

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814

March 28, 1983

ALL-COUNTY LETTER NO. 83-29

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: EXCLUSION FROM RESOURCES OF BURIAL SPACES AND BURIAL FUNDS IN
DETERMINING IHSS INCOME ELIGIBILITY

REFERENCE:

This is to inform you of a change in the SSI/SSP Program which will affect the determination of IHSS eligibility for some applicants/recipients.

Effective November 1, 1982, the Social Security Administration implemented P.L. 97-248 which provides for the exclusion from resources of burial space and of funds which are set aside for burial expenses when determining eligibility for SSI/SSP. In compliance with Welfare and Institutions Code Section 12304.5, this change should also be applied to IHSS applicants/recipients who are not receiving SSI/SSP but would be except for excess income.

The specific provisions of this law, as applicable to IHSS, are as follows:

1. Excluded from the resources of an applicant/recipient or deemor are burial spaces which are intended for use by the applicant/recipient, his/her spouse or members of his/her immediate family. Immediate family includes an individual's minor and adult children, step children, adopted children, brothers, sisters, parents, adoptive parents and the spouses of those persons. It does not include members of an ineligible spouse's family unless they meet this definition:
 - a. if a space is owned by an applicant/recipient, but is not intended for use by his/her immediate family, it is a countable resource if the individual or deemor is free to sell it under current conditions.
2. Excluded from the resources of the individual and spouse are funds set aside for burial expenses, up to a maximum limit of \$1,500 each.
 - a. To be excluded, these funds must be separately identifiable and not co-mingled with other funds.
 - b. The maximum limit of \$1,500 is reduced by the amount of funds held in an irrevocable burial trust, irrevocable burial contract or other irrevocable arrangements specifically identified for burial expenses.

- c. The maximum limit is reduced by the face value of any life insurance policy which was excluded in determining resources (MPP 30-773.6(g)).
 - d. Also excluded from resources is interest on such funds which has accumulated from the date they were initially set aside, even if it causes the amount to exceed \$1,500.
3. If the excluded burial funds (including interest) are used for any other purpose, any future IHSS payments to the recipient must be offset (withheld) in an amount equal to the amount of such funds which were used for some other purpose.

If you have any questions regarding the above, please contact your Adult Services Program Consultant at (916) 322-6671.


CLAUDE E. FTINN
Deputy Director
Adult & Family Services

cc: CWDA