



CDSS

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DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES



EDMUND G. BROWN JR.
GOVERNOR

May 23, 2013

ALL COUNTY LETTER 11-06E

TO: ALL COUNTY WELFARE DIRECTORS
ALL CALFRESH COORDINATORS
ALL CALWORKS PROGRAM SPECIALISTS
ALL CONSORTIUM PROJECT MANAGERS
ALL QUALITY CONTROL COORDINATORS

SUBJECT: CONTINUATION OF ALL COUNTY LETTER (ACL) 11-06
SPONSOR DEEMING, INDIGENT NONCITIZEN
DETERMINATION AND SPONSOR INCOME VERIFICATION

REFERENCES: ALL COUNTY LETTER 11-06; ALL COUNTY INFORMATION
NOTICE I-65-11

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

The purpose of this errata is to transmit a continuation of All County Letter (ACL) 11-06 regarding: (1) the procedure for reviewing sponsor deeming when a child receiving benefits turns eighteen years old; (2) the updated address and procedure for notifying the United States Citizenship and Immigration Services (USCIS) of the names of the indigent sponsored noncitizen and the sponsor in accordance with federal guidance; and (3) the valuation of in-kind assistance solely for the purpose of making the indigent determination.

Sponsor Deeming Review at Age Eighteen

When a child receiving CalFresh benefits who is “exempt from sponsor deeming while under eighteen years of age” turns eighteen years old, counties may delay reviewing program eligibility and sponsor deeming until the next certification period for administrative ease. “The household does not have a requirement to report when a member turns eighteen years of age”; however, “a review of continued eligibility to federal benefits needs to be made and may include sponsor deeming if appropriate.” As an example, a child is receiving CalFresh benefits in a household with a certification period from January to December. The individual has resided in the U.S. in a qualified noncitizen status for more than five years. In July the child turns eighteen. The household’s recertification will occur the following December, at which time, sponsor deeming rules will apply.

Updated Address and Procedure for Notifying USCIS of an Indigent Sponsor

Federal guidance transmitted in All County Information Notice I-65-11, Section IX, requires as a condition of indigence, the name of the sponsored noncitizen and the sponsor shall be sent in a written notice that includes the reference, "Determinations under 421(e) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996" to the following address:

Office of Policy and Strategy
United States Citizenship and Immigration Services
20 Massachusetts Avenue, NW.
Washington, D.C. 20529-2140

The Manual of Policies and Procedures (MPP) Section 63-503.492 (d)(1)(C) requires counties report at least annually. According to Section 63-503.492(d)(1)(D), counties inform the sponsored noncitizen either orally or in writing of the requirement to notify USCIS, and the sponsor shall be notified "if administratively possible."

Valuation of In-Kind Assistance to Determine Indigence

Counties may need to place a value upon in-kind assistance solely for the purpose of making the indigent determination. This valuation of in-kind assistance when determining indigence is not considered in the following situations:

- 1) When determining eligibility or benefit levels for the noncitizen household, or
- 2) When the individual declares that no in-kind assistance is provided.

This monetary value can then be used to determine indigence, and no verification is needed other than a declaration that the in-kind assistance exists unless the individual chooses to provide the actual lower value, then a ten-day notice can be sent to give the client time to provide the actual amount.

Staff shall advise the household that they have this right, and counties shall issue a ten-day notice requesting verification. If the verification is not received within the ten-day period and the individual has not requested help in getting the verification (to extend the time) the county is not to deny the indigence, but rather, use the values from the CalWORKs Minimum Basic Standards of Adequate Care (MBSAC) Region 2 table, based upon the stated items considered to be in-kind assistance received.

Regular and continual purchases completed for an individual or household would be considered in-kind assistance. For example, if someone is buying all of the clothing for a person/household on an ongoing basis, then this would be considered in-kind. If someone always buys the food consistently, then this situation would be considered as in-kind for the indigence determination. Continued, regular, ongoing or customary is the key to determine if the purchases are considered in-kind assistance.

On the other hand, temporary assistance, whether it is clothing, food (bag of groceries on occasion), housing, money, or utilities is not counted as in-kind assistance for determining indigence. Some examples of temporary conditions include an individual or household receiving a hotel voucher, or temporarily staying in a shelter, or sleeping on couches in different homes, or receiving gifts of clothing or food occasionally. These situations are temporary and “not customary”; therefore, not considered in-kind assistance for determining indigence.

The CalWORKs MBSAC Region 2 table is distributed each spring by the CalWORKs Employment and Eligibility Branch. All counties may use the Region 2 table to assist in assigning a monetary value upon in-kind assistance (i.e., assistance that is not in the form of cash) provided to a noncitizen by the sponsor or other individuals to determine indigence. The CalFresh Branch will release an ACIN prior to the start of each federal fiscal year that includes the most recent CalWORKs MBSAC Region 2 table. Additionally, counties shall determine the fair market value in the respective geographical area for items not included in the MBSAC tables.

Quid pro quo, an item or a service traded in return for something of value, shall not be considered in-kind assistance. An example of quid pro quo would be receiving housing for working, which would not be considered as in-kind for the indigence determination.

If you have any questions regarding this letter, please contact your CalFresh county contact or call the CalFresh Branch at (916) 654-1896.

Sincerely,

Original Document Signed By:

LINDA PATTERSON, Chief
CalFresh Branch