see .31 below) which gives consideration to the child's net income and the number of his dependents.

.1 Income Included in Determining Liability

Income included depends on the marital status of the adult child as set forth below. (Income of the spouse of the adult child is never included

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46-414 RESPONSIBILITY OF ADULT CHILD (Continued)

46-414

In determining such child's liability but is evaluated in determining dependency of the spouse and the couple's children (see .2 below.)

.11 Married Son

His total income for purposes of liability determination is the sum of:

- a. His total net income from his own earnings; plus
- b. His total net separate income from any source (property, pensions, etc.); plus
- c. The couple's total net community income excluding earnings of his spouse.

.12 Married Daughter

Her total income for purposes of liability determination is the sum of:

- a. Her total net income from her own earnings; plus
- b. Her total net separate income from any source (property, pensions, etc.).

.13 Single, Divorced, Widowed or Separated Adult Child (Son or Daughter)

Income for purposes of liability determination is the total net income of such child from all sources.

.2 Dependents Claimed

(See Section 46-412.2 for definition of a dependent.) Only one person can claim any given person as a dependent. When the adult child

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46-414 RESPONSIBILITY OF ADULT CHILD (Continued)

46-414

and his spouse each has income which is pooled for family support, their dependents are apportioned as nearly as possible in accord with the ratio of each spouse's income to the total family income.

.3 Degree of Liability

The county shall determine the net income of the adult child as provided in .1 above, and the number of his dependents and shall then fix maximum liability in the amount prescribed by the Relatives' Contribution Scale, unless such liability is modified as permitted by Section 46-414.6.

.31 Relatives' Contribution Scale

Welfare and Institutions Code Section 12351 provides for contributions based on net income. Columns A and B are included for convenience in converting gross income to net income when the income of the adult child includes only his salary or wages. If the adult child's income includes income from property, self-employment, business, etc., his total net income must be determined under the appropriate provisions in Section 46-412.4. Net income so determined is then used, in Column C, in determining his maximum liability under Column D of the scale.

When the net monthly income of the adult child exceeds \$1,150, add \$5 to the appropriate subcolumn of Column D for each additional increment of \$25 in the adult child's net monthly income.

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46-414 RESPONSIBILITY OF ADULT CHILD (Continued)

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RELATIVES' CONTRIBUTION SCALE														
A			B			C			D					
If relative is 60 years old or older and gross monthly income is:			If relative is under 60 years old and gross monthly income is:			Then net monthly gross income is:			Maximum required monthly contribution if number of persons dependent upon income is:					
									1	2	3	4	5	6 or More
\$ 0.	-	801.99	\$ 0.	-	534.66	\$ 400	or under	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
802.00	-	901.99	534.67	-	601.33	401	- 450	5	0	0	0	0	0	0
902.00	-	1,001.99	601.34	-	667.99	451	- 500	10	0	0	0	0	0	0
1,002.00	-	1,101.99	668.00	-	734.66	501	- 550	15	0	0	0	0	0	0
1,102.00	-	1,201.99	734.67	-	801.33	551	- 600	20	0	0	0	0	0	0
1,202.00	-	1,301.99	801.34	-	867.99	601	- 650	25	5	0	0	0	0	0
1,302.00	-	1,401.99	868.00	-	934.66	651	- 700	30	10	0	0	0	0	0
1,402.00	-	1,501.99	934.67	-	1,001.33	701	- 750	35	15	0	0	0	0	0
1,502.00	-	1,601.99	1,001.34	-	1,067.99	751	- 800	40	20	0	0	0	0	0
1,602.00	-	1,701.99	1,068.00	-	1,134.66	801	- 850	45	25	5	0	0	0	0
1,702.00	-	1,801.99	1,134.67	-	1,201.33	851	- 900	50	30	10	0	0	0	0
1,802.00	-	1,901.99	1,201.34	-	1,267.99	901	- 950	55	35	15	0	0	0	0
1,902.00	-	2,001.99	1,268.00	-	1,334.66	951	- 1,000	60	40	20	0	0	0	0
2,002.00	-	2,051.99	1,334.67	-	1,367.99	1,001	- 1,025	65	45	25	5	0	0	0
2,052.00	-	2,101.99	1,368.00	-	1,401.33	1,026	- 1,050	70	50	30	10	0	0	0
2,102.00	-	2,151.99	1,401.34	-	1,434.66	1,051	- 1,075	75	55	35	15	0	0	0
2,152.00	-	2,201.99	1,434.67	-	1,467.99	1,076	- 1,100	80	60	40	20	0	0	0
2,202.00	-	2,251.99	1,468.00	-	1,501.33	1,101	- 1,125	85	65	45	25	5	0	0
2,252.00	-	2,301.99	1,501.34	-	1,534.66	1,126	- 1,150	90	70	50	30	10	0	0

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(Pursuant to Government Code Section 11380.1)

46-414 RESPONSIBILITY OF ADULT CHILD (Continued)

46-414

.32 Child Freed of Responsibility for Support of Parent

An adult child who has been freed of responsibility for support of a parent under the provisions of Civil Code 206.5 or 206.7 has no liability under the Relatives' Contribution Scale regardless of his income. He is also freed from any liability previously established but not yet paid at the time of the court order freeing him from responsibility.

.33 Special Factors Which Neither Increase Nor Decrease Liability of Adult Child

.331 Applicant or Recipient Receives Medical Care

Liability of an adult child shall not be increased as a result of medical care provided to his parent(s) under the Medi-Cal program.

.332 Adult Child Has Two Living Parents

The total liability of an adult child with two living parents is the same as it would be for one.

.333 Adult Child Living in Home of Parent

Liability of the adult child is not altered by his payment of room and board to a parent.

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46-414 RESPONSIBILITY ADULT CHILD (Continued)

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.4 Evaluation of Contributions In Kind by an Adult Child

An adult child may meet his liability in full or in part by a cash contribution, a contribution in kind, or a combination of both. The following rules determine the extent, if any, to which liability can be met by a contribution in kind.

.41 Contribution of an Item in the Standard of Assistance

Such contribution shall be valued at the actual cost to the relative.

.42 Contribution of Item Outside Standard of Assistance

Such contribution does not serve to modify or to meet any portion of the relative's legal liability.

.5 Remittance of Contributions

The responsible relative must remit monthly to the county welfare department the amount prescribed in Section 46-414.31 (or such lesser amount prescribed in .6 below), less the value of any in-kind contributions described in Section 46-414.4.

.51 Contributions in excess of the amount required in Section 46-414.31 may be remitted directly to the applicant or recipient, in which case the applicant or recipient must report such contributions to the Social Security Administration as income.

.6 Modification of Liability

.61 One Adult Child - When the monthly liability of an adult child of an

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46-414 RESPONSIBILITY ADULT CHILD (Continued)

46-414

SSP recipient or applicant exceeds the amount of the SSP grant, the liability will be reduced to the amount of the SSP grant.

- .62 More Than One Adult Child - When an Aged applicant or recipient has more than one adult child with a responsible relative liability and the sum of the liabilities of such adult children exceeds the amount of the SSP payment, the liabilities of such adult children shall be determined by dividing the amount of the SSP payment by the number of adult children of the parent. The amount arrived at in this manner, with respect to any of the adult children's separate shares, shall not exceed the adult child's liability as determined by the Relatives' Contribution Scale (see .31), or the amount of the SSP grant payment.

The proportionate share of any one of such adult children shall not be subsequently increased upon the failure of any of the recipient's other adult children with a responsible relative liability to pay the remaining pro rata share.

.7 Disposition of Contributions in Excess of the Amount of the Cash Grant

Any excess contributions which are received by the county shall be applied first to past months unpaid liability beginning with January 1, 1974. Any remainder shall be held for application to the liability for the next month, and any amount then remaining may be held to be applied toward the liability for future months or refunded to the contributors at the discretion of the county. If such excess amount is received from more than one adult child, the excess shall be returned or credited according to the proportionate shares contributed.

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46-414 RESPONSIBILITY ADULT CHILD (Continued)

46-414

If aid is terminated, the county shall return to the contributing adult child(ren) any such remaining contributions held by the county.

46-416 PROCEDURE FOR DETERMINING NONLIABILITY OR LIABILITY OF AN
 ADULT CHILD

46-416

. I New Applications

. II Determination of Nonliability by Interview

Nonliability of an adult child may be determined on the basis of information obtained through interview with the adult child or through interview with the applicant if the applicant is able to provide all the needed information.

Pertinent facts regarding the adult child to be obtained in an interview include:

- a. His marital status and approximate age.
- b. His current employment and net income.
- c. The stability of his employment.
- d. Other sources and amounts of net income.
- e. Income of his spouse.
- f. Number of his dependents.

. III Interview Supports Adequately a Determination of Nonliability

The basis for such conclusion shall be recorded in full in the record.

In the absence of conflicting evidence, no further investigation of the relative's liability shall be made.

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(Pursuant to Government Code Section 11380.1)

46-416 PROCEDURE FOR DETERMINING NONLIABILITY OR LIABILITY OF AN 46-416
 ADULT CHILD (Continued)

.112 Interview Does Not Support Adequately a Determination of
 Nonliability

Form AG 225 shall be completed by the adult child as provided
 in Section .12 and .13 below.

.12 Use of Form AG 225, Statement of Responsible Relative - General

Actual liability of an adult child to support or to contribute to the
 support of an applicant or recipient shall be determined wherever
 possible, on the basis of such child's written declaration giving
 detailed information concerning his income, deductible expenses, if
 any, dependents, etc. Accordingly, Form AG 225 shall be sent to
 each child where probable liability is indicated from information
 obtained through interview or when the information so obtained does
 not support adequately a determination of nonliability.

.13 County Action on Form AG 225

The completed Form AG 225 shall be reviewed for completeness,
 accuracy and consistency with any other information the county has
 concerning the adult child's circumstances. Liability or nonliability
 shall be determined by the county as set forth below.

.131 Substantial Evidence Indicates that Information on Form AG 225
 is Inaccurate or Incomplete

The county shall make whatever further investigation is

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46-416 PROCEDURE FOR DETERMINING NONLIABILITY OR LIABILITY OF AN ADULT CHILD (Continued) 46-416

indicated before determining liability or nonliability. However, the relative shall always be notified before an inquiry is directed to his employer. (W&IC Section 12350.)

.132 Completed Form AG 225 and Any Supplemental Information Indicate Nonliability

A determination of nonliability shall be made and recorded.

.133 Completed Form AG 225 and Any Supplemental Information Indicate Liability

Liability shall be fixed by the county at the amount prescribed by the scale, or a lesser amount determined in Section 46-414.6, and the adult child shall be notified as provided in Section .14 below.

.14 Notification

The relative shall be notified of the amount of his liability by means of Form AG 246 or an equivalent substitute form.

.141 Effective Date

The effective date of the liability shall be the first day of the month in which the relative is notified of the amount of his liability unless the relative willfully and without good cause delayed in providing requested information essential to

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(Pursuant to Government Code Section 11380.1)

46-416 PROCEDURE FOR DETERMINING NONLIABILITY OR LIABILITY OF AN 46-416
ADULT CHILD (Continued)

the determination of his liability. In such case, any liability subsequently fixed or increased shall be effective in the month following that in which the information was requested.

.142 Unliquidated Obligations

Any unliquidated responsible relative obligation for past months that exists on January 1, 1974, shall be considered canceled, providing that the adult child with the obligation meets his obligation for January 1974 and continues to meet his obligation thereafter. If the responsible relative fails to meet his obligation in January 1974 or anytime thereafter, the obligation for months before January that had been considered canceled will become an obligation again at the time when the adult child fails to meet his obligation.

.15 County Action When Form AG 225 Not Returned

The county shall send a follow-up request for the completed form

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within 30 days after the initial mailing (or otherwise giving) of the form to the adult child.

.151 Completed Form AG 225 Submitted as a Result of the Follow-up

County action in evaluating the form and determining liability or nonliability shall be the same as that provided in Section .13 above.

.152 Completed Form AG 225 Still Not Submitted

If within 30 days after the follow-up request the adult child still has failed to return the completed form, efforts should be made to determine through independent investigation what liability, if any, the adult child has. Such independent investigation may be made only after the adult child has been notified of the proposed investigation and that it may include checks with the credit bureau, his employer, etc.

If sufficient evidence is secured through independent investigation the county shall, on the basis thereof, determine and fix liability or nonliability of the adult child, record the basis thereof and notify the child of any fixed liability.

.2 Reinvestigations

Liability or nonliability of each adult child shall be redetermined promptly in accord with the procedures set forth in .1 above when one or more of the

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following conditions exist:

- a. Evidence is obtained which raises doubt as to the validity of the existing finding of liability or nonliability;
- b. Two years have elapsed since the last determination was made, or
- c. The adult child requests a redetermination.

.21 The Notification to Adult Child

The adult child shall be notified immediately in the manner prescribed in Section .14 above of any changes in his fixed liability.

.3 Adult Child's Right to Appeal

Any adult child who has been found liable to make a contribution for full or partial support of his parent as provided herein and is dissatisfied with such finding may appeal to the SDSW for modification or elimination of the liability. Such appeal shall be handled in the manner prescribed for fair hearing requests for an applicant or recipient. (See Fair Hearing Procedures Chapter 22-000 of Operations Manual.)

.4 Report to the District Attorney or Other Civil Legal Officer

The county is responsible for asking the district attorney or other civil legal officer to take legal action against a relative as set forth below. Any report or referral of such matter to the legal officer should be accompanied with pertinent information concerning the relative which is known to the county.

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 ADULT CHILD (Continued)

.41 Adult Child Fails to Complete and Return Form AG 225

Such failure shall be reported to the district attorney or other civil legal officer for appropriate action under W&IC Section 12358 if:

- a. It has not been feasible to determine liability or nonliability through independent investigation, and
- b. The adult child has been informed of the necessity of such report to the legal officer if he fails to cooperate.

.42 Adult Child Fails to Meet His Liability as Fixed by the County

The county of residence of the applicant or recipient shall request the district attorney or other civil legal officer to proceed against such adult child as provided in W&I Code Section 12350, Section 1650 et seq. of the Code of Civil Procedure, and Sections 206 and 248 of the Civil Code. (Note provisions for recovery of attorney fees and court costs.)

.421 The county shall proceed through its appropriate legal officer to reduce the amount owed to a judgment, unless the amount owed is less than \$50.

- a. An abstract of such a judgment shall then be recorded pursuant to Section 674, Code of Civil Procedure, in any county in which either the responsible relative or recipient owns real property.

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b. In addition, the county shall take all appropriate action pursuant to Section 681 et seq., Code of Civil Procedure, to execute such a judgment.

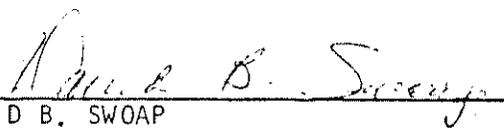
.422 Nothing above shall be taken to preclude the county from arriving at a reasonable settlement of its claim for contributions with the responsible relative, provided that if the state's interest in the unliquidated amount of the claim exceeds \$500, such a settlement must be approved by the Director, SDSV.

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(Pursuant to Government Code Section 11380.1)

These regulations do not mandate a new program nor mandate an increased level of service of an existing program which would result in increased costs to local governments under Revenue and Taxation Code Section 2231.



DAVID B. SWOAP
Director of Social Welfare

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