STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

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

August 31, 1995

ALL-COUNTY LETTER NO. 95-49

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR THIS TRANSMITTAL

[ ] State Law Change
[X] Federal Law or Regulation Change
[ ] Court Order or Settlement Agreement
[ ] Clarification Requested by One or More Counties
[ ] Initiated by CDSS

SUBJECTS: 1.) IMPLEMENTATION OF THE CHILD SUPPORT DEDUCTION PROVISION OF THE MICKEY LELAND CHILDHOOD HUNGER RELIEF ACT, PUBLIC LAW 103-66.

2.) IMPLEMENTATION OF THE ELIGIBLE STUDENT PROVISIONS OF THE MICKEY LELAND MEMORIAL DOMESTIC HUNGER RELIEF, PUBLIC LAW 101-624.

3.) REVISION TO THE GENERAL ASSISTANCE/GENERAL RELIEF VENDOR PAYMENT REGULATIONS

REFERENCES: 1.) MANUAL SECTIONS (M.S.)63-004; 63-300.511(a) through 63-300.511(j)(1), (2), and (3); 63-300.523, 63-300.531(b), 63-301.541(a); 63-403.321; 63-502.353(a)(5); 63-502.371 through .376; 63-503.25, .251, and .251(b)(2), 63-503.252 and 63-503.252(c), 63-503.253; 63-503.311(f), (g), and (h); 63-503.312(g), (h), and (i); 63-503.441(a), .442(c)(2) and (3); 63-504.341(i); 63-504.421(c), (c)(1) and (c)(2); 63-504.631(a) and (c); 63-505.31 and .32; 63-505.4(j); and 63-505.516.

2.) M.S.63-406.11 and .12; M.S. 63-406.212.

3.) M.S. 63-502.141(a); M.S. 63-502.2(b)(2)(F).

This letter is to provide information and implementation instructions to the County Welfare Departments on the above mentioned anticipated regulatory changes. We are also including a reproducible copy of the stuffer which counties are to use to inform households of the change in the child support deduction reporting requirements.

The Mickey Leland Childhood Hunger Relief Act, Public Law 103-66, established a deduction for households that pay legally obligated child support to or for a nonhousehold member. The Mickey Leland Memorial Domestic Hunger Relief Act, Public Law

101-624, changed the student eligibility criteria by reducing the upper age requirement from fifty-nine to forty-nine, and permitting participation in a State financed work study program to satisfy the work study criteria. Additionally, to conform to Public Law 103-66, General Assistance/General Relief (GA/GR) vendor payments are excluded from income except housing vendor payments which continue to be considered income unless specifically excluded.

We anticipate that the regulation changes regarding the child support deduction provisions will be effective October 1, 1995 for all Food Stamp (FS) households. Continuing cases that aren't adjusted timely will be entitled to restored benefits back to the effective date. These provisions must be applied to allotments for October which would be based on August information for retrospectively budgeted cases. State regulations for the child support deduction are being developed from federal regulations which are not yet finalized. Consequently, although the implementation date is firm, provisions are subject to change. In the event that there are amendments contained in the final federal regulations, we will inform counties of those changes and state regulations will be changed. The amendments to the eligible student provisions are effective October 1, 1995. However, households which were eligible for benefits from October 1,1994 through September 30, 1995 based on this change in regulations are entitled to restored benefits back to October 1, 1994 or the date of application, whichever occurred later. The amendments to the GA/GR regulations became effective September 1, 1994. Households affected by these amendments are also entitled to restored benefits back to that date or the date of application, whichever occurred later.

Summaries of the new regulations are included with this All County Letter as an Attachment. Also attached is the stuffer previously referenced. To obtain a camera-ready copy of the English and/or Spanish versions of the stuffer, telephone or write to:

CDSS Forms Management Unit
744 P Street, M.S. 7-182
Sacramento, CA 95814
(916) 657-1907/(CALNET) 437-1907
FAX (916) 653-7395/(CALNET) 8-453-7395

We have recently submitted the request for the Indochinese translations of this stuffer. To obtain a camera-ready copy of the Cambodian, Chinese, or Vietnamese translations of the stuffer, telephone or write to:

CDSS Language Services Bureau
744 P Street, MS 9-024
Sacramento, CA 95814
(916) 654-1282/(CALNET) 464-1282
FAX (916) 654-1295/(CALNET) 8-464-1295

We have also developed a poster which is the vehicle to be used to inform clients of the change to the student eligibility regulations. The poster has been submitted for printing and will be available soon. When complete, posters will be mailed to each county under separate cover, with more detailed instructions.

If you have any questions, please contact the Food Stamp Program Bureau, Policy Implementation Unit, at (916) 654-1896.

Bruce Wagstaff

BRUCE WAGSTAFF
Acting Deputy Director
Welfare Programs Division

Attachments

ATTACHMENT

CHILD SUPPORT DEDUCTION

Implementation of the Omnibus Budget Reconciliation Act of 1990, Public Law 101-508 (M.S. 63-004, 63-004.1, .2, .4, and .5).

M.S. 63-004, 63-004.1, .2, .4, and .5 are adopted to conform to the Federal regulations and to establish the implementation dates for the child support deduction, the GA/GR vendor payment provisions, and the student eligibility provision.

Application Process (M.S. 63-300.511 (a) through (i); M.S, 63-300.511(j)(1), (2), and (3); M.S. 63-300.512 through .519; M.S. 63-300.523, 63-300.531(b), 63-301.541(a), and 63-403.321).

M.S. 63-300.511 through .519 are being renumbered as M.S. 63-300.511(a) through (i) to accomodate new Section 63-300.511(j)(1), (2), and (3). M.S. 63-300.511(j)(1), (2), and (3) are being added to comply with Public Law 103-66, Section 13921, regarding the establishment and parameters of a child support deduction. In addition, this amendment changes the cross references listed below, which are no longer correct because of the renumbering.

M.S. 63-300.523, 63-300.531(b), 63-301.541(a), and 63-403.321 are being amended to change the cross references which are no longer correct due to the above renumbering.

Income, Exclusions, and Deductions (M.S. 63-502.353(a)(5); M.S. 63-502.371 through .376).

M.S. 63-502.353(a)(5) is being amended to conform with the renumbering changes in Sections 63-300.511 through .519.

M.S. 63-502.371 through .376 are being adopted to define the child support deduction, to specify the verification requirements and the consequences for failing to provide that verification, and to specify the limitations of the child support deduction.

Determining Household Eligibility and Benefit Level (M.S. 63-503.25, .251, .251(b)(2), .252, and .252(c); M.S. 63-503.253; M.S. 63-503.311(f), (g), and (h); M.S. 63-503.312(g), (h), and (i); M.S. 63-503.441(a), .441(c)(2), and (3)).

M.S. 63-503.25 is being adopted to include child support as an allowable deduction. M.S. 63-503.251 is being adopted to indicate that the child support deduction is an exception to the rule that a

deduction shall only be allowed for the month the expense becomes due. M.S. 63-503.251(b)(2) changes a cross reference that is no longer correct due to the renumbering in M.S. 63-300.511 through .519. M.S. 63-503.252 is being amended to indicate that households may elect to have fluctuating child support payments averaged to determine the child support deduction. M.S. 63-503.252(c) explains that this also applies when retrospectively budgeting.

M.S. 63-503.253 is being amended to indicate that when anticipating a nonmonthly reporting household's expenses, the CWD shall base the amount of the deduction on the amount of the payments the household expects to make.

M.S. 63-503.311(f) is being adopted to indicate when to apply the child support deduction in calculating the benefit amount for a household with a non-elderly/disabled member. MS 63-503.311(g) and (h) are being renumbered to accommodate that change.

M.S. 63-503.312 (g), (h), and (i) are being adopted to indicate when to apply the child support deduction when calculating the benefit for a household containing an elderly/disabled member, and to relocate language previously contained in M.S. 63-503.312(g) and (h) to accommodate the new step in the calculation process.

M.S. 63-503.441(a)) is being adopted to indicate that the child support deduction is allowable to households containing a member excluded for either an intentional program violation or work requirement sanction, and that it is treated like other deductions for those types of households.

M.S. 63-503.442(c)(2) and (3) are being adopted to indicate that the child support deduction is allowable for households containing a member excluded for either a social security number or ineligible alien status disqualification, and that it is treated like other deductions for those types of households.

<u>Household Certification and Continuing Eligibility (M.S. 63-504.341(i); M.S. 63-504.421(c), (c)(1), and (c)(2); M.S. 63-504.631(a) and (c)).</u>

M.S. 63-504.341(i) is being adopted to require that verification include a change in the legal obligation to pay child support or a change in the amount of child support payment.

M.S. 63-504.421(c) is being amended for clarity and to accommodate new sections (c)(1) and (2). Section (c)(2) is being adopted to specify that information about an unchanged legal obligation of a household member to pay child support or a decrease in the amount of child support paid that has been prospectively budgeted does not need to be verified.

M.S. 63-504.631(a) and (c) are being amended to specify when verification of the child support deduction is required for non-monthly reporting households at recertification.

Household Responsibilities (M.S. 63-505.31 and .32; M.S. 63-505.4(j); M.S. 63-505.511; 63-505.516).

M.S. 63-505.31 and .32 are being amended to clarify that it is required for the household to include as part of the monthly report the amount of child support payments made and any changes in the legal obligation to pay child support.

M.S. 63-505.4(j) is being amended to require CA7 verification of a change in the legal obligation to pay child support and/or if there has been an increase in the amount of child support payments.

M.S. 63-505.516 is being adopted to require that non-monthly reporting households be required to report any change in the amount of child support payments made by a household member, and/or any change in the legal obligation to pay child support.

STUDENT ELIGIBILITY

Students (M.S. 63-406.11 and .12; M.S. 63-406.212).

M.S. 63-406.11 and .12 are being amended to change the age factor for the eligibility of a student enrolled in an institution of higher education from fifty-nine to forty-nine.

M.S. 63-406.212 is being adopted to add that the participation of a student in a state financed work study program satisfies the work study requirement. Currently only a student's participation in a federally financed work study program meets the work study requirement.

GA/GR VENDOR PAYMENTS

Income, Exclusions, and Deductions (M.S. 63-502.141(a); M.S. 63-502.2(b)(2)(F)).

M.S. 63-502.141(a) has been amended to specify that GA/GR vendor

payments are excluded from income except for GA/GR housing vendor payments, which continue to be considered income unless specifically excluded as specified in M.S. 63-502.2(b)(2).

M.S. 63-502.2(b)(2)(F) is being adopted to add emergency or special assistance vendor payments to the vendor payment exclusion list. A cross reference to M.S. 63-502.2(b)(3) which includes a definition of emergency or special assistance vendor payments has also been added.

NOTICE TO ALL FOOD STAMP HOUSEHOLD MEMBERS WHO MUST PAY CHILD SUPPORT IMPORTANT – PLEASE READ

As of October 1, 1995, if you pay child support based on a legal order and you are a food stamp household member, you may be eligible for more food stamps. You must report the amount of child support you pay each month and you must give us proof of the legal order that requires you to pay this child support. Once you have told us how much you pay and given us the proof of the order, your food stamps will be figured allowing this amount as a deduction. Your food stamp allotment may increase. Once you have given us the proof of the amount you pay, you will only have to give us proof again if the amount of the child support you pay increases or the legal order changes.

You must now report any change in the legal order which requires you to pay child support on your monthly income report for monthly reporting households and on your change report for non-monthly reporting households. You must also report at certification or recertification of your food stamps. Whenever you report a change you must give us proof of that change in the legal order.

The amount of Food Stamp benefits you will get depends on your household status. You will get a separate notice of any changes in your allotment amount. The child support deduction will be included in this notice. If you think we made a mistake in figuring your allotment because of the child support you pay, the notice will include information on the back on how to ask for a hearing.

NOTIFICACION A TODOS LOS MIEMBROS DE GRUPOS PARA FINES DE ESTAMPILLAS PARA COMIDA QUE TIENEN QUE PAGAR MANTENIMIENTO DE HIJOS IMPORTANTE - POR FAVOR LEALO

A partir del 1º de octubre de 1995, si usted paga mantenimiento de hijos basado en una orden legal y es miembro de un grupo para fines de estampillas para comida, es posible que usted reúna los requisitos para recibir más estampillas para comida. Usted tiene que reportar la cantidad de mantenimiento de hijos que paga cada mes y tiene que proporcionar pruebas de la orden legal que requiere que usted pague este mantenimiento de hijos. Una vez que usted nos haya dicho cuánto paga y nos haya proporcionado pruebas de la orden, las estampillas para comida se calcularán usando esta cantidad como una deducción. Es posible que aumente su asignación de estampillas para comida. Una vez que nos haya proporcionado pruebas de la cantidad que paga, solamente tendrá que darnos otra vez las pruebas si la cantidad de mantenimiento de hijos que usted paga aumenta o si una orden legal la cambia.

Ahora, usted tiene que declarar cualquier cambio en la orden legal que requiere que usted pague el mantenimiento de hijos en su reporte mensual de ingresos si usted es miembro de un grupo para fines de estampillas para comida que tiene que reportar cada mes, y en su reporte de cambio, si su grupo no tiene que reportar cada mes. Usted también tiene que declarar esto en la certificación y recertificación de sus estampillas para comida. Cada vez que usted reporte un cambio, tiene que proporcionar pruebas de ese cambio en la orden legal.

La cantidad de las estampillas para comida que usted reciba depende de la situación del grupo para fines de estampillas para comida. Usted recibirá una notificación por separado acerca de cualquier cambio en la cantidad de su asignación. La deducción de mantenimiento de hijos se incluirá en esta notificación. Si piensa que cometimos un error al calcular su asignación debido al mantenimiento de hijos que usted paga, en el reverso de la notificación, se incluirá información acerca de como solicitar una audiencia.