

DEPARTMENT OF BENEFIT PAYMENTS



February 13, 1974

REFER TO: ALL-COUNTY LETTER NO. 74-26

TO: ALL COUNTY WELFARE DEPARTMENTS

STATE SUPPLEMENTARY PROGRAM FOR AGED, BLIND AND DISABLED

Attached is a complete copy of the new Division 46 of the Eligibility and Assistance Standards Manual. The regulations were filed with the Secretary of State in two stages. The first sections were filed on January 2, 1974, and were transmitted to you on January 3, 1974. The remainder of the sections were filed February 7, 1974, at which time some of the sections filed on January 2, 1974 were amended.

Any person applying for benefits under the State Supplemental Program on, or after January 1, 1974, and found to be eligible for benefits will be eligible for the benefits provided by these regulations effective with the month of application, except for benefits under Section 46-330. Benefits under Section 46-330 are effective on the first day of the month of application.

Specific questions on implementation of these regulations should be directed to the Adult Program Management Branch (916) 445-0813.

Sincerely yours,

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

DAVID B. SWOAP
Director of Benefit Payments

Attachment

OBSOLETE

Superseded by

ACL #77-15

Issued

3-17-77

CONTINUATION SHEET
 FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

DIVISION 46 STATE SUPPLEMENTAL PROGRAM

CHAPTER 46-100 GENERAL

46-105 GENERAL STATEMENT

46-105

- .1 The State Supplemental Program (SSP) provides for money payments to certain aged, blind, or disabled California residents.

Pursuant to Chapter 1216 of California Statutes of 1973 and to a contract between the Secretary of HEW and the Department of Social Welfare, the Federal Social Security Administration will determine the eligibility for and amount of entitlement of individuals for Supplemental Security Income (SSI) payments, if any, the eligibility for and amount of entitlement to SSP payments, and deliver the combined amount of the entitlements as a single monthly payment to eligible individuals.

- .2 A recipient of public assistance payments in December 1973, including individuals who applied for aid in December and met all the conditions of eligibility for payment in that month, under either the AB, ATD, or OAS programs will continue to be eligible in January 1974, and thereafter, for the SSP, providing he continues to meet the December, 1973, eligibility requirements.

After December 31, 1973, wherever reference is made to AB, ATD, or OAS in the Department's regulations, that regulation is superseded by Division 46 except to the extent that the regulation applies to AFDC or APSB and except as necessary to determine the continuing eligibility of recipients of public assistance in December 1973 who are continued as eligible recipients beyond December 1973.

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CONTINUATION SHEET
FOR ISSUING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-110 RECEPTION AND APPLICATION

46-110

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- .1 Recipients of Public Assistance payments under AB, ATD, or OAS in December 1973, including individuals who applied for aid in December and met all the conditions of eligibility for payment in that month, will automatically become recipients of payments under the federally-administered SSI - SSP program. A new application will not be required.
- .2 Other aged, blind, or disabled individuals who did not receive a public assistance payment for December 1973, will be required to make application at a local Federal Social Security Administration Office in order to receive payments after that date.
- .3 Procedures and forms used in determining eligibility and grant amount will be as prescribed by the Social Security Administration.
- .4 In addition, aged, blind or disabled individuals may qualify for additional benefits administered by the local county welfare department. (See Sections 46-210.6, 46-330, and 46-425.)

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

CHAPTER 46-200 ELIGIBILITY STANDARDS

46-205 ELIGIBILITY - GENERAL

46-205

An individual shall be eligible for the SSP if he meets the eligibility requirements for receipt of benefits under the Federal SSI Program with the exception of income requirements and the value of a home as provided in Section 46-330. An individual may have nonexempt income in excess of the SSI standard and still be eligible for the SSP provided that his nonexempt income is less than the appropriate SSP standard.

For purposes of eligibility for SSP a child shall mean an individual who is neither married nor the head of a household, and who is under the age of 18, or under the age of 22 and a student regularly attending school, college, or university, or a course of vocational or technical training designed to prepare him for gainful employment.

In addition, whenever reference is made to an eligible spouse, it means an aged, blind, or disabled individual who is the husband or wife of another aged, blind, or disabled individual and who has not been living apart from such other aged, blind, or disabled individual for more than six months.

Both eligibility for and the amount of benefits shall be determined quarterly, and shall be the responsibility of the Federal Social Security Administration.

46-210 ELIGIBILITY - FACTORS FOR SSP

46-210

The major factors for determining eligibility to receive SSP payments are set forth under the Federal Regulations for the SSI, and provide in general as follows:

- .1 Aged - An aged individual is one who is 65 years of age or older.

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(Pursuant to Government Code Section 11380.1)

46-210 ELIGIBILITY - FACTORS FOR SSP (Continued)

46-210

.2 Blindness - An individual is considered to be blind for purposes of SSP payments if:

.21 He has central visual acuity of 20/200 or less in the better eye with use of a correcting lens. (An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered as having a central visual acuity of 20/200 or less.)

.22 He is blind as defined under the state plan approved under Title X as in effect for October 1972 and received aid under such plan (on the basis of blindness) for December 1973, so long as he is continuously so defined.

.3 Disability - An individual shall be considered to be disabled for the purposes of aid if:

.31 He is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which has lasted or can be expected to last for a continuous period not less than 12 months; or

.32 In the case of a child under the age of 18, if he suffers from any medically determinable physical or mental impairment of comparable severity; or

.33 He is permanently and totally disabled as defined under a state plan approved under Title XIV as in effect for October 1972 and received aid under such plan (on the basis of disability) for December 1973, as long as he is continuously disabled as so defined.

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(Pursuant to Government Code Section 11380.1)

46-210 ELIGIBILITY - FACTORS FOR SSP (Continued)

46-210

There are additional criteria on what constitutes aged, blindness and disabled eligibility. These criteria are outlined in the Federal HEW Regulations and Guidelines.

.4 Income

To be eligible for SSP, income after deducting applicable disregards and exclusions in Section 46-315 cannot exceed the appropriate benefit level prescribed in Section 46-325.

.5 Property

Each aged, blind, or disabled individual whose eligibility for aid commences on or after January 1, 1974, may have nonexcludable resources not in excess of \$1,500 and be eligible. An individual who is living with either an eligible or ineligible spouse may have nonexcludable resources not in excess of \$2,250 and remain eligible. The \$2,250 includes the resources of such spouse. The resources of a recipient child under age 21, who is living with his parent, parents, or parent and spouse of parent, is deemed to include that portion of the nonexcludable resources of his parent(s) and spouse of parent which exceeds \$1,500 in the case of one parent, or \$2,250 in the case of two parents or parent and spouse. These amounts reflect Federal property regulations to be effective January 1, 1974.

Individuals receiving AB, ATD, or OAS, in December 1973 including individuals who applied for aid in December and met all the conditions of eligibility for payment in that month, will continue to be subject to the property limitations in effect in December 1973. However, if an individual would be advantaged under the new Federal property regulations, his continued eligibility shall be based on the new Federal property regulations summarized herein.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-210 ELIGIBILITY - FACTORS FOR SSP (Continued)

46-210

.51 In determining the allowable resources of an individual (and spouse if any), the following items are excluded:

.511 Home to the extent the current market value, without regard to encumbrances, does not exceed \$25,000. Where the market value exceeds \$25,000, without regard to encumbrances, an applicant who would otherwise be eligible for SSI-SSP payments, except for the value of his home, is eligible for payments under Section 46-330;

.512 Household goods and personal effects to the extent the combined market value, without regard to encumbrances, does not exceed \$1,500. Where the market value, without regard to encumbrances, exceeds \$1,500, the excess will be counted toward the resources limitation;

.513 An automobile to the extent its current retail market value, without regard to encumbrances, does not exceed \$1,200. Where the market value, without regard to encumbrances, exceeds \$1,200, the excess will be counted toward the resources limitations.

However, an automobile will be totally excluded if it is used for employment or for the individual's medical treatment of a specific or regular medical problem. Only one automobile may be excluded in determining the resources of an individual (and spouse, if any);

.514 Property of a trade or business which is essential to the means of self-support;

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 WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-210 ELIGIBILITY - FACTORS FOR SSP (Continued)

46-210

- .515 Nonbusiness property which is essential to the means of self-support;
- .516 Resources of a blind or disabled individual which are necessary to fulfill an approved plan for achieving self-support;
- .517 Life insurance if the face value does not exceed \$1,500. Where the face value exceeds \$1,500, the entire cash surrender value of the insurance will be counted toward the resources limitation. Term insurance and burial insurance are totally excluded;
- .518 Restricted allotted land owned by an enrolled member of an Indian tribe; and
- .519 Any other resources deemed excludable by the Secretary of Health, Education, and Welfare under the provisions of Title XVI of the Social Security Act.

.52 Disposition of Resources

In special circumstances, as permitted by Federal HEW regulations, an individual may be eligible for SSP when his property holdings exceed the limits imposed in .5 above, providing he agrees in writing to dispose of the excess property in accordance with HEW regulations (see 20 CFR 416.1240 through 1244).

During the period that the excess property is held and is being disposed of, in accordance with the individual's agreement to dispose of the property, any public assistance payments made are considered to be overpayments.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-210 ELIGIBILITY - FACTORS FOR SSP (Continued)

46-210

The net proceeds from the disposition of the excess property is considered to be available for liquidation of overpayments occurring during the disposition period in accordance with HEW regulations.

The disposition of the excess property must be accomplished within a six-month period in the case of real property and within three months in the case of personal property. The time limits may be extended for another three months where it is found that the individual had "good cause" for failing to dispose of the property within the original time period. "Good Cause" exists if, despite reasonable and diligent effort on his part, he was prevented by circumstances beyond his control from disposing of the property.

.6 Residency

To be eligible for the SSP an individual must be a U. S. citizen or an alien lawfully admitted for permanent residence or those Cuban refugees eligible for SSI. The individual must also be physically residing in the state and intend to continue residing here.

.61 Responsible County

The county in which the applicant or recipient resides shall be responsible for the administration of emergency loans (Section 46-335), special circumstance payments (Section 46-425), and benefits under Section 46-330 to that recipient or applicant.

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(Pursuant to Government Code Section 11380.1)

46-210 ELIGIBILITY - FACTORS FOR SSP (Continued)

46-210

.7 Institutional Status

.71 No person shall be eligible for the SSP in any month if throughout such month he is an inmate of a public institution.

.72 The state will not include those recipients in the SSP who reside in medical institutions for whom a \$25 SSI benefit is provided because such amount meets their personal and incidental needs. (The fact that such individuals are not included as SSP eligibles will not affect their eligibility for medical and other benefits.)

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 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

CHAPTER 46-300 AID PAYMENT

46-305 INCOME - GENERAL

46-305

Income is the money or other gain periodically received by an individual for labor or service, or from property, investment, operations, etc. Income may be in the form of cash (including checks and money orders), in-kind items, real property, or personal services. When the item of receipt is not in the form of cash, the cash equivalent must be determined.

An individual's or individual and eligible spouse's income includes all of his or their own income in cash or in kind, both earned and unearned.

An individual's income also includes those amounts of income of his ineligible spouse, or if the individual is a child as defined in Section 46-205, of his parent and parent's spouse residing in the same household, deemed to be available as set forth in Section 46-310.27.

If income after applying the allowable disregards equals or exceeds the SSI nonexempt income limits, no SSI benefits may be paid for that quarter. However, an individual or individual and eligible spouse may have income exceeding these limits and receive an SSP benefit from the Social Security Administration so long as his or their income less allowable exemptions does not equal or exceed the appropriate benefit level set forth in Section 46-325.

46-310 INCOME - DEFINITIONS

46-310

.1 Earned Income

.11 Earned income is gross wages; and

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(Pursuant to Government Code Section 11380.1)

46-310 INCOME - DEFINITIONS (Continued)

46-310

.12 Net earnings from self-employment as defined in the Internal Revenue Code.

.2 Unearned Income

Unearned income means all other available income. In evaluating the amount of unearned income which is available to the individual, consideration will be given to any necessary costs involved in obtaining or securing the income. Unearned income includes, but is not limited to:

- .21 Support and maintenance furnished in cash or in kind. However if an individual is determined to be living in the home of another and subject to 46-325.51, the applicable benefit level provided in 46-325 will be reduced in lieu of treating support and maintenance as income;
- .22 Any payments received as an annuity, pension, retirement, disability, OASDI, unemployment, veteran's, or workmen's compensation benefit;
- .23 Prizes and awards;
- .24 Gifts, support and alimony payments, and inheritances;
- .25 Rents, dividends, interests, and royalties;
- .26 The proceeds of any life insurance policy to the extent that they exceed the amount expended by the beneficiary for purposes of the insured individual's last illness and burial expenses or \$1,500, whichever is less; and

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-310 INCOME - DEFINITIONS (Continued)

46-310

.27 Those amounts deemed available to the individual from the income of his ineligible spouse or parent(s) or parent of a recipient child and parent's spouse residing in the same household.

.271 The amount which is deemed available to the individual from the income of the ineligible spouse is the amount remaining after deducting \$65. If the income of the ineligible spouse includes earned income, such earned income shall be reduced by \$65 prior to deducting the \$65 the ineligible spouse is allowed to retain. However, if the ineligible spouse is a recipient of AFDC, or any part of the ineligible spouse's income is included in determining eligibility and grant amount for AFDC no portion of his income shall be deemed available to the SSP individual.

.272 The amount which is deemed available to the individual who is a child from the income of his parent(s) or parent and parent's spouse is the amount remaining after deducting \$130 for one parent, \$65 for the other parent or spouse of parent, and \$65 for each dependent ineligible child. If the income of the parent(s) or parent and spouse of parent includes earned income such earned income shall be reduced by \$65 prior to determining the amount of income the parents or parent and spouse of parent is (are) allowed to retain. However, if the income of the parents or parent and parent's spouse is included in determining eligibility and grant for AFDC, no portion of his (their) income shall be deemed available to the SSP individual.

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 WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-315 PAYMENTS EXCLUDED OR DISREGARDED IN CONSIDERING INCOME

46-315

In determining the eligibility for and amount of the SSP or the CWD-administered benefit payment, certain payments received or portions thereof will not be counted as income to the individual or individual and eligible spouse.

.1 Income Exclusions

The following items will be excluded from consideration as income:

.11 Refunds of Taxes

Refunds of taxes paid on real property or purchased food received from any public agency;

.12 Assistance Based on Need

Assistance based on need, which is furnished by the State or any political jurisdiction thereof in supplementation of benefits;

.13 Grants, Scholarships, Fellowships

Any portion of any grant, scholarship, or fellowships received, used or to be used in paying tuition and fees at any educational institution (including technical or vocational);

.14 Home Produce

The value of agricultural products not raised in connection with trade or business and utilized for consumption by the household. (If the produce is sold, the net earnings realized from the sale of the produce will be considered as earned income if it is net earnings from self-employment);

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 FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-315 PAYMENTS EXCLUDED OR DISREGARDED IN CONSIDERING
 INCOME (Continued)

46-315

.15 Foster Care Payments

Payments for the foster care of a child who is not an eligible individual but who resides in the same home as such individual and was placed there by a public or nonprofit agency.

.16 Support Payment from an Absent Parent

One-third of any payment for support of an eligible individual who is a child as defined in Section 46-205 received from an absent parent.

.17 Readers and Educational Scholarships for Blind

Funds for readers and educational scholarships, which are not available to meet basic needs and which have been awarded by a high school, institution of higher learning, or a vocational or technical training institution to a recipient due to his blindness while he is regularly attending any public school or any institution of higher learning in this state;

.18 Payments made from any source to a vendor in order to meet the needs of the recipient as determined by the county welfare department.

.2 Income Disregards

The following disregards shall be applied in the order listed below, first to unearned and then to earned income. Where applicable, they may be applied on a per month rather than per quarter basis.

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 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

46-315 PAYMENTS EXCLUDED OR DISREGARDED IN CONSIDERING
 INCOME (Continued)

46-315

.21 Student Exemption

Up to \$500 per quarter of the earned income of the individual who is a child and a student, plus an additional amount when the expenses of education exceed this amount and the earned income also exceeds it. When the earned income and educational expenses exceed \$500 in a quarter, an additional amount will be disregarded up to:

- (1) The amount of the educational expenses in that quarter; or
- (2) The balance of his earned income in that quarter, whichever is less.

.22 The First \$60 per Quarter

The first \$60 of earned or unearned income per quarter not disregarded above. If the individual or individual and eligible spouse has:

- .221 Only earned income, the disregard will be applied to that income;
- .222 Only unearned income, the disregard will be applied to that income;
- .223 Both types of income, the disregard will first be applied toward the unearned income, and any amount of the disregard remaining will be applied to the earned income.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-315 PAYMENTS EXCLUDED OR DISREGARDED IN CONSIDERING
INCOME (Continued)

46-315

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.23 Infrequent or Irregular Income

.231 Unearned Income

Unearned income which does not exceed \$60 per quarter and is received not more than once per quarter or cannot be reasonably anticipated.

.232 Earned Income

Earned income which does not exceed \$30 per quarter and is received not more than once per quarter or cannot be reasonably anticipated.

.24 Earned Income

The first \$195 per quarter of earned income not disregarded above plus one-half of the remainder.

.25 Work Expenses of the Blind

Earned income not disregarded above of an individual who is blind in the amount of ordinary and necessary expenses related to work activity, and only to the extent that they are paid or to be paid. There are three broad categories of expenses, relating to:

- (1) Transportation to and from work;
- (2) Job performance; and
- (3) Qualifying for promotion.

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 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

46-315 PAYMENTS EXCLUDED OR DISREGARDED IN CONSIDERING
 INCOME (Continued)

46-315

.26 Income Necessary to Achieve Self-Support

Earned or unearned income not disregarded above and received by an individual who is blind or disabled as defined in Sections 46-210.2 and .3 to the extent that such income is needed to implement a plan of self-support as approved by SSA or CWD, whichever is appropriate. It will be necessary to confirm that such a plan exists before application of this exemption.

.27 Income Exclusions for Certain Blind Individuals

For an individual who is blind as determined under the state plan approved under Title X as in effect in October 1972, and who received assistance under such plan in December 1973, an amount equal to the greater of the following:

- (1) The maximum amount of any earned or unearned income which could have been disregarded under the state plan as in effect in October 1972; or
- (2) The amount which would be required to be disregarded under Section 46-315 without application of this subsection.

46-325 BENEFIT LEVELS

46-325

The individual or individual and spouse (couple) eligible to receive SSP payments shall receive an amount which when added to his or their SSI benefit, if any, and income less allowable disregards, if any, will equal the following, as appropriate to his or their situation:

CONTINUATION SHEET
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-325 BENEFIT LEVELS (Continued)

46-325

.1 Eligible Individual Benefit Level

Aged or Disabled \$235

Blind 265

A Disabled Minor under 18 Living with
a Parent or Guardian or Relative by
Blood or Marriage 213

.2 Eligible Couple Benefit Level

Both of Whom Are

Aged or Disabled \$440

One or Both Blind, and the Other
Blind, Aged or Disabled 500

.3 Resident of Nonmedical "Out-of-Home Care" Facility

Board, room, care and supervision provided
by the facility \$250

Personal and incidental needs of the
recipient* 33

\$283

*If these needs are provided in whole or in part by the facility under an agreement between the recipient and the facility, the recipient may need to use all or a portion of this allowance to pay the facility for these services.

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 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

46-325 BENEFIT LEVELS (Continued)

46-325

"Out-of-home care" as used herein is a protective living arrangement outside the individual's own home where, as a minimum, he receives board, room, personal care, and designated supplementary services related to his individual needs.

"Out-of-home care" within the scope of these regulations is nonmedical and includes care provided in:

- a. Facilities licensed to provide residential care,
- b. State certified family care homes,
- c. Homes or other facilities which provide personal care and supervision and which the county has determined substantially meet licensing requirements but are not licensed because, under state law, they are not subject to any licensing requirements.

The county welfare department is responsible for determining recipients or applicants need for "Out-of-home care" and submitting certification of the need on Form SSA 1620, to the Social Security Administration according to procedures established by the State Department of Social Welfare.

.4 Medi-Cal Patients - Out-of-Home

In the case of an eligible individual who resides in a medical facility and whose medical expenses are paid for under the Medi-Cal Act, the benefit level is \$25 a month to cover personal and incidental needs not furnished by the facility.

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 WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-325 BENEFIT LEVELS (Continued)

46-325

.5 Exceptions to Benefit Levels.51 Room and Board is Received In-Kind

When the individual or individual and eligible spouse resides in the home of another and receives both room and board in-kind from the householder, the Benefit Level will be reduced by an amount equal to one-third of the applicable SSI payment standard.

This deduction does not apply when a recipient or applicant is a child (Section 46-205) residing in the home of his parent.

.52 Mandatory Minimum State Supplementation for Recipients of OAS, AB, or ATD for December 1973

A recipient of OAS, AB, or ATD for the month of December 1973 shall receive a minimum state supplementary payment which when added to his SSI payment (if any) and nonexempt income as determined pursuant to Chapter 44-100 of the EAS Manual (as in effect for December 1973) is equal to the total of such recipient's cash grant and nonexempt income for the month of December 1973.

If the state supplementary payment determined under this subsection is greater than the amount an individual is eligible to receive under Sections 46-325.1, .2, .3, or .4 he shall receive the amount determined under this subsection.

.521 If the December grant for individuals under this subsection included payment for special needs and subsequent to January 1,

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(Pursuant to Government Code Section 11380.1)

46-325 BENEFIT LEVELS (Continued)

46-325

1974 those special needs cease to exist, the total of such individuals December grant and nonexempt income may be reduced by the allowance for special needs. If subsequent to January 1, 1974 an individual under this subsection experiences a reduction in need due to a change in living arrangement, the total of his December grant and nonexempt income may be reduced by the amount of the reduction in need determined pursuant to EAS regulations in effect for December 1973.

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.

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(Pursuant to Government Code Section 11380.1)

46-326 ALLOWANCE FOR RESTAURANT MEALS (Continued)

46-326

.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 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.

46-330 AID PAYMENTS FOR INDIVIDUALS WHOSE HOME EXCEEDS
FEDERAL RESOURCE LIMITS

If an otherwise eligible individual or couple owns a home, the value of which exceeds the limits set for SSI eligibility, such individual or couple shall be entitled to receive payments at the same levels as established for an SSI-SSP recipient or recipient couple.

The county welfare department shall be responsible for eligibility determination and grant computation and payment. The amount of the grant is determined by deducting countable income (see Sections 46-305 through 46-315) from the applicable benefit level (Section 46-325).

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(Pursuant to Government Code Section 11380.1)

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.

.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.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-335 EMERGENCY LOANS (Continued)

46-335

.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 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.

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CONTINUATION SHEET
 FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-335 EMERGENCY LOANS (Continued)

46-335

.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.

.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

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-335 EMERGENCY LOANS (Continued)

46-335

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.

.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

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-335 EMERGENCY LOANS (Continued)

46-335

Attorney or other appropriate county officer. Legal action shall include obtaining a judgment and seeking its enforcement by execution.

.6 State Reimbursement for Uncollected Loans

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 uncollected amount of such emergency loan. Reimbursement shall be made in accordance with procedures established in the Fiscal Manual but shall not occur unless the county shows that an attempt has been made to collect the judgment by means of a writ of execution and that the loan is uncollected.

.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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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-340 OVERPAYMENTS AND UNDERPAYMENTS

46-340

The Federal Social Security Administration shall establish the procedures and be responsible for collecting any overpayments from and adjusting any underpayments to recipients which might occur under either the SSI or SSP Programs, and make reports to the State Department of Social Welfare.

The county welfare department shall adjust overpayments or underpayments resulting from administration of Sections 46-330 and 46-425 in accordance with the provisions of Sections 44-329 through 44-335 of the EAS Manual.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

CHAPTER 46-400 AID RECOVERIES AND SPECIAL CIRCUMSTANCES

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 unearned income to the recipient, but do not affect determination of eligibility or the amount of the grant because they shall be forwarded to the recipient only in an amount equal to any exemption of income allowed to the extent that such exemption has not already been allowed on the recipient's other income. 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 the amount of the contribution not to exceed \$20.00. This payment shall be further reduced to the extent that an income exemption is allowed.

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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.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(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 Dependents

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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CONTINUATION SHEET
 FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE

(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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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-412 RESPONSIBLE RELATIVES - DEFINITIONS (Continued)

46-412

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

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

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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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-414 RESPONSIBILITY OF ADULT CHILD (Continued)

46-414

RELATIVES' CONTRIBUTION SCALE

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

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(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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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-414 RESPONSIBILITY ADULT CHILD (Continued)

46-414

.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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CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

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, the liability of such adult child 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 shall not exceed the adult child's liability as determined by the relative's contribution scale (see .31).

The 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 to pay their 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.

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

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

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

.1 New Applications

.11 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.

.111 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.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(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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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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

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 46-414.7 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.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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

46-416

.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 the determination of his liability.

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

.142 Unliquidated Obligations

Unpaid responsible relative obligations existing on December 31, 1973, are canceled, except that an adult child is liable for all his unliquidated responsible relative obligations that existed on December 31, 1973, if he fails to meet a responsible relative obligation that occurs for any month after December 1973.

.15 County Action When Form AG 225 Not Returned

The county shall send a follow-up request for the completed form within 30 days after the initial mailing (or otherwise giving) of the form to the adult child.

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

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

.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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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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

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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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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

.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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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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

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, SDSW.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-425 SPECIAL CIRCUMSTANCES

46-425

County welfare departments will administer this section including establishment of eligibility and payments of benefits.

Benefits under this section are payable only for expenditures incurred by SSP recipients. County payments made to recipients must be made not later than thirty days after the vendor's bill is presented to the county by the recipient. Bills presented cannot be paid by counties without prior county authorization.

Special circumstances are those circumstances which are not common to all recipients and which arise out of a need for certain goods or services, and physical infirmities or other conditions peculiar on a nonrecurring basis (except in the case of property taxes) to the individual's or couple's situation. There are several categories of special circumstances detailed below.

- .1 Nonrecurring special circumstances which are the result of a catastrophe and which are as follows:

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-425 SPECIAL CIRCUMSTANCES (Continued)

46-425

.11 Replacement of Essential Household Furniture and Equipment

Replacement of essential household furniture and equipment owned by a recipient shall be allowed only when loss, damage, or destruction, in the judgment of the county, is due to a catastrophic event such as a fire, flood, or earthquake.

This section shall not be used to replace items which become functionally inoperative due to normal use and wear.

The amount of the allowance to a recipient or eligible couple shall be the actual cost, including sales tax of the replacement item or the maximum amount listed below for each, whichever is less:

- .111 Cook stove - \$142
- .112 Refrigerator - \$190
- .113 Space heater - \$73
- .114 Bed - including mattress - \$143
- .115 Other essential furniture or equipment - \$50

The above schedule does not include smaller items such as bedding, cooking utensils, etc. Allowance for items such as these are included in the recipient's SSP benefit.

.12 Clothing

When all or a portion of a recipient's clothing is lost, damaged, or destroyed in a catastrophe, such as fire, flood, etc., the cost of the replacement shall be allowed; the allowance, however, is not to

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CONTINUATION SHEET
 FEDERAL FILING ADMINISTRATIVE REGULATION
 WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-425 SPECIAL CIRCUMSTANCES (Continued)

46-425

exceed a reasonable amount for which needed items can be purchased, or a total amount of \$113 for a recipient, whichever is less.

.2 Other Nonrecurring Special Circumstances

.21 Required Housing Repairs

When housing is owned and repairs are necessary to provide safe and healthful housing for a recipient or recipient couple, and the total cost of such repairs exceeds \$10 per dwelling, the cost shall be allowed. The allowance is not to exceed a reasonable amount for which adequate repairs can be made. The total allowance for repairs in any 12-month period shall not exceed \$200 per dwelling. When ownership of the housing is shared with someone else, the recipient's share of the cost of the repairs, up to his share of the \$200 cost limit, is allowed.

.22 Moving Expenses

When moving is necessary because of eviction or current housing is unsafe or unhealthful as determined by the county welfare department and no other provision for moving can be made, the cost of packing and moving shall be allowed for the recipient or eligible couple. The amount allowed, however, shall not exceed the lesser of the actual cost of the service, or \$200.

.23 Unmet Shelter Needs

.231 Recipient(s) Live(s) in Own Home

When a recipient or recipient couple is eligible to receive an allowance for housing repairs under Section 46-425.21 and the

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-425 SPECIAL CIRCUMSTANCES (Continued)

46-425

nature of the repairs are such that the cost cannot be met° within the \$200 standard, an additional payment not to exceed the total cost of the repairs shall be allowed when all the conditions set forth below are met. The maximum combined payment under this subsection and .21 above is \$500.

a. Prior to making any expenditures, the home is evaluated and the following determinations are made by the county:

- (1) The home is so defective that continued occupancy is not safe or is not healthful.
- (2) The property is worth repairing.
- (3) Unless repairs are made the recipient will need to move.
- (4) It appears probable the recipient will be able to continue living in the home following its repair.
- (5) Total cost to the recipient for adequate alternative housing over a two-year period would exceed the following combined costs:
 - (a) The cost of repairs needed to make the home habitable, plus
 - (b) Other probable costs of continued occupancy of such home during a two-year period, i.e., encumbrance payments, taxes, assessments, minor upkeep and insurance.

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

46-425 SPECIAL CIRCUMSTANCES (Continued)

46-425

- b. Expenditures for repairs under this section have not been previously allowed on the same property.

.232 Recipient(s) Does not Own his Home

When moving is necessary because of eviction or current housing is unsafe or unhealthful as determined by the county welfare department, payment shall be allowed to cover costs of securing suitable housing as designated below.

- a. If the recipient or recipient couple is moving to rental housing, payment under this section shall be limited to:
 - (1) required utility deposits;
 - (2) first and last month's rental; and
 - (3) cleaning fees.
- b. If the recipient or recipient couple is purchasing a home, payment shall be allowed for:
 - (1) down payments;
 - (2) closing costs;
 - (3) real estate fees; and
 - (4) other costs entailed in real property or mobile home purchase if:

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CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

46-425 SPECIAL CIRCUMSTANCES (Continued)

46-425

- (a) The property is a suitable home for the recipient.
- (b) Approval can be obtained for a FHA, Veterans Administration, or other governmental or conventional loan.
- (c) The usual safeguards are observed prior to transfer, i.e., building inspection, property search, termite inspection, etc.
- (d) The total monthly amount for payments on the principal, interest, taxes and other liens on the property, insurance and minor maintenance, is not substantially in excess of the cost of rental or leased housing that would be available for the recipient.
- (e) The recipient can qualify as a transferee for the encumbrance on the property or approval of a renegotiated loan as set forth in "b" above.

The combined payments under this section and Section .22 shall not exceed the actual costs or \$500, whichever is less.

.3 Utilization of Liquid Resources

- .31 The costs of any special circumstances (except property taxes) shall be met by first requiring the recipient to utilize his available liquid assets.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-425 SPECIAL CIRCUMSTANCES (Continued)

46-425

.42 Maximum Allowance

In no case shall a recipient's (including a married couple) special need allowance for property tax exceed \$500 per fiscal year.

.43 Determining the Amount of Special Need

The special need for property taxes shall be determined on the basis of the property tax bill for the current fiscal year, if available.

If the current property tax bill is not available, the special need allowance shall be estimated from the preceding year's tax bill on the home currently owned by the recipient. Amounts determined and paid on the basis of the preceding year's tax bill shall be redetermined when the current year tax bill is available and appropriate adjustments will be made in subsequent payments. The special need for property taxes for recipients who meet the criteria in .41 above shall be determined on a monthly basis as follows:

.431 Determine the property tax cost for the month by dividing the amount of the annual property tax bill by 12.

.432 Subtract \$15 from the amount arrived at in .431 and round the remainder to the nearer dollar.

.433 The amount determined in .432, but not an amount exceeding \$42, is the amount of the recipient's monthly allowable special need.

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATION
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-425 SPECIAL CIRCUMSTANCES (Continued)

46-425

"Liquid Assets," as used herein means resources which are immediately available, or can be made immediately available. This includes cash, negotiable stocks and bonds, bank accounts, etc.

.4 Special Need for Property Taxes

Recipients of AB, ATD, or OAS in December 1973 who were receiving a special need allowance for property taxes will continue to receive this allowance as part of their SSI/SSP check.

Recipients who were not receiving a special need allowance for property tax in December 1973 are eligible to receive payment from the county for the property tax allowance computed in the manner set forth in Section 46-425.43 below.

For purposes of this section "recipient" includes an individual recipient. In the case of a married couple, either one of whom would qualify as a recipient, the couple is a recipient.

.41 Criteria for Allowing the Special Need

A special need for property taxes (not including delinquent penalties) shall be allowed for any recipient who:

.411 Owns or is purchasing a home,

.412 Is actually paying property taxes in excess of \$180 in a fiscal year, and

.413 Is 62 years of age or older as of January 1 of the previous fiscal year.

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-425 SPECIAL CIRCUMSTANCES (Continued)

46-425

.44 Method of Payment

This special need is payable monthly or, at the election of the recipient and his wife in the case of a married couple qualifying as a recipient, or at the election of an individual recipient, can be apportioned for payment in two installments to be paid in the months when property taxes are due.

.441 Recipients shall elect the method of payment at the time the special need for property taxes is first established and may change methods only by notifying the county prior to June 1 or December 1, of any year which shall determine the method of payment during the next six-month period commencing July 1 or January 1.

.442 If payment is made in two installments, each installment shall be the sum of the monthly amounts to which the recipient would be entitled for the period covered by the installment payment. Any amount paid by installment which is later determined to be in error as a result of changes in the recipient's need or income shall be adjusted in subsequent payments.

.443 The amount of an installment payment shall not include any amount for taxes for any prior month during which the recipient was not receiving public assistance payments.

.444 The total amount received by a recipient as a special need for property taxes for any fiscal year shall be the same, whether paid monthly or by installment.

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