

## ParaReg Headnotes

### 800-899 Adult Programs

#### Adult Programs

- 800-1 Regulations pertaining to income and exclusions in the SSI/SSP Program are set forth in 20 CFR 416 ([46-120](#), [Handbook 46-110.1](#))
- 810-1 Special circumstances defined ([46-425.29](#))
- 810-2 Payment not made without prior authorization except if emergency exists ([46-425.22](#), [.44](#), [.5](#))
- 810-3 Special circumstance payments for moving expenses ([46-425.65](#))
- 810-5 Housing repairs allowed for recipient owned housing and appliances ([46-425.63](#), [.64](#); [ACL 90-13](#))
- 810-6 Elimination of special circumstance payments for furniture, clothing, housing needs, effective 8/31/93, reinstated 8/21/98 ([W&IC 12550](#); [ACL 98-74](#))
- 810-7 IHSS and CAPI recipients are potentially eligible for special circumstances ([ACL 98-95](#); [W&IC 12300](#), [12550](#), [12601](#))
- 810-8 Funding for the Special Circumstances Program is limited (until 7/1/99) to the appropriation in the 1998/1999 Budget Act ([ACL 98-95](#))
- 810-9 Duty to assist applicants in applying for SCP ([W&IC 10500](#); [ACIN I-81-01](#); *Thornton v. Carlson*)
- 810-10 Changes to SCP, and increases in maximum allowances, for IHSS, CAPI, and SSI/SSP individuals ([ACL 01-60](#); [W&IC 12502](#), [12550](#), [12552](#))
- 810-11 SCP becomes non-operational 7/1/02 because no funds authorized ([W&IC 12601](#); [ACIN I-73-02](#))
- 815-1 Amount allowed for assistance dog special circumstances payment ([46-430.4](#), revised from 46-430.1(s))
- 815-2 Eligibility for assistance dog payments limited to recipients of SSI/SSP, IHSS, or SSDI ([46-430.1\(e\)](#))
- 815-3 Eligibility for assistance dog payment begins on first of month of application ([46-430.4](#))
- 815-3A Recipients must return redetermination forms at least once every 12 months ([46-430.51](#), [.52](#))
- 820-1 Deduction of interim assistance from retroactive SSI/SSP generally ([46-337.24](#))
- 820-2 IAR procedure ([20 CFR 416.1902](#), 42 USC 1383(g)(3))
- 820-3 County must remit initial SSI/SSP payment within ten working days after deducting interim assistance or recipient is entitled to entire SSI/SSP payment ([46-337.44](#))
- 820-3A New procedure for SSI/SSP reimbursement ([ACIN I-62-07](#))
- 820-4 County must send NOA when remitting SSI/SSP payment ([46-337.442](#))
- 820-5 Period for which county may reimburse itself after SSI/SSP is granted ([Handbook 46-337.52](#))
- 820-6 State hearings, when appropriate ([46-337.6](#))
- 820-7 New "payment pending procedure" for interim assistance reimbursement ([ACIN I-62-07](#))
- 825-1 CAPI program for discontinued SSI/SSP immigrants begins 10/1/98, and payments for new applicants by 12/1/98 ([ACL 98-82](#))
- 825-3 Classes of non-citizens who entered the U.S. pre-8/22/96 and who may be potentially CAPI eligible ([ACL 98-82](#))
- 825-3A Classes of non-citizens who entered the U.S. on 8/22/96 or later and who may be potentially CAPI eligible ([ACL 98-82](#); [49-020.31](#))
- 825-3B Age eligibility for CAPI is 65; how to establish age ([49-025.1](#))

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- 825-3C Disability and blindness determined under SSI rules for CAPI purposes; DAPD makes eligibility determinations unless person has been determined eligible for SSI, Title II Social Security, or Medi-Cal ([49-025.2](#), [.3](#))
- 825-3D Potential eligibility for extended CAPI for individuals ineligible for Basic CAPI; 10-year sponsors' deeming rule ([W&IC 18938\(a\)\(3\)](#); [49-020.32](#))
- 825-3E "Prucol" status defined ([49-001\(p\)\(3\)](#))
- 825-3F "Qualified alien" status defined ([49-001\(q\)\(1\)](#))
- 825-3G "Entered the United States" and "entry date" defined for CAPI purposes ([49-020.4](#))
- 825-3H "Entered the United States" and "entry date" defined for CAPI purposes (*Megrabian v. Saenz*)
- 825-3I Definition of Basic CAPI ([49-005\(b\)](#))
- 825-3J Definition of Extended CAPI ([49-005\(e\)\(4\)](#))
- 825-3K General non-citizen eligibility requirements for CAPI ([49-020.1](#))
- 825-3L Specific eligibility requirements for non-citizens who entered the United States prior to August 22, 1996 ([49-020.2](#))
- 825-4 Generally SSI/SSP rules govern the CAPI program, and benefits shall be the same as under the SSI/SSP program, except benefit levels are reduced \$10 monthly for individuals, and \$20 for couples ([W&IC 18940](#), [18941](#); [49-050.1](#))
- 825-4A CAPI payment levels for individuals and couples ([49-050.1](#))
- 825-4B Independent living arrangement definition; living arrangement determined as of first of month ([49-050.2](#))
- S825-4C CAPI payment standards for people living independently (ACIN I-77-05, I-85-06)
- 825-4C CAPI payment standards for people living independently (ACIN\_\_\_\_\_)
- 825-4D Suspension of SSP COLA for 2006; delay of pass-through of federal SSI COLA until April 2006 except for NMOHC rate ([ACIN I-77-05](#))
- 825-4E For CAPI/SSI/SSP couples, the SSI/SSP spouse's benefit is prospectively budgeted in the month the COLA occurs and the following month ([ACIN I-77-05](#))
- 825-4F SSP COLA delayed from January 1, 2008 to June 1, 2008 ([ACIN I-75-07](#))
- 825-5 CAPI recipients "may be eligible" for Medi-Cal, FS and IHSS, and counties shall advise applicants and recipients of potential eligibility ([ACL 98-82](#))
- 825-6 CAPI applicants and recipients have same rights as PA individuals ([ACL 98-82](#))
- 825-6A CAPI to be administered under 10-001, 21-101, and departmental instructions ([49-013.2](#))
- 825-6B Counties must administer CAPI under federal rules (POMS) and regulations, and CDSS and SSA policies ([49-013.11](#))
- 825-7 Resource limit is \$2000 for one, and \$3000 for a couple, and is determined as of first moment of the month ([ACL 98-82](#); [49-040.1](#))
- 825-7A Transfer of property continues to be property; receipt of income become property the first of the following month ([49-040.82](#), [.83](#))
- 825-7B Partial listing of excluded resources includes federally excluded benefits, home, household goods and personal effects with equity value under \$2,000, certain automobiles, retroactive Title II, SSI/SSP, and CAPI payments for 6 months ([49-040.3](#))
- 825-7C Resources of a spouse, living in the household, considered available ([49-040.4](#))
- 825-7D Deeming rules from sponsor to CAPI noncitizen ([49-040.7](#))
- 825-8 Prospective budgeting is first two months of eligibility or status change, and then retrospective budgeting is used ([ACL 98-82](#); [49-055.1](#), [.2](#), [.3](#))
- 825-8A Nonrecurring income cannot be counted more than once (*Jones v. Shalala*; 42 USC 1382(c)(2)(A), [49-055.21](#))

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- 825-8B Income must be lower than payment standard in order to be eligible for CAPI ([49-035.1](#), [Handbook 49-035.2](#))
- 825-8C Earned income defined; exclusions ([49-035.3](#), [.4](#))
- 825-8D Unearned income defined; ISM defined; PMV defined ([49-035.5](#), [49-005\(p\)\(1\)](#))
- 825-8E \$20 unearned income deduction ([49-035.53\(m\)](#))
- 825-8F ISM from within and without the household; literal language quoted ([49-035.522\(b\)](#), [\(c\)](#))
- 825-8G PMV of ISM ([ACIN I-85-06](#), [I-75-07](#))
- 825-8H Sponsor's allocation in alien deeming situations; allowance for ineligible children in deeming situations ([ACIN I-85-06](#), [I-75-07](#))
- 825-8I Income excluded from deeming from parent or spouse ([49-035.7](#))
- 825-8J Sponsor deeming changes for sponsors who have filed the new Affidavit of Support ([ACL 02-63](#))
- 825-8K Definitions of "new" and "old" affidavits of support ([49-005\(a\)\(1\) and \(2\)](#))
- 825-9 CAPI requires persons to be ineligible for SSI solely due to immigration status, and to apply for and if necessary appeal for SSI ([W&IC 18938\(a\)\(1\)](#), [18939](#); [49-030.1](#))
- 825-9A County responsibilities in CAPI for SSI/SSP applications and IAR agreements ([ACIN I-71-98](#); [49-015.1](#), [.2](#), [49-030.1](#), [.2](#))
- 825-10 CDSS position is to allow IAR when CAPI is granted ([ACL 99-11](#); [20 CFR 416.1910](#); [W&IC 18940](#), [18943](#); [49-065.21](#))
- 825-11 ICT procedures ([ACL 99-87](#))
- 825-12 County duty to have regulations, ACLs, W&IC, other public social service laws, in waiting or reception room in each central or district county office ([Handbook 17-017](#))
- 825-13 CDSS position is that despite statutory language, it can amend and issue rules by ACL; ACL says that counties can, without notice to applicants or recipients, disqualify these persons for (1) certain transfers of services; (2) certain trusts; making false or misleading statements ([ACL 00-27](#))
- 825-13A Limitations on CAPI overpayment collections when the recipient was not at fault ([ACL 00-73](#); [20 CFR 416.550](#))
- 825-13B Definitions of overpayment, waiver and without fault in CAPI ([ACL 00-73](#))
- 825-13C Time frames to revise prior determinations of eligibility and payment amounts ([ACL 00-73](#))
- 825-13D Recovery of CAPI overpayments, including grant adjustment ([ACL 00-73](#))
- 825-13E Without fault determinations in CAPI ([ACL 00-73](#))
- 825-13F Circumstances when individual will be considered "at fault" for a CAPI overpayment ([ACL 00-73](#))
- 825-13G "Defeat purpose of CAPI" and "against equity and good conscience" ([ACL 00-73](#))
- 825-14 Conditional continuation of CAPI for recipients who naturalize while on CAPI ([ACL 08-03](#))
- 825-14A If newly naturalized citizen loses CAPI eligibility for reasons other than naturalization, conditional CAPI is terminated ([ACL 08-03](#))
- 825-14B Conditional CAPI benefits begin the month after the month the recipient reports his or her naturalization ([ACL 08-03](#))
- 825-14C Conditional CAPI received in month when SSI/SSP is also received is an overpayment if not already recovered in IAR process ([ACL 08-03](#))
- S825-20 Sequential evaluation for disability evaluation of persons 65 and older (SSR 99-3p)
- S825-21 Duties in regard to contacting, obtaining evidence from, and using CEs, for persons 65 and over who are being evaluated for disability (SSR 99-3p)
- 826-1 Income of sponsor and sponsor's spouse deemed to sponsored non-citizen ([49-035.723](#))

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### 800-899 Adult Programs

- 826-1A Definitions of “new” and “old” affidavits of support ([49-005\(a\)\(1\) and \(2\)](#))
- 826-1B Sponsor deeming rules apply regardless of actual support by sponsor ([49-037.1](#))
- 826-1C Steps used in sponsor and spouse deeming ([49-035.71](#))
- 826-1D CAPI parent to child deeming ([ACIN I-85-06, I-75-07](#))
- 826-2 Deeming rules when sponsor signed “new” affidavit of support ([49-037.2](#))
- 826-3 Deeming rules when sponsor signed “old” affidavit of support ([49-037.3](#))
- 826-4 Times when indigence exception from sponsor deeming applies ([49-037.41](#))
- 826-4A No indigence exception when non-citizen lives with sponsor or receives free room and board ([49-037.42](#))
- 826-4B When non-citizen is considered unable to obtain food and shelter ([49-037.43](#))
- 830-1 Unearned income for SSI purposes includes Social Security benefits and pensions ([20 CFR 416.1121\(a\)](#))
- 830-2 Unearned income for SSI purposes includes the amount of Medicare premium deducted from Social Security check and garnished income ([20 CFR 416.1123\(b\)\(2\)](#))
- 830-3 \$20 exclusion from unearned income under SSI ([20 CFR 416.1124\(c\)\(12\)](#))
- 830-4 Formula for determining SSI/SSP payment level ([W&IC 12200, 12201](#)) [NOTE: Please submit worksheet]
- 830-5 Proceeds from the sale of an excluded home excluded for a three-month period ([20 CFR 416.1212\(d\)](#))
- 832-1 ALJs have no authority to award interest (AFL-CIO v. UIAB; ACIN I-52-96; *Knight v. McMahon*)