



CAPI Policy

USER INFORMATION

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CP 49-010 Eligibility for CAPI

ELIGIBILITY FOR CASH ASSISTANCE PROGRAM FOR IMMIGRANTS (CAPI)

CP 49-010.1 - Eligibility Requirements

What are the general eligibility requirements for CAPI?

CAPI applicants must meet eligibility requirements related to:

- age,

See **CP 49-025.1 - Age and Disability** - for more information

- blindness,

See **CP 49-025.1 - Age and Disability** - for more information

- disability,

See **CP 49-025.2 - Disability Determination** - for more information

- immigration status,

See **CP 49-020 - Immigration Status** - for more information

- residence,

See **CP 49-010.2 - CAPI Ineligibility** - for more information

- income,

See **CP 49-035 - Income** - for more information

- resources,

See **CP 49-040 - Resources-** for more information

- living arrangements.

See **CP 49-050 - Living Arrangements and Benefits Category.-** for more information

- Applicants must also apply for other benefits to which they may be eligible (e.g., SSI/SSP, Disability Insurance Benefits [DIB], etc.).

See **CP 49-0045 - Filing for Other Benefits-** for more information

NOTE: The program's intent is to provide assistance for elderly, blind, or disabled immigrants who are among the most

vulnerable in the State's population. Given the impairments many applicants may have, staff is to assist individuals in establishing their eligibility for CAPI.

EXAMPLE:

To document age, a birth or baptismal certificate should be reviewed. However, if neither is available, then a United States Citizenship and Immigration Services (USCIS) document can be used. Also, if the person has ever received SSI or Title II Social Security based on age or they currently receive Medi-Cal based on age, no additional verification is needed.

What other documentation is needed to determine eligibility?

- Social Security Number
- Identification
- Immigration status
- Sponsorship

Social Security Number

Applicants must have or apply for a Social Security Number as a condition of aid for CAPI.

NOTE: VAWA applicants may be aided pending receipt of a Social Security number.

Identification

Applicants are required to establish their identity. This can be done by reviewing photo ID. If the applicant does not have a photo ID, an immigration document may be used to establish identity.

Immigration Status

Applicants are required to establish their immigration status by providing original USCIS documentation.

Sponsorship

Applicants must produce proof of their sponsorship and their sponsor(s)'s financial status, as required. If needed, the applicant must cooperate with his/her Eligibility Worker (EW) to obtain this information from USCIS.

Does the non-citizen's Date Of Entry (DOE) affect his or her eligibility for CAPI?

Yes, DOE is an important factor in the eligibility determination process. Based on their DOE, legal non-citizens are classified

into two categories:

- **Pre-August 22**, 1996 immigrants, and
- **Post-August 21**, 1996 immigrants

What is the eligibility criteria for Pre-August 22, 1996 immigrants?

To be potentially eligible to CAPI, individuals whose date of entry into the United States was **prior** to 8/22/96 must meet one of the criteria below:

- Qualified aliens, age 65 or older (aged), who were lawfully residing in the United States on 8/21/96; or,

NOTE: Certain Qualified Aliens are not eligible to CAPI during the first seven years following the date they are granted their Qualified Alien status by the United States Citizenship and Immigration Services (USCIS), formerly known as INS, due to eligibility to SSI.

- Qualified Alien victims of abuse/battery with proper USCIS status granted under the **Violence Against Women Act (VAWA)** (*See section below for more information*); or
- Disabled, blind or aged persons (not meeting the definition of qualified aliens) who are permanently residing in the United States under color of law (PRUCOL). Proof of PRUCOL status is required.

See **CP 49-020.1 - General Immigration Requirements** - for more information

What is the eligibility criteria for Post August 21, 1996 immigrants?

To be potentially eligible to CAPI, individuals whose date of entry into the United States was **after** 8/21/96 must be:

- Disabled, blind or aged qualified aliens who legally entered the United States **after** 8/21/96 and who have a sponsor who is deceased, disabled, or abusive (including sponsor's spouse).
- Disabled, blind or aged qualified aliens or PRUCOLS who have a sponsor or whose sponsor is not deceased, disabled, or abusive.

NOTE: CAPI benefits for individuals with no sponsor or with sponsors who are not deceased, disabled or abusive shall be aided under the Extended CAPI category. These applicants are indefinitely eligible to CAPI, as long as all the eligibility criteria is met. If applicable, these participants are subject to sponsor deeming for 10 years.

- Qualified Alien victims of abuse/battery with proper BCIS status granted under VAWA.

NOTE: VAWA Qualified Aliens sponsored with a New Affidavit of Support are exempt from sponsor deeming rules up to one year from the date BCIS issues the prima facie notice.

Can a person with a pending SSI/SSP application be eligible for CAPI?

Yes, a CAPI applicant may be eligible to CAPI while his/her SSI/SSP application is being processed.

**CP 49-010.2 - CAPI
Ineligibility**

When is an applicant NOT eligible for CAPI?

A person is not eligible for CAPI if he or she:

- Is a U.S. citizen.
- Is a resident of a public institution for an entire calendar month.

NOTE: Public institution means an institution that is operated by or controlled by the Federal government, a State, or a political subdivision of a State such as a city or county. The term public institution does not include a publicly operated community residence which serves 16 or fewer residents. The most common examples of public institutions are jails, prisons and hospitals.

- Flees to avoid prosecution, or custody or confinement after conviction for a crime which is a felony under the laws of the place from which the person flees.
- Violates a condition of probation or parole imposed under federal or State law.
- Is outside of the United States for an entire calendar month.

NOTE: A person who is outside the United States for **at least 30 consecutive days** is considered to remain outside the United States until he or she has been **back** in the United States for **at least 30 consecutive days**.

EXAMPLE 1:

Mr. Men left the United States on March 1st and returned on April 1st. Counting March 2nd through March 31st, he was outside the United States for **30 consecutive days**; thus his absence continues for an additional 30 days through April 30th. He remains eligible for March because he was not outside the country for the entire month. However, he is ineligible for April, and is otherwise eligible effective May 1st.

EXAMPLE 2:

Mr. Ruiz left the United States on July 1st and returned on August 1st. Counting July 2nd through July 31st, he was outside the United States for 30 consecutive days and his absence continues for another 30 days. Beginning with the day of his return and counting through August 30th, he was not absent for any full calendar month and is therefore eligible for both July and August.

- Fails to file for all other possible benefits.

See **CP 49-045.3 - Filing for Other Benefits** - for more information

NOTE: LEADER generates and mails, in English and Spanish, a denial or termination NOA, as appropriate, in the above situations. NOAs in other languages are out of drawer.

Does non-compliance with other assistance programs affect CAPI eligibility?

Yes, non-compliance with other assistance programs affects CAPI eligibility. Any person who is eligible for assistance from a federal or State cash aid program and who is denied or terminated due to failure or refusal to comply with the requirements of that program is ineligible for CAPI. However, if the person was denied/terminated for another reason, he/she may be eligible to CAPI.

See **CP 49-025.1 - Age and Disability** - for more information

CP 49-015 Application Process

CP 49-015.1 - Applicant's Responsibilities

What are the applicants' responsibilities?

To be eligible for CAPI, each applicant who is over 18 years of age and mentally competent or physically fit, must:

- Complete and sign the CAPI application;
- Submit all required forms to the CAPI Eligibility Worker (EW);
- Provide all documentation and information requested by the EW;
- Complete the appropriate application forms at the time of application;
- Pursue and file for any other cash benefits for which he/she may be eligible. Other benefits include, but are not limited to Title II Social Security, Veterans Benefits, Worker's Compensation, DIB or any other private pensions;
- Understand all CAPI eligibility requirements;
- Understand his/her rights in the application process and after approval;
- Give consent to have a necessary investigation made in order to establish initial eligibility;
- Report any change in U.S. citizenship, immigrant status, income, property, household composition, address or other facts that affect initial or continued CAPI eligibility or payment amounts;
- Sign the "Changes to Report" form (Page three of SOC 451 LA, Cash Assistance Program for Immigrants Supplemental Application, including an Interim Assistance Reimbursement Authorization form, acknowledging he/she has been informed that he/she must report any of the required changes within 10 days of the change.

NOTE: A court appointed representative or a person who is responsible for the care of the applicant, including a relative, may sign the application on behalf of the applicant who is under age, mentally incompetent, or physically unable to sign the application.

**CP 49-015.2
County's
Responsibilities**

What are the county's responsibilities?

Upon receiving a CAPI application, CAPI Staff must do the following:

- Inform the applicant of his or her rights and responsibilities regarding their eligibility to CAPI;
- Assist the applicant as needed to establish his her eligibility;
- Determine eligibility and payment amount correctly;
- Issue timely and accurate notices to the applicant in accordance with the Manual of Policy and Procedures (MPP) Sections 22-071 and 22-072.

How and where does the County accept CAPI applications?

CAPI applications may be filed at **any** Department of Public Social Services (DPSS) **General Relief (GR) Office**. Also, individuals who are homebound or in residential care may make arrangements for CAPI applications by calling the toll-free Central Helpline Number **1-877-481-1044**. CAPI applications will be processed centrally in the Wilshire Special District.

Face-to-face interviews are required. The screening process conducted by the district of application can meet the face-to-face requirement, provided the applicant presented acceptable permanent identification at application.

If the applicant did not present acceptable permanent identification at application, the CAPI EW will arrange for a face-to-face interview with the applicant.

NOTICE: For an applicant who is homebound or in residential facilities, the CAPI EW will arrange for a home call appointment for the face-to-face appointment.

For an applicant who is a minor, mentally incompetent or physically unable to sign the CAPI application, a court appointed representative or a person who is responsible for the care of the applicant may sign the application on behalf of the applicant.

What is the screening process for CAPI applicants and for those applying for GR and CAPI simultaneously?

CAPI application only

Individuals applying for CAPI only at a GR district office will be screened for CAPI eligibility by the GR Screener.

If the individual is potentially eligible for CAPI, the screener will forward the CAPI application to the Immigrant Liaison for weekly forwarding to Wilshire Special District.

CAPI and GR simultaneous applications

If the individual is applying for CAPI and GR concurrently, he/she will be asked to return the completed CAPI application forms when he/she returns for the second intake appointment.

- Upon receipt of the completed forms, the Intake EW will check the forms for completeness and forward them to the Immigrant Liaison who will forward the forms to Wilshire Special District on a weekly basis.
- If the GR applicant fails to provide the CAPI application forms, GR will be denied unless the applicant **Needs Special Assistance (NSA)**.

See **GR 41-100 - NSA Individuals** - for GR Policy

Applications from homebound individuals

There is no formal screening of these applications. However, the CAPI EW will make arrangements for a home call to satisfy the face-to-face requirement.

Individuals who are homebound/in residential facilities and file telephone applications will be asked to return the forms by mail directly to Wilshire Special District.

How is reported information verified?

All eligibility and need factors are to be verified and documented in the "County Use Only" Columns of the MC 210, Statement of Facts (Medi-Cal) and SOC 451 LA. The required proof for the various eligibility and need factors, including procedures for obtaining such proof, are outlined in the appropriate section of this Handbook.

Non-Medical Information

When there is a need for non-medical information from a collateral source to establish eligibility, the EW shall obtain the applicant's consent on the PA 2465, Client's Consent for Release of Information, from a Financial Institution, or an ABCDM 228, Applicant's Authorization for Release. Failure to sign one of these forms is grounds for CAPI denial/termination.

Face-to-face interviews

Face-to-face interviews are required. The screening process

conducted by the district of application can meet CAPI's face-to-face requirement, provided the applicant presented acceptable permanent identification at application. Otherwise, the applicant is to come into the Wilshire Special District for the eligibility determination unless physically or mentally unable to do so.

Home calls

Home calls are to be conducted whenever a participant is homebound or in a residential care facility and unable to come to the district office. The District Director has the latitude to allow home calls in other exceptional situations.

Which forms are used to determine CAPI eligibility?

The application forms used to determine CAPI eligibility include:

SAWS 1/ CA 1	APPLICATION FOR CASH AID, FOOD STAMPS, AND/OR MEDI-CAL/STATE CMSP (CW 1) <i>(English and Spanish versions of this form are user initiated on LEADER. Other languages are out of drawer, manually generated.)</i>
MC 210	STATEMENT OF FACTS (MEDI-CAL) <i>(English and Spanish versions of this form are user initiated on LEADER. Other languages are out of drawer, manually generated.)</i>
SOC 451 LA	CAPI SUPPLEMENTAL APPLICATION (INCLUDES AN INTERIM ASSISTANCE REIMBURSEMENT AUTHORIZATION AND A SHEET ADVISING OF REPORTING REQUIREMENTS) <i>(Out of drawer form.)</i>
SOC 453	STATEMENT OF LIVING ARRANGEMENT AND HOUSEHOLD EXPENSES <i>(The English and Spanish versions of these forms are user initiated on LEADER. Other languages are out of drawer.)</i>
G-845	USCIS - DOCUMENT VERIFICATION REQUEST <i>(Out of drawer form.)</i>
G-845	USCIS - DOCUMENT Supplement VERIFICATION REQUEST <i>(Out of drawer form.)</i>
PA 481	PRIMARY LANGUAGE <i>(User initiated on LEADER form.)</i>

How are the application forms used?

SAWS 1/CA 1

The SAWS 1/CA 1 determines the date of the application. The application date is the date entered in the DATE APPLICATION RECEIVED field in the County Use Only Section.

MC 210

The MC 210 is used as the CAPI application so that it may be used in a concurrent Medi-Cal application process when the applicant applies for both CAPI and Medi-Cal. When someone applies for CAPI and Medi-Cal, a photocopy of the MC 210 should be kept in the CAPI file, with the original going with the Medi-Cal application.

NOTE: The MC 210 asks for some information that is not used in determining CAPI eligibility. For example, other family members' income and resources do not affect the CAPI eligibility of an unmarried adult (unless the family member is also the immigrant's sponsor).

SOC 451 LA and SOC 453

The SOC 451 LA and SOC 453 must be completed with all applications.

For the SOC 453, the head of household where the applicant/participant is living must co-sign (or complete and sign his or her own statement) this statement anytime the applicant/participant is alleging sharing in the household expenses. The applicant must also sign the Interim Assistance Reimbursement Authorization, acknowledging that when SSI is approved, he/she agrees to have any interim assistance deducted from the first SSI check.

The applicant must also sign the page delineating the reporting requirements, certifying he/she has been informed of the requirements (Page three of the SOC 451 LA).

SOC 455

The applicant must sign the SOC 455 at the annual redetermination. By signing this form, the participant agrees that when his or her SSI/SSP application is approved, any CAPI paid while SSI/SSP was pending can be deducted from the SSI/SSP benefits.

G-845 and G-845 Supplement

The **G-845**, Document Verification Request, and the **G-845 Supplement** must be used **jointly** to verify the applicant's immigration status and/or sponsorship. These forms are used if one of the situations below exist:

- The applicant is unable to provide the necessary documents to establish proof of legal residence or sponsorship.
- The applicant's immigration status and/or sponsorship is not available on the SAVE system to verify received documentation.

The CAPI EW, with information received from the applicant, must complete the G-845 and G-845 Supplement at the time of application and send both forms to USCIS for verification of immigration status and/or sponsorship.

The EW must control for a three week response from USCIS.

PA 481

The applicant must complete the PA 481 at application, indicating his/her language preference. The EW shall communicate verbally and in writing in the applicant's indicated preferred language.

CAPI 109

Any applicant who wishes to designate a payee other than him/herself must complete the CAPI 109. Also, individuals applying as a couple must agree to designate a payee by completing and signing this form.

NOTE: Couples who choose not to designate a payee will have one of them assigned as the payee by the computer system. The system will default to the spouse whose case number contains the lowest last digit number.

EXAMPLE:

Mr. Nguyen's case number is 1667806 and Mrs. Nguyen's case number is 1667807. In this example, the system would designate Mr. Nguyen as the payee for this couple case.

What is the processing time for an application?

The investigation and determination of eligibility shall be completed and appropriate action taken on the application within **30 days** of:

- The date of the SAWS 1/CA 1, or
- Receipt of the SAWS 1/CA 1, whichever is later.

The eligibility processing period ends the date the applicant signs a withdrawal or the date the Eligibility Supervisor signs the approval/denial budget.

NOTE: The application cannot be dated/received any earlier than the month prior to the month that all eligibility requirements are met.

EXAMPLE:

Mr. Jones will be age 65 on 10/31/99. He can file an application as early as 9/1/99, but CAPI benefits will not be effective until 1/1/99.

How does non-compliance with other assistance programs affect CAPI eligibility?

Any person who is eligible for assistance from a federal or State cash aid program and who is denied or terminated due to failure or refusal to comply with the requirements of that program is ineligible for CAPI. However, if the person was denied/terminated for another reason, he/she may be eligible to CAPI.

See **CP 49-025.1 - Age and Disability**, for more information

What are CAPI applications based on?

CAPI eligibility is based on one or more of the following factors:

- Age,
- Blindness, or
- Disability

Age

A legal non-citizen is potentially eligible to CAPI at age 65 or older. Age is verified by reviewing the person's birth or baptismal record, when available. Other documents, such as USCIS documents, may also be used to verify an applicant's age or date of birth.

See **CP 49-025.1 - Age and Disability** - for more information

If the applicant has previously received SSI/SSP or Title II Social Security based on age, or is currently receiving Medi-Cal based on age, no additional verification is needed.

NOTE: Individuals who are 65 years or older and who were denied SSI based on their immigration status (within six months prior to their CAPI application) must reapply for SSI on the basis of disability.

See **CP 49-45.2 - Filing for Other Benefits** - for more information

Blindness or disability

A blindness or disability determination follows SSI standards. These conditions are determined by California's State Disability and Adult Programs Division (DAPD) before aid is approved. Except for Presumptive Disability (PD) which is determined by the EW.

See **CP 49-025.4 - Presumptive Disability (PD)** - for more details

The disability must be severe enough to end in death or preclude the applicant from working for a continuous period (past or future) of not less than 12 months. This determination will also be made by DAPD.

See, **CP 49-025.2 - Disability Determination** - for more details

The blindness or disability verification process begins with the EW having the applicant's physician complete the Medical Verification of Disability, CAPI 102.

- If the applicant does not have a physician, he/she can be referred to the County Department of Health Services.
- If the applicant is a GR participant, he/she can be referred to the GR Health Care Program (GRHCP).

See **GR 40-117.5 - GRHCP** - GR policy

Upon receipt of the CAPI 102 from a physician, the form is sent to DAPD with the MC 220, MC 221 LA, and MC 223 to the following address:

**Los Angeles State Programs Branch
Intake Unit
P.O. Box 30541, Terminal Annex
Los Angeles, CA 90030**

Once the State verifies blindness/disability, CAPI can be approved.

NOTE: If there is a current DAPD determination for Medi-Cal, that determination can be used to establish disability for CAPI. DAPD's determination is considered current as long as the Medi-Cal case remains open.

If DAPD has determined that the Medi-Cal participant is disabled, the MEDS print out will have a 60-series or 20-series prefix for the person.

Presumptive disability

Presumptive disability is a disability determined by the applicant's doctor or by the Intake EW, if the disability is observable and is included in the State's presumptive disability list.

Both the doctor's and EW's diagnoses must follow the State's presumptive disability criteria as listed on the reverse of the CAPI 102.

The application of an individual diagnosed with a presumptive disability may be approved pending verification from DAPD and if all other eligibility criteria are met.

Applicants diagnosed with a presumptive disability may be approved for CAPI for up to **six months** awaiting DAPD's final disability determination.

See **Future Action Controls - User Initiated - Create** - for LEADER Procedures

See **Future Action Controls - User Initiated - Resolve** - for LEADER Procedures

Examples of such disabilities include terminal cancer, amputation of a leg at the hip, allegation of total deafness, allegation of total blindness, etc.

See **CP 49-025-4 - Presumptive Disability (PD)** - for more details

How is an Inter-County Transfer Processed?

An inter-county transfer (ICT) occurs when an individual moves from one county to another. The ICT process is intended to facilitate an individual's move from one county to another, ensuring no break in aid.

The transfer period begins the date the transferring county informs the receiving county of the transfer and lasts through the last day of the following month.

EXAMPLE:

The transferring county notifies the receiving county of the initiation of an ICT on January 20th. The transfer period ends February 28th. The receiving county assumes responsibility effective March 1st.

A county has 10 calendar days to initiate an ICT and to accept an incoming ICT. Because of the tight time frames in the ICT process, a specialized CAPI EW is to handle all CAPI ICTs.

Outgoing (Transferring) Inter-County Transfers

Upon notification from a recipient/another county of the recipient's move to another county, Los Angeles County has 10 calendar days to initiate the ICT.

Within one workday of the notification, the case is sent by the case-carrying CAPI Worker to the CAPI ICT Worker to initiate the transfer process. The transfer process, including the following, must be completed by the CAPI ICT Worker by the end of the 10 calendar day period (which began on the date of notification):

- The CAPI 107, Cash Assistance Program for Immigrants (CAPI) CAPI Notification of Inter-County Transfer (*out of drawer form*) is completed, notifying the receiving county (by mail or fax) of initiation of a case transfer and the expected date of discontinuance.
- Copies of all required documentation listed on the CAPI 107 are sent with the CAPI 107 to the receiving county. The CAPI 107 documentation can be mailed or faxed.
- The CAPI 108, Cash Assistance Program for Immigrants (CAPI) CAPI Important Notice - Inter-County Transfer, (*out of drawer form*) is sent to the recipient informing him/her of the effective date of transfer (i.e., the last day of the month following the request to the other county).

During the transfer period, the CAPI ICT Worker continues to have responsibility for all aspects of the case, including determining eligibility, issuing payments, and discontinuing aid.

If an applicant (with a pending application) moves out-of-County, the case is to be transferred to the CAPI ICT Worker to expedite the application. Upon case approval, the ICT is initiated.

Incoming (Receiving) Inter-County Transfers

All incoming ICTs to Los Angeles County are routed to a central clerical processing unit and forwarded to Wilshire Special's CAPI ICT Worker for processing.

The incoming ICT process, including the following, must be completed by the CAPI ICT Worker by the end of the 10 calendar day period (which began on the date the central clerical processing unit received the case):

- Notification to the transferring county (by mail or fax) of receipt of the notice of initiation of an ICT and acceptance/rejection.

Note: Rejections should be limited to issues of jurisdiction

(i.e. ICT directed to the wrong county). Technical issues such as missing forms should be not be construed as a reason for rejection due to the hardship this could place on the recipient.

- The CAPI 108 is sent to the recipient informing him/her of the effective date of transfer (i.e., the first day of the month following the transfer period).

The case is to be reviewed to ensure that all required documentation is on file and that eligibility continues. If forms are missing, they can be requested from the other county/recipient. A recipient should be given at least 10 days to provide any needed documentation.

An incoming ICT is treated as an application in the following respects:

- X An application is registered on LEADER by the Receptionist, is processed by the Case Opening Clerk, and is assigned to the incoming CAPI ICT EW.

NOTE: The application date is the first of the month following the transfer period and must be shown on the Traffic Log as an incoming Inter-County Transfer.

- X A face- to-face interview is scheduled.
- X If eligibility continues, the EW continues to process the application per existing procedures, and an NA 693 Notice of Approval, is completed, or
- X If eligibility does not continue (e.g., the documentation did not include and the recipient failed to provide proof of SSI denial within 10 days), when SFU/EDBC are run and data entered indicates that the individual is ineligible. LEADER will deny aid and will mail an NA 691, Notice of Denial.

The eligibility determination/Notice of Action must be completed at least 10 calendar days before the end of the transfer period to provide a timely Notice of Action.

CP 49-020 Immigration Status

CP 49-020.1 - General Immigration Requirements

What immigration status must a non-citizen have in order to be eligible to CAPI?

To be eligible to CAPI, a non-citizen must be a:

- Qualified Alien, or
- Person Residing Under the Color of Law (PRUCOL)

NOTE: These immigrants must also be California residents and intend to remain in this State. The applicant's **statement** in the Residence section of the MC 210 application **is acceptable** evidence of his/her intention to reside in California, unless there is contrary evidence.

Who is a qualified Alien?

A qualified alien, as defined under federal welfare reform, falls in one of the immigration statuses below:

1. Lawfully Admitted for Permanent Residence (LAPR).
2. A non-citizen paroled into the United States for a period of at least one year under Section 212(d)(5) of the INA.
3. A conditional entrant admitted to the United States under Section 203(a)(7) of the INA as in effect before April 1, 1980.
4. Granted Cuban/Haitian entrant status. (Section 501(e) of the Refugee Education Assistance Act of 1980.)

[Eligible for SSI/SSP first seven years from the date the United States Citizenship and Immigration Services (USCIS) department granted this status.]

5. A refugee who entered the United States under Section 207 of the INA.

[Eligible for SSI/SSP first seven years from the date USCIS granted this status.]

6. Granted status as an asylee under Section 208 of the INA.

[Eligible for SSI/SSP first seven years from the date USCIS granted this status.]

7. A non-citizen whose deportation is being withheld under Section 243 (h), or whose removal is being withheld under Section 241 (b)(3) of the INA.

[Eligible for SSI/SSP first seven years from the date USCIS granted this status.]

8. “Amerasian immigrant” under Section 584 of the Foreign Operations, Export Financing, and Related Programs Act of 1988.

[Eligible for SSI/SSP first seven years from the date USCIS granted this status.]

9. A battered non-citizen, child of a battered spouse, or parent of a battered child who no longer lives with the abuser and has a pending or approved petition under Section 204(a)(1)(A) or (B) or 244(a)(3) of the INA.

In this situation the victims are exempt from all sponsor deeming.

See **CP 49-037 - Sponsor Deeming Factor** - for more information

- A **USCIS self-petitioned, battered Violence Against Women Act (VAWA) non-citizen** includes abused children, children whose parents are abused, and parents whose children are abused. The non-citizen **must not** reside in the same household with the abuser.

In this situation the victims are exempt from all sponsor deeming for one year from the date the initial CAPI payment was received.

See **CP 49-037 – Sponsor Deeming Factor** – for more information

NOTE: In the case of an applicant (non-citizen) whose child has been battered or subject to extreme cruelty, the applicant must not have actively participated in the battery or extreme cruelty.

In instances where a determination is made that the applicant (battered non-citizen) is ineligible to CAPI solely because he/she is living with the abuser, the case shall not be withdrawn or denied for **30 days**.

A petition for these battered non-citizens may be pending under one of the following INA Sections:

- Section 204(a)(1)(A)(i) and (vi)
- Section 204(a)(1)(B)-(I)-(ii)-(iii) and (v)
- Section 204A(b)(2)
- Section 240(b)(2)
- Former Section 244(a)(3)

NOTE: Sponsor deeming does not apply to VAWA self-petitioners/applicants.

(For more information on this category of Qualified Aliens, see VAWA below in this section below).

Who is a Persons Residing Under the Color of Law (PRUCOL)?

A PRUCOL, as defined under federal welfare reform, falls in one of the immigration status below:

- A non-citizen subject to an Order of Supervision.
- A non-citizen on whose behalf an immediate relative petition (USCIS Form I-130) has been approved and who is entitled to voluntary departure and whose departure USCIS does not contemplate enforcing.
- A non-citizen who has properly filed an application for an adjustment to lawful permanent resident status under Section 245 of the INA that USCIS has accepted as “properly filed” and whose departure USCIS does not contemplate enforcing.
- A non-citizen granted a stay of deportation by a court order, statute, or regulations or by individual determination by USCIS under Section 106 of the INA and whose departure USCIS does not contemplate enforcing.
- A non-citizen residing in the U.S. under indefinite voluntary departure.
- A non-citizen granted voluntary departure under Section 242(b) of the INA or 8 CFR 242.5 and whose departure USCIS does not contemplate enforcing.
- A non-citizen in deferred action status.
- A non-citizen who entered and has continuously resided in the U.S. since before January 1, 1972, or any date established by Section 249 of the Immigration Reform and Control Act of 1986 (INA).
- A non-citizen granted suspension of deportation pursuant to Section 244 of the INA whose departure USCIS does not contemplate enforcing.
- A non-citizen granted an indefinite stay of deportation.
- A non-citizen granted lawful temporary resident status under Section 254A of the INA (The Immigration Reform and Control Act of 1986).
- A non-citizen not in one of the above categories, who **can show** that; (1) USCIS knows he/she is in the U.S.; and (2) USCIS does not intend to deport him/her either because of the person’s status category or individual circumstances.

NOTE: These individuals must provide proof of immigration status that qualifies them as PRUCOLs.

How do Violence Against Women Act (VAWA) provisions protect abused immigrants?

In 1994, VAWA was passed to allow an abused non-citizen spouse or child of a United States citizen or LPR to apply direct (self-petition) on his/her own behalf, for lawful immigration status, to the United States Citizenship and Immigration Services (USCIS). Prior to VAWA, only a United States citizen or an LPR could petition the USCIS for his/her non-citizen spouse or children to become LPRs.

VAWA allows non-citizens who are in abusive situations, **in which their immigration status may be used as a tool of control**, to self-petition without the assistance of the abusive spouse or parent. Abused spouses, abused children, children whose parents were abused, and parents whose children have been abused are eligible to petition.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) expanded the definition of eligible non-citizens who can receive public benefits to include battered non-citizens with pending or approved family-based petitions (form I-130); self petitions by widowers of United States citizens; and domestic violence self-petitions “VAWA” (form I-360).

Acronyms and definitions

Battery/ Extreme Cruelty	Assaultive or coercive behavior that includes, but is not limited to, physical abuse, sexual abuse, psychological abuse, economic control, isolation, stalking, and threats or other types of coercive behavior. (Also known as “abuse.”)
EOIR	Executive Office for Immigration Review.
IIRIRA	Illegal Immigration Reform and Immigrant Responsibility Act of 1996.
LPR	Lawful Permanent Resident.
Pending Petition	A petition that has been submitted and a final decision has not yet been provided by USCIS.
Prima Facie Case	In a VAWA case, USCIS has made a preliminary review and has determined that based on face value of the evidence, the case appears to be valid. USCIS only makes this determination for VAWA self-petitions (form I-360). In all other

cases, individuals will not have a prima facie notice; a prima facie case is established by providing proof of a pending petition and a self-declaration of abuse.

USCIS

United States Citizenship and Immigration Services (agency formerly known as Immigration and Naturalization Services [INS]).

VAWA

Violence Against Women Act.

Which abused immigrants may be eligible for CAPI?

Persons who have been battered or suffered extreme cruelty by a spouse, parent or family member **may be eligible for CAPI**. These persons include:

1. A spouse of a United States citizen or LPR when the battery/cruelty of the spouse was perpetrated by the citizen, LPR or by a member of his/her family who was living in the home;
2. Child of a U.S. citizen or LPR when the abuse was perpetrated by a parent/parent's spouse, by a family member of the parent or parent's spouse living in the home;
3. The child of a battered person described in "1" above; and
4. The parent of a battered child described in "2" above.

See **Domestic Violence** for LEADER Procedures

What to do if a battered non-citizen does not have a Social Security Number (SSN) at the time of application?

As a condition of eligibility and approval of their application, CAPI applicants must provide a SSN or proof that an application for a SSN has been submitted with the Social Security Administration (SSA). Most battered non-citizens do not have a SSN at the time they apply for benefits. For example, VAWA self-petitioners with a prima facie notice are eligible for benefits; however, they are usually not eligible to work in the United States. As such, they will usually not have a valid SSN. Battered non-citizen applicants, including VAWA, who meet all eligibility criteria, will need special assistance with obtaining a SSN.

Federal, State and local law require SSA to assign a **Non-work SSN** to battered non-citizens (VAWA immigrants) applying for public assistance who **need** a SSN to qualify for these public benefits.

How can battered non-citizens apply for a Non-work SSN?

The EW shall follow the procedures below to assist battered non-

citizen applicants in filing an application for a Non-work SSN:

- Provide the applicant with the **CAPI 110**, Non-work Social Security Number Referral Letter.
- Advise the applicant to remind SSA verbally that a Non-work SSN is a requirement for CAPI eligibility.
- Advise the applicant to provide SSA with evidence of age, identity and proof of VAWA status.
- Provide the applicant with a separate CAPI 110 for each of his or her siblings who is a Qualified Alien and a CAPI applicant in the same application.

NOTE: The CAPI 110 does not have to be in the primary language. However, the applicant must be informed in his/her primary language of the purpose of the CAPI 110, and that SSA will require original documents showing age, identity, and lawful immigration status. The applicant shall be made aware that if the non-work SSN is used to work, SSA may inform USCIS.

- Issue the applicant a return appointment to provide proof that SSA has accepted an application for a Non-work SSN.
- Set up a 90-day follow up action control for receipt of a Non-work SSN.

NOTE: When SSA does not issue a Non-work SSN within **45 days** of the SSN application date, the CAPI District Administration shall work closely with the **SSA** office to have a SSN issued. If necessary, CAPI Program staff shall assist the District in its efforts to help the applicant obtain a Non-work SSN. **A SSN is a condition of CAPI eligibility and approval of benefits.**

What is acceptable verification that a petition is pending/approved?

Self-Petitions (VAWA)

- I-360, Receipt Notice, Self-Petitioning Spouse
- I-360, Establishment of Prima Facie Case
- I-360, Approval Self-Petitioning Spouse
- Notice of Dependent Children
- Notice of Deferred Action

Self-Petition by Widow(er)

- I-360, Receipt Notice
- I-360, Approval Notice

Family Based Petition

- I-130, Receipt Notice
- I-130, Approval Notice
- I-130, Cash Register Receipt
- Any other evidence that establishes the filing of an I-130 petition

What document(s) may a non-citizen receive from USCIS after he/she filed for VAWA status?

After the petition has been filed the applicant/participant may have any of the following USCIS forms:

Form

Notice of Action from USCIS

I-797 or I-797C

Indicates filing of the I-360 petition. This is not sufficient evidence of pending status as a battered non-citizen. Within three weeks, USCIS will send an additional notice. The applicant/participant must return with the second notice, which indicates approval/pending status to complete the verification.

I-797 or I-797C

Indicates "Establishment of Prima Facie Case." The case type is I-360 Petition for Amerasian, Widower or Special Immigrant. This is sufficient evidence of pending status as a battered non-citizen. This document is valid for 150 days (expiration date is on the form). This is usually enough time for the case to be adjudicated. An extension can be requested in writing to USCIS if needed to continue public benefits. If the establishment of the prima facie case is non-reissued or extended, the case may have been denied by USCIS.

1797C

Stating "Receipt Notice," the receipt shows the applicant/participant paid for case type "I-360 Petition for Amerasian, Widower, or Special Immigrant" or the "I-130 Petition for Alien Relative." This is not sufficient evidence of pending status as a battered non-citizen.

I-797/I 797C

Stating the notice type is an "Approval Notice," which means the applicant/participant is a battered non-citizen and is eligible. The notice may indicate a deferred action that does not affect the approval status even if the time period has expired, unless the Vermont Service Center has indicated the deferred action has been revoked.

**I-797/
I797C**

Stating the notice type is a “Denial Notice,” which means the applicant/participant does not qualify for CalWORKs as a battered non-citizen.

Final Order or Notice

The applicant/participant may have documentation of a final order by an Immigration Judge or from the Board of Immigration Appeals:

- Giving approval of status or establishing a prima facie case, or
- Granting Suspension of Deportation under Section 244(a)(3) of the INA as in effect prior to April 1, 1997 or Cancellation of Removal under Section 240(b)(2) of the INA.

What if the battered non-citizen has current legal status?

**USCIS
Document**

**USCIS
Code**

I-551	Code printed on the front of a white card or the back of a pink card: ARI, AR6, C20-C29, CF1, CF2, CR1, CR2.
I-551	Code stamped on the lower left side of the back of the pink card: IB1 - IB3, IB6 – IB8, B11, B12, B16, B17, B20 - B29, B31 – B33.
I-551	Z13 may indicate battery, needs additional follow-up through SAVE (institute Secondary) battery, needs additional follow-up through SAVE (institute Secondary).
Foreign Passport / I-94	Any of the codes listed above.

Cancellation of Removal/Suspension of Deportation

- Cash register receipt for EOIR-40 or EOIR-42
- First page of EOIR-40 or EOIR-42 with a fee stamp
- Court granting cancellation of removal or suspension of deportation.

NOTE: Proof of a pending or approved I-360 VAWA self petition is acceptable proof of battery/cruelty. In all other cases, a self-declaration (via affidavit) is acceptable proof of battery/cruelty upon the applicant/participant/child by a spouse, parent, or family member.

What are Self Petitions (VAWA)?

Self petitions are the USCIS documents that indicate an approved

petition or a prima facie determination for self petitioners. The I-797 or I-797C documents must show approval of prima facie Determination of an I-360, based on the status as a spouse or child of an abusive United States citizen or LPR.

What is an Approved Self Petition?

An approved self petition may indicate that USCIS has exercised the option to place the person in deferred action. This means that USCIS will not initiate removal (deportation) proceedings against the self-petitioner. A deferred action determination is valid for a specified period of time as indicated on the USCIS document. Once the time period has expired, a battered non-citizen must provide acceptable USCIS documentation in order to continue to be eligible.

What USCIS documents indicate Approval of a Petition/Application/Prima Facie determination?

The I-797 OR I-797C must indicate approval of either an I-360 or I-130 petition, a final order of notice form, an Immigration Judge, the Board of Immigration Appeals or Federal Court granting suspension of deportation or cancellation of removal.

What is a Pending Self Petition?

A pending self petition, which sets forth a prima facie case means that USCIS has made a review and has determined that based on the face value of the evidence, the case appears to be valid.

What is the Prima Facie determination?

A prima facie determination is an interim decision pending an approval or denial of the petition. Once USCIS has made the prima facie determination, the battered non-citizen will receive a prima facie notice. A prima facie notice is valid for up to 150 days after issuance. In order for a battered non-citizen to remain eligible after the expiration of a prima facie notice, the battered non-citizen must have either a renewal of the prima facie notice or an approved petition.

NOTE: For battered non-citizens with a pending self petition by a widow(er) or a family based petition, the County should request that USCIS expedite the petition process. The County is also advised to refer the battered non-citizen to the local legal organization for possible assistance with self-petitioning as a battered non-citizen.

What document verifies the Approval of Petitions by a Widow(er)?

The USCIS document, which indicates approval of petitions by a widow(er) is the I-797 or the I-797C. This document must indicate approval of an I-360 based on the status as a widow(er).

Can an abused non-citizen petition for cancellation of removal/suspension of deportation?

Yes. An abused non-citizen that is already undergoing deportation proceedings can petition to the Executive Office for Immigration Review (EOIR) immigration courts for cancellation of removal/suspension of deportation as a battered non-citizen. An approved petition in this situation will be a final court order or notice from an immigration Judge, Board of Immigration Appeals, or a federal court granting a cancellation of removal or suspension of deportation.

How can a non-citizen in deportation proceedings receive a suspension of deportation or cancellation of removal and adjustment of status?

A non-citizen in deportation proceedings can receive a suspension of deportation or cancellation of removal and adjustment of status if:

- The non-citizen has been abused by a United States citizen or LPR spouse in the United States, or
- The non-citizen's child has been abused by the United States citizen or LPR parent in the United States.

Verification of granted VAWA extension

Verification of a VAWA status extension may be obtained in one of the following ways:

- USCIS National Customer Services Center at (800) 357-5283 may be used to check the status of a petition for lawful immigration status. To access the petition status, the initial menu options are followed to select language preference, etc. From the six menu options given, Option 1 for "all questions about a pending case" is chosen. The receipt number is entered, when requested. An update on the status will be immediately provided. Case Comments are updated with the results of the inquiry.
- USCIS Case Status Online Service at <http://www.uscis.gov> may be used to check the status of a petition for lawful immigration status. To access an individual's petition status, the application receipt number is found on the forms provided to individuals after they have submitted an application to the USCIS center. An update is immediately provided, which is printed and maintained in the case record. Case Comments are updated with the results of the inquiry. Following are instructions to assist in navigating the USCIS website:
 1. Access the website at <http://www.uscis.gov>.
 2. Click on "Search" on the top menu bar on the home page.

3. Scroll down to “Hot Topics Feature” and click on “Case Status Online & Processing Dates.”
4. On the “Case Status Service Online” page, click on the blue word “online” under “Finding the status of your case.”
5. Enter the 13-character application receipt number on the “Case Status Search Page” and click on the “Search” box.

How does staff verify a petition for lawful immigration status online?

To check the status of a participant's petition for lawful immigration status using the internet, the Specialized Supportive Services (SSS) EW or designated staff must follow these procedures:

- Access USCIS Case Status Online Service at <http://www.uscis.gov>;
- On the right side of the screen under Hot Topics, click on “Case Status & Processing Dates”;
- Choose “Finding the Status of Your Case” (online);
- Scroll down to Application Receipt number;
- Enter the application receipt number, with no spaces or dash marks. The application receipt number is found on the forms provided to participants after they have submitted an application to the USCIS center, the number begins with 3 letters, and is located on the top left corner of the document;
- An update will be immediately provided, “Case Status” which is to be printed and maintained in the case record;
- The screen will provide you with the receipt number, application type and the status of the case; and
- LEADER Case Comments screen must be updated with the results of the inquiry.

NOTE: The petition is pending if the information on the screen indicates that application is still being processed.

How does staff verify a petition for lawful immigration status via telephone?

To check the status of a participant's petition for lawful immigration status using the telephone, the Specialized Supportive Services (SSS) EW or designated staff member must follow these procedures:

- Call the USCIS National Customer Service Center at (800) 375-5283;
- Follow the initial menu options to select language preferences, for English press 1;
- From the four menu options given, the EW will select option two, “application or petition,”
- From the next six menu options given, the EW will select option six “check status of case”;

- When requested, enter the receipt number (the receipt number should start with three letters and followed by 10 digits, and is found on the top left corner of the document), enter the letters as numbers (i.e, receipt number WAC1111111111, you would enter it as, 9221111111111);
- Listen carefully, you will hear an update on the status of the case with the results of the inquiry; and
- LEADER Case Comments screen must be updated with the results of the inquiry.

How are Nicaraguan Adjustment and Central American Relief Act (NACARA) non-citizens identified?

NACARA non-citizens are identified by one of five codes on their I-551 document (Permanent Resident Card). The codes are: NC-5, NC-6, NC-7, NC-8 and Z-15.

Referrals to domestic violence service provider

Applicants who state (or otherwise establish) that they **continue** to live with the spouse/parent/family member batterer shall be referred to a domestic violence service provider for assistance with counseling and housing. Additionally, applicants shall be given the telephone numbers to contact Legal Aid for legal assistance. The telephone number for the Legal Aid Foundation of Los Angeles (LAFLA) is (213) 640-3900 and the number for Neighborhood Legal Services is (800) 433-6251.

Confidentiality

Information with respect to domestic abuse victims and their dependents shall not be released to any outside party or other governmental agencies or to any employee who is not directly involved in the applicant's/participant's case. Confidentiality restrictions do not apply to exceptions contained in EAS Section 42-715.311.

What refugees are eligible for CAPI following their 7-Year SSI/SSP eligibility period?

The following "7-Year Refugees," who obtained their status *on or after* August 22, 1996, may be eligible for CAPI following their seven-year SSI/SSP eligibility period. The seven-year SSI eligibility period begins with the date the refugee obtained his or her particular status from USCIS and ends with the month following the seven-year anniversary date.

10. Granted Cuban/Haitian entrant status. (Section 501(e) of the Refugee Education Assistance Act of 1980).

11. A refugee who entered the United States under Section 207 of the INA.
12. Granted status as an asylee under Section 208 of the INA.
13. A non-citizen whose deportation is being withheld under Section 243 (h), or whose removal is being withheld under Section 241 (b)(3) of the INA.
14. "Amerasian immigrant" under Section 584 of the Foreign Operations, Export Financing, and Related Programs Act of 1988.

CAPI Eligibility

A refugee in one of the five categories above who loses his or her SSI/SSP eligibility may be eligible to CAPI **after** his or her 7-Year SSI eligibility period ends.

Disability Determination

Special disability determination procedures may be required for some of these refugees who claim to be disabled and are under the age of 65.

See **CP-025.2 - Disability Determination** - for more information

How are non-citizens classified based on their date of entry?

To be eligible for CAPI, a non-citizen must be a legal immigrant and meet an immigration status according to his or her day of entry:

- **Pre-August 22**, 1996 immigrants, and
- **Post-August 21**, 1996 immigrants

NOTE: Battered non-citizens who are eligible based on pending or approved VAWA petitions/applications are not subject to the New Affidavit of Support (I-864) and are therefore not subject to the sponsor-deeming rules.

All sponsored non-citizen who are permanent residents and domestic violence victims are exempt from the sponsor deeming requirements.

See **CP 49-037.2 - New Affidavit of Support (I-864)** - for more information

CP 49-020.2 – Date of Entry (DOE) Prior to August 22, 1996

Which non-citizens with a Date of Entry (DOE) prior to August 22, 1996 are potentially eligible for CAPI?

To be potentially eligible to CAPI, individuals whose DOE into the United States was **prior** to 8/22/96 must meet one of the criteria

below:

- Qualified aliens, age 65 or older (aged), who were lawfully residing in the United States on 8/21/96; or
- Non-citizens who are victims of abuse/battery who have petitioned to USCIS or EOIR to have their immigration status adjusted to Qualified Alien and have provided proper USCIS documentation. (See *NOTE* below for special sponsor deeming rule exception); or
- Disabled, blind or aged persons (not meeting the definition of Qualified Aliens) who are permanently residing in the United States under color of law (PRUCOL). Proof of PRUCOL status is required. The SOC 451 lists eligible PRUCOLs.

NOTE: VAWA Qualified Aliens sponsored with a New Affidavit of Support (I-864) are exempt from sponsor-deeming rules up to one year from the date the initial CAPI payment is received.

See CP 49-037.2 - New Affidavit of Support (I-864) - for more information

CP 49-020.3 – Date of Entry (DOE) After August 21, 1996

Which non-citizens with a date of entry (DOE) after August 21, 1996 are potentially eligible to CAPI?

To be potentially eligible to CAPI, individuals whose DOE into the United States was **after** 8/21/96 must be:

- Disabled, blind or aged qualified aliens who legally entered the United States **after** 8/21/96 and who have a sponsor who is deceased, disabled or abusive (including sponsor's spouse).
- Disabled, blind or aged qualified aliens or PRUCOLS who do not have a sponsor or whose sponsor is not deceased, disabled or abusive.

NOTE: “7-Year Refugee” Qualified Aliens are **not** eligible to CAPI during the first seven years following the date they are granted their Qualified Alien status by USCIS due to eligibility to SSI.

See CP 49-020.1 - General Immigration Requirements - for more information

NOTE: CAPI benefits for individuals with no sponsor or with sponsors who are not deceased, disabled or abusive shall be aided under the **Extended CAPI** category. These applicants are indefinitely eligible to CAPI, as long as all the eligibility criteria are met. If applicable, these participants are subject to sponsor deeming for 10 years.

- Non-citizens who are victims of abuse who have petitioned to USCIS or EOIR to have their immigration status adjusted to Qualified Alien and have provided proper USCIS documentation.

NOTE: Non-citizens who may qualify under VAWA, and are sponsored with a New Affidavit of Support (1-864), are exempt from sponsor deeming rules up to one year from the date the initial CAPI payment is received.

See **CP 49-037.2 - New Affidavit of Support (I-864)** - for more information

What legal immigrants are NOT eligible to CAPI?

The following individuals are NOT eligible to CAPI despite meeting all eligibility requirements, including their immigration status:

- Any non-citizen receiving federal SSI/SSP.
- Anyone living in a public institution (e.g., public hospital) for an entire month. Persons who are incarcerated for an entire month.
- Non-citizens who are here temporarily (e.g., on a visa) or whose immigration status does not permit them to stay in the U.S. with a USCIS document.
- PRUCOLs receiving SSI who were slated to have their benefits discontinued effective September 30, 1998. As Congress permanently restored these individuals' SSI/SSP benefits, they do not qualify for CAPI.

CP 49-020.4 – Date of Entry Definition

What is considered the Date of Entry (DOE) for CAPI eligibility determination purposes?

DOE, according to Welfare and Institutions Code, is the effective date of the non-citizen's **current** immigration status as defined by USCIS, except in the following two situations:

- The non-citizen is a CAPI participant whose immigration status was adjusted after he or she began receiving CAPI benefits. In this situation, the **same** DOE that was used to determine his or her initial CAPI eligibility will continue to be used at the annual redetermination.
- The non-citizen met the "Qualified Alien" immigration status **on** August 21, 1996, **and** has maintained continuous residence in the United States since August 21, 1996. In this situation, the effective date of the Qualified Alien status held by the non-citizen on August 21, 1996 will be deemed to be his or her immigration status.

CP 49-025 Age And Disability

CP 49-025.1 – Age & Disability

What legal non-citizens may be eligible for CAPI?

Legal non-citizens who are **aged or disabled** and who meet the rest of the CAPI eligibility requirements may be eligible for CAPI.

When is blindness considered a disability?

A person is considered disabled for purposes of CAPI eligibility if the person is diagnosed with statutory blindness.

NOTE: A current determination of blindness established for Title II Social Security, SSI/SSP, or Medi-Cal **can be used** to establish blindness for CAPI. A current determination is one that has not lapsed due to benefit termination.

CP 49-025.2 – Disability Determination

What department makes all blindness and disability determinations?

The State Department of Disability and Adult Program Division (DAPD) is responsible for making all blindness and disability determinations for CAPI.

The EW must complete and send a **full** disability determination packet to DAPD immediately following the Intake or annual redetermination face-to-face interview, or as soon as the applicant/participant complies with eligibility requirements to finalize the packet.

See **Disability Determination** for LEADER Procedures

NOTE: A partial or no DAPD packet may be needed for some 7-Year Refugees (see below).

When is a full, partial or no disability packet appropriate?

7-Year Refugees

A **full** (regular) DAPD eligibility packet may **not** be required for some refugees who apply for CAPI following their seven-year SSI/SSP eligibility period.

See **CP 49-020.1 - General Immigration Requirements** - for more information

1. **No DAPD** eligibility packet is needed to process CAPI eligibility for refugees **65 years** of age or **older**. These applications are processed like any other.

2. A **partial** DAPD packet must be initiated if the refugee is **under** 65 years old **and** there is an SSI/SSP disability decision (medical re-exam date) at the time of the CAPI application. That is, the medical re-exam date is current or overdue.
3. A **full** DAPD packet must be initiated if the refugee is **under** 65 old **and** SSI/SSP benefits were discontinued because the person was **no longer** disabled.

NOTE: 7-Year Refugee applicants whose application process requires a **partial or full** DAPD packet but meet all other CAPI eligibility criteria may receive CAPI benefits pending a DAPD disability determination.

Benefits received during this period are **not** considered an **overpayment** even if DAPD finds the person **not** disabled.

How are partial DAPD packet for 7-year refugee applicants processed?

Upon receipt of a CAPI application from the refugee the EW must follow these procedures:

- Obtain verification of SSI/SSP payment discontinuance due to expiration of seven-year SSI/SSP eligibility.
- Identify the person's disability SSA re-exam date in one of two ways:
 1. Obtain an SSA printout, from the applicant, showing the medical re-exam date.
 - or**
 2. Contact the SSA via telephone.

If the medical re-exam date cannot be obtained from the applicant or SSA office, then proceed to prepare a partial DAPD packet as indicated below.

- Prepare and send a partial (limited) DAPD packet. The packet consists of just the MC 221 with the following remark in item #10 "7-Year Refugee CAPI case – SSI was discontinued as of (date). Please check for SSI disability. "

Follow up with DAPD if there is no response to the disability determination request within 30 days.

NOTE: If DAPD does not find the person disabled, discontinue aid and clearly document immigrant's status and reason for termination. CAPI issued on these cases is not considered an overpayment.

See **CP 49-020. 1 - General Immigration Requirements** - for more information

CP 49-025.3 – Definition of Disability **What is disability?**

Disability is the inability to do any substantial gainful activity (SGA) by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of 12 months or longer.

NOTE: Any child or adult who is engaging in substantial gainful activity (SGA) at the time of filing a new CAPI application will not be considered disabled.

Can a person under 65 years of age be eligible to CAPI?

Yes, a person under 65 years of age may be potentially eligible to CAPI if he or she meets the disability criteria, as well as rest of the eligibility criteria.

When is a blind person determined disabled?

A blind person is determined disabled when his or her blindness is medically diagnosed as statutory blindness. Statutory blindness is a central visual acuity of 20/200 or less in the better eye with the use of a correcting lens.

NOTE: A current determination of blindness established for Title II Social Security, SSI/SSP, or Medi-Cal **can be used** to establish blindness for CAPI. A current determination is one that has not lapsed due to benefit termination.

See **Disability Determination** for LEADER Procedures

See **CP 49-025 -1 Age and Disability** - for more information

CP 49-025.4 - Presumptive Disability (PD)

What is Presumptive Disability (PD)?

Presumptive disability (PD) is a disability determined by the applicant's doctor or by the Intake EW, if the disability is observable and is included in the State's presumptive disability conditions below.

Both the doctor's and EW's diagnoses must follow the State's presumptive disability criteria as listed on the reverse of the CAPI 102.

The application of an individual diagnosed with a presumptive disability may be approved pending verification from DAPD and if all

other eligibility criteria are met.

NOTE: A **presumptive disability** (PD) condition may be diagnosed by the individual's doctor and determined by the EW at the time of application. This determination is based on pre-established DAPD disability criteria.

How long can a person be aided based on PD?

A person may be aided up to six months based on PD. A person must meet all other eligibility criteria to be eligible to CAPI.

NOTE: CAPI payments based on presumptive disability are **not considered overpayments** if the applicant is ultimately determined not to be blind or disabled.

Which are the PD conditions?

- Amputation of a leg at the hip.
- Allegation of total deafness.
- Allegation of total blindness.
- Allegation of bed confinement or immobility without a wheelchair, walker, or crutches, due to a longstanding condition, excluding recent accident and recent surgery.
- Allegation of a stroke (cerebral vascular accident) more than three months in the past and continued marked difficulty in walking or using a hand or arm.
- Allegation of cerebral palsy, muscular dystrophy, or muscle atrophy and marked difficulty in walking (e.g., use of braces), speaking, or coordination of the hands or arms.
- Allegation of Down syndrome.

NOTE: Down Syndrome may be characterized by some indication of mental retardation and by abnormal development of the skull (lateral upward slope of the eyes, small ears, protruded tongue, short nose with a flat bridge, small and frequently abnormally aligned teeth); short arms and legs; and hands and feet that tend to be broad and flat.

- Allegation of severe mental deficiency made by another individual filing on behalf of a claimant who is at least seven years of age. For example, a mother filing for benefits for her child states that the child attends (or attended) a special school, or special classes in school, because of mental deficiency, or is

unable to attend any type of school (or if beyond school age, was unable to attend), and requires care and supervision of routine daily activities.

NOTE: “Mental deficiency” means mental retardation. This PD condition pertains to individuals whose dependence upon others for meeting personal care needs (e.g., hygiene) and in doing other routine daily activities (e.g., fastening a seat belt) grossly exceeds age appropriate dependence as a result of mental retardation.

- A child has not attained his or her first birthday and the birth certificate or other evidence (e.g., the hospital admission summary) shows a weight below 1200 grams (2 pounds, 10 ounces) at birth.
- Human immunodeficiency virus (HIV) infection (accompanied by a medical-source statement regarding manifestations of illness).
- A child has not attained his or her first birthday and available evidence (e.g., the hospital admission summary) shows a gestational age at birth on the table below with the corresponding birth-weight indicated:

Gestational Age -- Birth Weight (in weeks)

37-40	Less than 2,000 grams (4 lbs. 6 oz.)
36	1,875 grams or less (4 lbs. 2 oz.)
35	1,700 grams or less (3 lbs. 12 oz.)
34	1,500 grams or less (3 lbs. 5 oz)
33	1,325 grams or less (2 lbs. 15 oz)

NOTE: Gestational age, the age **at birth** based on the date of conception, may be shown as “GA” in medical records. If more than one “GA” is noted in the available evidence, forward the case to DAPD for consideration of a PD finding.

- A physician or knowledgeable hospice official confirms an individual is receiving hospice services due to terminal illness.
- Allegation of spinal cord injury producing inability to ambulate without the use of a walker or bilateral hand-held assistive devices for more than two weeks, with confirmation of such status from an appropriate medical professional.
- End stage renal disease with ongoing dialysis and the file contains a completed HCFA-2728 (End Stage Renal Disease Medical Evidence Report-Medicare Entitlement and/or Patient Registration).
- Allegation of amyotrophic lateral sclerosis (ALS, Lou Gehrig’s disease).

See **Disability Determination** for LEADER Procedures

6/07

CP 49-030 Ineligibility For SSI/SSP

CP 49-030.1 - SSI/SSP Ineligibility Verification

How is ineligibility for SSI/SSP verified?

To be eligible for CAPI, individuals must be ineligible to SSI/SSP solely because of their immigration status. Therefore, all qualified aliens (except PRUCOLs) must have a current SSI application pending, have been referred to CAPI SSIAP, or have proof (dated after 8/1/98) of an SSI application denial before CAPI may be approved.

Ineligibility for SSI/SSP must be verified by one of the following:

- **Formal denial** letter from the Social Security Administration (SSA) dated after 8/1/98, and cannot be dated earlier than six months prior to the CAPI application date. Proof can include a MEDS printout displaying denial code N13, an informal denial (L-991) letter from SSA or a formal denial letter from SSA, or any other written verification from SSA.
- **Informal denial** (L-991) from SSA or other communication from SSA dated within six months of the CAPI application that indicates the person is ineligible for SSI/SSP due to immigration status.
- **Other** written verification from SSA.
- **EW's determination** that the applicant is **not** a Qualified Alien.

See **CP 49-020 - Immigration Status** - for more information

CP 40-030.2SSI/SSP Application Verification

What documentation is required as proof of application for SSI/SSP?

In addition to the SSI/SSP ineligibility reasons mentioned above, a non-citizen may comply with the SSI/SSP ineligibility requirement by submitting one of the following:

- A pending appeal if the issue under appeal is:
 - related to the applicant's disability; or
 - related to the person's immigration status.
- An SSI/SSP application filed within six months of the CAPI application date.

CP 49-035 Income

CP 49-035.1

Definition of Income

What is Income?

- “Anything” that a person receives in cash or in-kind that can be used to meet the person’s need for food, shelter and clothing.
- “Something” a person can use to get food, clothing or shelter.

EXAMPLE:

If a person receives a non-cash gift that can be converted to cash, such as a piece of jewelry, it could be used for food, clothing or shelter. Therefore, the item’s current market value is considered income.

What is countable income?

Countable income is the individual’s gross income, plus that of a spouse or ineligible parent, **minus** any exclusion.

Countable income is used to determine eligibility and the amount of the CAPI payment.

NOTE: To be eligible for CAPI, a non-citizen’s or couple’s **countable** income must be lower than the appropriate CAPI payment standard.

See **CP 49-035 - Income** - for more information

CP 49-035.2

Types of Income

How many types of income are there?

There are three types of income:

- Earned
- Unearned and
- In-kind

See **Income-About/Types** for LEADER Procedures

CP 49-035.3

Earned Income (EI)

What is considered Earned Income?

Earned income includes wages, net earnings from self-employment, wages for work performed in a sheltered workshop, in-kind earned income, royalties and honoraria. Wages are counted for each month when they are received. The monthly average of the annual net self-employment income (SEI) is counted for each month of the taxable year.

See **Income – Earned** for LEADER Procedures.

When is a free item considered an income exemption, exclusion or a deduction?

A free item is considered an income exemption when it is not, nor can it be used to obtain food, clothing or shelter. Additionally, anything received from the sale or exchange of the individual's personal property is not income.

Items not considered income are:

- Medical care and services.
- In-Home Supportive Services (IHSS) or personal care services provided to the participant or money restricted to paying for such services.
- Receipts from the sale, exchange or replacement of a resource (this is not income, but rather resources that have changed their form, i.e., proceeds from the sale of a car).
- Income tax refunds.
- Payments by a credit life or credit disability insurance policy.
- Weatherization Assistance.
- Certain non-cash items, that is any item except shelter, food or clothing which would be an excluded non-liquid resource.

What are Blind Work Expenses (BWE)?

Any work related item paid by a blind individual. These expenses may be **deducted** from gross earnings as a BWE.

EXAMPLE:

Some of the more common BWE **deductions** include federal and local income tax, cost of at-work meals and transportation.

What does a Plan for Achieving Self Support (PASS) offer an individual?

Through this plan a blind or disabled individual may set aside income or resources and have them **excluded** in order to fulfill a PASS.

Types of PASS money usage (any of which could reasonably be expected to assist the individual to become employed) include:

- Vocational training,
- Buying a vehicle, or
- Buying computer equipment

NOTE: Administrative staff shall call General Relief & CAPI Programs staff to determine whether a PASS can be approved.

EXAMPLE 1

Applicant has Income: Mr. Green, a disabled individual, earns gross wages of \$885 per month. What is his monthly benefit?

Wages	\$885.00
General Exclusion	-20.00
Earned Income Exclusion	<u>-65.00</u>
	\$800.00
Divided by two	<u>2</u>
Countable Income	\$400.00

Income applied	
CAPI Payment Standard	\$844.40
Countable Income	<u>-400.00</u>
CAPI Benefit Amount	\$444.40

EXAMPLE 2:

Applicant's spouse receives SSI/SSP: The CAPI applicant has \$2085 in earned income. Part of the earned income received by the CAPI applicant is deemed to the SSI/SSP spouse. The CAPI applicant's spouse receives \$212 in SSI/SSP.

Wages	\$2,085.00
General Income Exclusion	- 20.00
Earned Income Exclusion	<u>- 65.00</u>
	\$2,000.00
Divided by	2
Countable Earned Income	\$1,000.00
Spouse's SSI/SSP	<u>+212.00</u>
Total Countable Income	\$1,212.00

Income applied	
CAPI Payment Standard	\$1,434.20
Total Countable Income	<u>- 1,212.00</u>
CAPI Benefit Amount	\$ 222.20

CP 49-035.4 Unearned Income

What is Unearned Income (UI)?

Unearned income is "anything" that is not earned income. Some examples of this type of income are:

- Annuities and pensions
 - Dividends, interest and royalties
 - Prizes and awards
 - Alimony and support payments
 - Rental income
 - Gifts and inheritances
 - Death benefits
 - In-kind support and maintenance
- (See *In-kind and Support Maintenance* below for more details)

Treatment of Unearned Income

Unearned income is counted in the month it is received. Generally, the gross amount of the unearned income in a month is counted before any deductions for:

- Any garnishment or withholding to pay a debt or legal obligation, such as child support;
- Any withholding to make payments or to pay insurance premiums, such as Medi-Care; and
- Recovery for an overpayment from another benefit program.

What is considered In-kind Income?

The following are considered In-kind Income:

- Food, clothing or shelter received by the individual, or
- “Something” a person can use to get food clothing or shelter.

See **Income-In-kind for LEADER Procedures**

NOTE: Resources converted to cash are counted as resources.

See **CP 49-040 - Resources** - for more information

What are some exceptions to Unearned Income?

- Amounts withheld to recover overpayments are excluded **if** the individual received CAPI **and** another benefit at the same time **and** the overpayment amount was included in computing the CAPI payment.
- Costs incurred in getting payments such as legal and

medical expenses.

- Legal fees associated with receiving a retroactive check from another benefit program.
- Any portion of a death benefit used to pay for last illness or burial expenses of the deceased.
- Any portion of Veteran's benefits paid to the recipient because of a dependent is subtracted from gross benefit.

**CP 49-035.5
In kind Support
Maintenance (ISM) And
Presumed Maximum
Value (PMV)**

What is In-kind Support Maintenance (ISM)?

ISM in-kind support/maintenance is food, clothing or shelter that is given to a CAPI participant or that which the participant receives because someone else pays for it.

Shelter Expense Examples

Shelter expense includes room, rent, mortgage payments, property taxes, heating fuel, gas, electricity, water, sewer and garbage services. Mobile home space rental is not a shelter expense.

EXAMPLE:

When one spouse is receiving SSI/SSP: The CAPI applicant's spouse receives \$637 in SSI/SSP and has no other income. The CAPI applicant has no income, but the couple receives free shelter from their son, with whom they are living. The free shelter has a value in excess of \$357.00.

Unearned Income In-kind	
Support Calculation	\$357.00
General Exclusion	<u>- 20.00</u>
Countable Unearned Income	337.00
SSI/SSP	<u>+637.00</u>
Total Countable Income	\$974.00

Income Applied	
CAPI Payment Standard	\$1,065.33
Total Countable Income	<u>-974.00</u>
CAPI Benefit Amount	\$ 91.33

How is In-kind Support and Maintenance (ISM) valued under the Presumed Maximum Value (PMV) rule?

ISM is subject to the Presumed Maximum Value (PMV), which is equal to one-third of the individual's or couple's federal benefit rate (i.e., SSI) plus \$20. The current (January 2009) PMV is \$244.66 for an individual and \$357.00 for a couple.

The actual value of ISM can be used instead of the PMV

when a participant can rebut the PMV by presenting evidence that the actual value of the ISM is less than the PMV. If the rebuttal is successful, the individual will be charged with just the actual value.

EXAMPLE:

Mr. Jones, an aged individual living alone, receives a \$300 monthly check under the Title II program. His daughter pays his monthly rent of \$800.

Title II Calculation	\$300.00
PMV	<u>+252.66</u>
Countable Unearned Income	552.66
General Exclusion	<u>- 20.00</u>
Countable Unearned Income	\$532.66

Income Applied	
CAPI Payment Standard	\$844.40
Countable Unearned Income	<u>-532.66</u>
CAPI Benefit Amount	\$311.74

What if the ISM is at a higher rate than the PMV?

ISM **cannot** be charged at a rate higher than the PMV regardless of the actual value of the food, shelter or clothing received.

ISM **is** unearned income even when related to certain work activities in another person's home. There are two reasons for this under regulation:

- Household contributions must be in cash. Babysitting, housekeeping and similar chores are **not** counted as valid contributions towards the household expenses.

When food or shelter is provided as remuneration to a domestic or agricultural employee or for services not in the course of the employer's trade or business, they must be counted as ISM, not wages.

Can Household of Another (HOA) and PMV rules apply at the same time?

No. HOA and PMV rules cannot be applied at the same time; they are mutually exclusive.

EXAMPLE:

A CAPI applicant living with her adult daughter does not provide cash contribution towards the household and receives both food and shelter from her daughter. In return, the applicant baby-sits her grandchildren 10 hours daily. The applicant would be subject to the HOA living arrangements,

but not charged with earned income.

When is the “Household of Another” (HOA) reduced living arrangement applied?

When the applicant/participant **lives with someone else** (other than a spouse or a parent if a minor child) **and** receives both food and shelter from that person for an **entire** month.

NOTE: The in-kind support is not counted as income, but is applied in this situation by using the reduced needs CAPI payment standards for living in the HOA.

EXAMPLE:

When one spouse is receiving SSI/SSP - The CAPI applicant's spouse receives \$637 in Social Security benefits and \$17 in SSI/SSP. The CAPI applicant has no income, but the couple receives free shelter from their son, with whom they are living. The free shelter is valued in excess of \$357.00.

Social Security	\$637.00
General Exclusion	<u>- 20.00</u>
Countable Unearned Income	\$617.00
SSI/SSP	<u>+17.00</u>
Total Countable Income	\$634.00

Income Applied	
CAPI Payment Standard	\$1,090.00
Total Countable Income	<u>- 634.00</u>
CAPI Benefit Amount	\$456.00

NOTE: The in-kind support is not actually counted as income but is applied in this situation by using the reduced needs CAPI payment standards for living in the HOA.

(Rev. 12/11)

CP 49-037 Sponsor Deeming

CP 49-037.1 – Sponsor - What is deemed income? Deeming Rules

Deemed income is income received by another person and is considered **available** to CAPI participants for the purpose of determining CAPI payment amounts. It does not matter whether the income is or is not received by the participants.

Whose income is deemed to the applicant/ participant?

Income is deemed from anybody in the same household who is an ineligible spouse or ineligible parent of a minor child.

Income of an ineligible spouse/parent **is** subject to the same Earned Income exclusions the participant's income is subject to, plus the following:

- Any Public Assistance (PA) payments, regardless of payment source;
- Any other income used by a PA program in figuring that payment;
- Income used to comply with the terms of court-ordered support, or support payments enforced under Title IV-D; and
- Income paid under a federal, state or local government program to provide the participant with chore or homemaker services (i.e., IHSS payments).

See **CP 49-035 - Income Exclusions** - for more information

When is the sponsor's income deemed to the immigrant?

Income is deemed from a sponsor and/or the sponsor's spouse to an immigrant without regard as to:

- Whether the sponsor is living in the same household, or
- Whether the income is actually available to the participant, or
- The type of Affidavit of Support signed, unless the sponsor dies or one of the deeming exemptions applies.

When does the deeming period start?

The deeming period starts from the date the sponsor signed the Affidavit of Support **or** the date of the immigrant's lawful date of entry into the U.S., whichever is later.

See **CP 49-020.4 - Date of Entry Definition** - for more information

What factors determine the sponsor deeming period?

The sponsor deeming period is determined by three factors:

- The type of affidavit of support, new (I-864) or old (I-134), signed by the sponsor;
- The immigrant's lawful date of entry, before 8/22/96 or on or after 8/22/96, and

See **CP 49-020.4 - Date of Entry Definition** - for more information

- Whether the sponsor is deceased/ disabled/abusive.

See **CP 49-020 - Immigration Status** - for more information

NOTE: The new Affidavit became effective 12/19/97. It is possible that some immigrants entered the U.S. for a period of time after that date under the Old Affidavit.

Is the sponsor's income subject to any of the regular or deeming exclusions?

No, a sponsor's income is not subject to any of the regular or deeming exclusions, although a portion of the income is allocated to the sponsor.

NOTE: Deeming **does not** apply to PRUCOL qualified immigrants who entered the U.S. on or **after** 8/22/96 who do not have a sponsor.

See **CP 49-020.3 - Persons Residing Under the Color of Law (PRUCOL)** - for more information

When does deeming from a sponsor's spouse apply?

A sponsor's spouse's income is deemed to the immigrant regardless of when the marriage took effect unless:

- The sponsor and his/her spouse are separated or divorced (verification is required), or
- The sponsor's spouse dies (verification required).

NOTE: For IE purposes, **regular** sponsor deeming, **not** spousal or parental deeming, applies in cases where the sponsor is the spouse or the parent.

What are some of the most common multiple deeming situations?

Deeming From More Than One Sponsor

If an immigrant is sponsored by more than one individual (other than two sponsors who are married to each other and living together), deeming rules are applied separately to the income of each sponsor to determine the total income deemable to the immigrant.

Deeming From Both a Sponsor and a Spouse or Parent

If an immigrant has a sponsor and also has an ineligible spouse or parent who is **not** the sponsor, both the sponsor-to-alien **and** spouse-to-spouse (or parent-to-child) deeming rules apply.

Sponsor Who Sponsors two or More CAPI Applicants/participants

If an individual sponsors two or more CAPI applicants/participants, none of whom are the spouse or the child of the sponsor, then the sponsor's income is deemed to each immigrant. The sponsor's income is **not "divided"** among the CAPI applicants/participants.

Only Ineligible Spouse of Couple is Sponsored

If only the ineligible spouse of a couple is sponsored, sponsor-to-immigrant deeming does **not** apply to either spouse.

Both Members of Eligible Couple Have Same Sponsor

If both members of an eligible couple have the same sponsor, the sponsor's income is deemed to **each** member.

Each Member of Couple Has a Different Sponsor

If each member of an eligible couple has a different sponsor, each sponsor's income is deemed to the appropriate member. The couple's income includes the sum of their income amounts.

**CP 49-037.2 – New
Affidavit of Support
(I-864)**

How does sponsor deeming apply to immigrants with a New Affidavit of Support (I-864) and are there any exceptions to this rule?

Deeming from a sponsor who signed a new Affidavit of Support applies **indefinitely unless or until** one of the following occurs:

- The sponsor dies (verification of death is required).
- The CAPI participant becomes a naturalized citizen.

- The CAPI participant is credited with 40 quarters of employment.
- The CAPI participant, the CAPI participant's minor child or the CAPI participant's parent, if the participant is a minor child, is a **victim of abuse** by his or her sponsor or the sponsor's spouse **AND** the victim lives in a **different** household than the abuser.
- The non-citizen meets the eligibility criteria for **Extended CAPI**, Aid Code 99. A **10-year sponsor deeming** applies to these cases.
- The immigrant is a battered sponsored Qualified Alien under VAWA. These cases are exempt **from sponsor deeming** for one year from the date USCIS (formerly known as INS) issues the prima facie notice.

The exemption may be extended beyond one year if:

- CAPI eligibility continues to be met;
- USCIS has made a prior determination that abuse did occur or
- The abuse has been recognized in an order from a judge or from an administrative law judge. (see Residence Chapter, Section (C)(1)(i) for more information on VAWA non-citizen Qualified Aliens.)

See **CP 49-020 - Immigration Status** - for more information

- The immigrant meets the **Indigent Exception** criteria. This exemption allows a temporary **12-month** suspension of sponsor deeming.

See **CP 49-037.4 - Indigence Exception** - for more information

CP 49-037.3 – Old Affidavit of Support (I-134)

How does sponsor deeming apply to immigrants with an Old Affidavit of Support (I-134) and are there any exceptions to this rule?

Deeming from a sponsor who signed an **old** Affidavit of Support applies for **three years unless or until** one of the following occurs:

- The sponsor dies (verification of death is required).
- The sponsor becomes disabled for more than 30 days (verification of disability must be provided).

- The immigrant becomes blind or disabled after admission to the U.S. **Onset date** of disability from DAPD is required on these cases.
- The CAPI participant, the CAPI participant's minor child or the CAPI participant's parent, if the participant is a minor child, is a **victim of abuse** by his or her sponsor or the sponsor's spouse and the victim lives in a **different** household than the abuser.
- The noncitizen meets the eligibility criteria for **Extended CAPI**, Aid Code 99. A **ten-year sponsor deeming** applies to these cases.

CP 49-037.4 – Indigence Exception (IE)

What is the Indigence Exception (IE)?

The Indigence Exception allows a temporary 12-month suspension of sponsor deeming for certain needy, legal non-citizens with a New Affidavit of Support. The exception is effective 9/1/02.

What are the requirements for the IE?

The IE applies **only** if the following requirements are met:

- The non-citizen is sponsored through a New Affidavit of Support;
- The non-citizen does not live with the sponsor(s);
- The non-citizen cannot obtain **both** food and shelter, because income is below the allocated 2012 SSI rate for food and shelter (Individual - **\$698** and Couple - **\$1,048**);
- Application of the sponsor deeming rules would result in denial, discontinuance or reduction of CAPI benefits;
- Verification of Sponsor's Support;
- The non-citizen completes and signs the Indigence Exception Statement, SOC 809; and
- The County determines that the Indigence Exception applies.

New Affidavit of Support

Only non-citizens whose sponsor signed a **New** Affidavit of Support may be eligible for CAPI benefits under the Indigence Exception.

Sponsor and Non-citizen Living Arrangements

A non-citizen CAPI applicant may **not** live with or in the sponsor's property and be eligible to the IE. A non-citizen who claims to be indigent (needy) shall complete the SOC 809, Indigence Exception Statement. Through this form, the non-citizen declares that he/she does not live with the sponsor. The non-citizen must provide proof of residential address and living arrangements.

NOTE: It is considered living together, for purposes of the IE eligibility requirements, when the non-citizen and his or her sponsor live in a two unit property and occupy separate units.

EXAMPLE:

Mr. Wong, the sponsor, and Mr. Lin, the non-citizen and CAPI applicant, live in a two unit complex. Mr Wong lives at 600 S. Rampart Ave, Los Angeles and Mr. Lin occupies the property in the back with address 2600½ Rampart Ave. Los Angeles. Mr. Lin's application for IE is denied because he and his sponsor are considered to live in the same property.

Food and Shelter Availability Determination

- When determining whether a non-citizen can obtain food and shelter, the EW shall evaluate the non-citizen's income to determine if it is below the allocated 2012 SSI rate for food and shelter (Individual - **\$698** and Couple - **\$1,048**); The SOC 809 form allows the needy non-citizen to state his/her reasons for applying for the exceptions and the support he/she receives from his/her sponsor(s).

The non-citizen's statement on the SOC 809 form and other information in the case record must be evaluated in order to determine whether he/she can obtain food and shelter.

NOTE: For purposes of the Indigence Exception, SSI, General Relief and Food Stamp benefits are considered. Other income which must also be considered to determine whether the non-citizen is able to obtain food and shelter is: any cash, food, housing, other assistance provided by other individuals or agencies (including the sponsor), income of the non-citizen's spouse (if living together) or the parent(s) (if living with the minor non-citizen).

Income Below SSI Rate Determination

Whenever the non-citizen's total income is below the SSI rate, as shown on the SOC 809, the EW must proceed with the eligibility determination for the Indigence Exception. This includes completing the SOC 813 and forwarding it to the DDD.

NOTE: There is **no** eligibility to the Indigence Exception, if the non-citizen receives free (In-kind) shelter and food AND this In-kind income is below the SSI rate (**\$698** in 2012 for one person).

Impact of Adverse Action

A needy non-citizen with a New Affidavit of Support may be eligible for the CAPI Indigence Exception if application of the sponsor deeming rules would result in denial, discontinuance or reduction of CAPI benefits.

The sponsor's income and other countable income is entered on the SOC 813, "Cash Assistance Program for Immigrants Indigence Exception Statement".

Sponsor's Support Verification

A CAPI applicant/participant may or may not know his/her sponsor's whereabouts.

In cases where the sponsor's **whereabouts are known**, the non-citizen is required to obtain from the sponsor:

- The New Affidavit of Support (if not on file) or other documentation to verify the sponsor's support, and
- A signed statement that supports the non-citizen's allegation regarding the sponsor's inability/refusal to support the non-citizen.

In cases where the sponsor's **whereabouts are unknown**, the EW must attempt to obtain:

- **First**, the sponsor's address from USCIS. This can be done by using USCIS Document Verification Request forms G-845 and G-845S, together.
- **Then**, if the sponsor **no longer** lives at the address provided by BCIS and all other attempts to locate him or her are unsuccessful, the EW must accept the non-citizen's signed statement regarding the sponsor's unknown whereabouts. The immigrant's statement must be credible and must **not** conflict with other information in the case.

Completion of SOC 809, CAPI Indigence Exception Statement

The needy non-citizen must complete and sign the SOC 809 to determine the reasons for the IE and the support provided by the sponsor.

LEADER Input

Once it is determined that the IE applies, after reviewing all information received from the non-citizen, the sponsor, USCIS and existing information in the case record, the EW must do the following:

- **Identify** the case on LEADER as an Indigence Exception case by adding the **Indigence Exception Special Indicator**.

See **Special Indicator – Case** for LEADER Procedures

- Monitor the 12-month Indigence Exception duration on LEADER by creating an **11-month special Future Action Control (FAC)**.

See **Future Action Controls – User Initiated – Create** for LEADER Procedures

See **Future Action Controls – User Initiated – Resolve** for LEADER Procedures

- Exempt the case from sponsor deeming for 12 consecutive months (including any **non-payment** months within that period). All sponsor's resources and income are excluded (except contributions from sponsor) from sponsor deeming.
- Update the **Case Comments** screen with all action taken including any deemed income or deemed property that was excluded, FAC created and Special Indicator set.

Once the Indigence Exception is approved and all appropriate input has been entered on LEADER, the EW must **clearly document** this in the case record and **label** the case folder with the following information:

Indigence Exception Case

- Sponsor Deeming Exception begins on _____ and ends on _____.

Is the sponsor's income counted when IE applies?

No, the sponsor's income is **not** counted during the 12 -month Indigence Exception period, even if it changes.

See **Excluding the Sponsor's Income** for LEADER Procedures

The following income is **counted** even though the sponsor's

income is exempt from the 12-month sponsor deeming computation:

- Cash PA (including SSI, FS and GR);
- All contributions provided by other individuals or agencies (including those from the sponsor) and/or the Parent(s) (if living with the minor non-citizen);
- Income of the non-citizens spouse (if living together);
- Any other type of in-kind income received; and
- **Changes** in the non-citizen's income and/or in-kind support, do affect the benefit computation.

NOTE: In-kind support and maintenance is counted at its actual value as determined by the provided not the PMV.

How long is the temporary IE period and when does it begin?

When the criteria for the exception are met, deeming is suspended for **12 consecutive months** (including any **nonpayment** months within that period.) The 12-month period may begin at any time when all of the conditions are met. It can be effective with the first month of eligibility or in a subsequent month.

See **Future Action Controls – User Initiated – Create** for LEADER Procedures

See **Future Action Control – User Initiated – Resolve** for LEADER Procedures

Extension or Duplication of an IE

IE can be either extended or repeated indefinitely, if the non-citizen qualifies for it.

EXTENSION: The 12-month IE may be extended if the non-citizen **continues** to meet the exception criteria. When this happens, the non-citizen qualifies for a new 12-month sponsor deeming exemption period.

MULTIPLE EXTENSIONS: A non-citizen may apply and may qualify for a new IE any time after the current exception expires on the last day of the 12th month.

What are the procedures to refer IE cases to U.S. Citizenship and Immigration Services (USCIS) and to the California Department of Social Services (CDSS)?

State regulations require that counties inform USCIS and CDSS of sponsors who fail to support adequately their sponsored non-citizen. This is done by forwarding a copy of the SOC 813, CAPI Indigence Exception Determination, to the Eligibility Supervisor (ES).

Upon approval of the IE, the ES shall provide his/her DDD with two copies of the completed SOC 813. The DDD will keep one copy of the form and forward the other copy to GR & CAPI Programs Section on a flow basis. GR & CAPI Programs Staff will forward ALL received SOC 813's to USCIS and CDSS.

What are some hypothetical situations of applications for the Indigence Exception?

EXAMPLE 1:

Applicant for the IE receives free food and shelter - Mr.

Abgarian is ineligible to Extended CAPI due to his sponsor's high income. In his application, Mr. Abgarian stated that he receives no support from his sponsor. He also declared on his application that he receives free food and free shelter from a community agency.

ANALYSIS: Mr. Abgarian is ineligible for the IE because he receives free food and shelter.

EXAMPLE 2:

Applicant for the IE reports excessive sponsor's income -

Mr. Wong, a CAPI applicant living independently and whose sponsor signed a New Affidavit of Support, reports that his sponsor (an adult without dependents) has a monthly income of \$5000; however, Mr. Wong receives only \$200 per month in cash and no other support from the sponsor. Mr. Wong claims he cannot afford food and shelter with this low amount.

ANALYSIS: Mr. Wong is potentially eligible for the IE benefits. He alleges he cannot obtain food and shelter. Mr. Wong's income is only \$200, which is below the allocated 2012 SSI rate for food and shelter for one person (**\$689**). Therefore, sponsor deeming does not apply to this case.

The EW must verify the applicant's allegation and evaluate other eligibility criteria to grant the IE.

EXAMPLE 3:

Applicant for IE states that his/her sponsor's whereabouts are unknown - Mr. Sanchez's Extended CAPI application was

denied because his sponsor did not cooperate with the process.

Mr. Sanchez's sponsor's whereabouts are unknown. Following denial of his Extended CAPI application, Mr. Sanchez called his EW and asked for help. He said he had no income, no food and no shelter.

ANALYSIS: Mr. Sanchez is potentially eligible to the IE; however, the EW must explore the sponsor's whereabouts through USCIS, confirm Mr. Sanchez's living arrangements and evaluate other eligibility criteria to grant the IE.

EXAMPLE 4:

Participant requests an extension of his/her IE - Mr. Lee's IE will expire on December 15, 2011; however, a week before the expiration, Mr. Lee informs his EW that his sponsor's whereabouts remain unknown and everything else remains the same, including his income and living arrangements.

ANALYSIS: Mr. Lee is potentially eligible to a 12-month extension of his IE. The EW must obtain a written declaration (Affidavit) from Mr. Lee regarding his sponsor's whereabouts and evaluate other eligibility criteria to grant the IE.

Extension of the exception would begin December 16, 2011 (a day after the previous exception expired), or the day the non-citizen meets all the eligibility criteria for the IE. Extensions of the IE are granted in 12-month increments.

EXAMPLE 5:

Multiple IE's: Following the expiration of Mrs. Kazini's first IE on February 16, 2011, her case was converted to Extended CAPI and sponsor deeming was resumed. However, on March 7, 2011, Mrs. Kazini informed her EW that once again she was without her sponsor's support and could not obtain food and shelter. Mrs. Kazini wishes to apply for the IE again.

ANALYSIS: The EW must process Mrs. Kazini's request for a second IE. If eligible, Mrs. Kazini's new IE will begin the date she meets all the eligibility criteria for the IE. A new approval notice must be sent to Mrs. Kazini to inform her of her IE period.

**CP 49-037.5 –
Verification of Sponsor
Information**

Who is primarily responsible for obtaining information from the sponsor?

The non-citizen is responsible for:

- Obtaining the sponsor's cooperation in developing and documenting the information needed to determine the sponsor's income and resources;
- Obtaining the sponsor's information needed to apply the deeming rules even if the sponsor cannot be located or leaves the United States; and/or

- Obtaining the information needed to make an indigence exception determination.

See **CP 49-037.4 - Indigence Exception (IE)** - for more information

What forms are used to determine deemable/net countable income?

The following forms are used to compute the total income deemable to the non-citizen:

- SOC 451, Cash Assistance Program for Immigrants-Supplemental Application. *(English and Spanish versions of this form are user initiated on LEADER. Other languages are out of drawer, manually generated.)*

This application form is completed by the CAPI applicant.

- SOC 452, Cash Assistance Program for Immigrants-Income Eligibility-Adult. *(English and Spanish versions of this form are user initiated on LEADER. Other languages are out of drawer, manually generated.)*

This form is completed by the CAPI EW to determine and calculate the CAPI benefit amount. It includes the CAPI applicant's/participant's income and that of their sponsors.

- SOC 454, Cash Assistance Program for Immigrants Alien Deeming Work Sheet. *(English and Spanish versions of this form are user initiated on LEADER. Other languages are out of drawer, manually generated.)*

This form is completed by the CAPI EW to determine the income amount deemed to the immigrant.

- SOC 809, Cash Assistance Program for Immigrants (CAPI) Indigence Exception Statement. *(Out of drawer form.)*

This form is completed by the applicant/ participant and it serves a dual purpose:

- ✓ to inform the CAPI EW of the applicant's/ participant's reasons for applying for the IE, and
- ✓ to inform the CAPI EW of the support/contributions the applicant/participant receives from the sponsor.

- SOC 813, Cash Assistance Program for Immigrants (CAPI) Indigence Exception Determination. *(Out of drawer form.)*

This form is completed by the EW with information provided by the applicant/participant through the SOC 809. The SOC 813 shows the resources and income available to the applicant/participant as well as his/her living arrangements.

CP 49-040 Resources

CP 49-040.1

Resource Limits

How much resources is a noncitizen or a couple allowed to be eligible for CAPI?

To be eligible for CAPI, an individual or couple is allowed to have up to \$2,000 of non-excludable resources for one person or \$3,000 for a couple.

The **couple resource limit** is the same regardless of whether one or both members of the couple household are eligible for CAPI. A couple members individually owned asset is counted toward the joint couple limit.

CP 49-040.2

Resource Definitions

How Many Types of Resources are There?

There are two types of resources:

- Liquid
- Non-liquid

What are Resources?

Resources are:

- Cash or other liquid assets, or any real or personal property, that an individual (or spouse) owns which could be converted to cash for use in support and maintenance.
- Proceeds from property or shared property liquidated by the CAPI applicant/participant.

NOTE: If a property right cannot be liquidated, it is NOT considered a resource of the individual or the spouse.

What are Liquid Resources?

Liquid resources are cash or other resources which **can** be converted to cash within **20** working days.

Examples of liquid resources include stocks, bonds, mutual funds, promissory notes, mortgages, life insurance policies and bank accounts, including time deposits.

NOTE: Liquid resources, other than cash, are evaluated according to the individual's **equity value** in the resources.

What is Equity Value?

Equity value is the price that an item can reasonably be expected to sell for on the open market in the particular geographic area involved, minus any encumbrances.

The resource determination is based on the countable resources available as of the **first** (moment) of the month. Any increase or decrease in the value of a resource is **not** counted until the first of the **following** month.

What are Non-liquid Resources?

Non-liquid resources are property which is not cash and which **cannot** be converted to cash within **20** days.

Examples of non-liquid resources include loan agreements, household goods, vehicles, boats, buildings, livestock and land.

CP 49-040.3 Resource Exclusions

What items are excluded as resources?

The following items are excluded as resources:

1. The home, and any adjoining land (see below for more details)
2. Household goods and personal effects if their total equity value is \$2,000 or less
3. One car if:
 - It is necessary for employment.
 - It is necessary for medical treatment of a specific or regular medical problem.
 - It is modified for use by a handicapped person.
 - It provides necessary transportation to perform essential daily activities.
 - It has a current market value that does not exceed \$4,500. If the market value exceeds \$4,500, only the excess is counted against the resource limit.
4. Property of a trade or business which is essential for self support
5. Non-business property which is essential for self support
6. Resources of a blind or disabled individual necessary to fulfill an approved PASS

See **CP 49-035 - Income** - for more details

7. Certain stock held by Alaskan natives

8. Life insurance, if the total face value of all policies on one person does not exceed \$1,500. Otherwise, the cash surrender values of life insurance policies will count as a resource
9. Restricted allotted Native American lands
10. Payments or benefits paid under other Federal statutes
11. Disaster relief assistance
12. Burial spaces of any value*
13. Burial funds up to \$1,500*
14. Pension funds owned by an ineligible spouse
15. Title XVI or Title II retroactive payments for six months
16. Housing assistance
17. Earned Income Tax Credits
18. Payments received as compensation for expenses or losses suffered as a result of a crime for nine months
19. Relocation assistance for nine months

When is a home excluded?

A home is excluded when it is a property in which the individual has ownership interest and serves as the individual's **principal** place of residence to which, whenever absent, he/she **plans** to return.

A signed statement of intent to return signed by the CAPI participant is the documentation needed in determining that the home exclusion, as principal place of residence, continues to apply during a temporary absence. There is **no time limit** on how long a "temporary" absence can be.

The property **ceases** to be the principal place of residence the date the individual leaves and does **not intend** to return.

NOTE: Proceeds from the sale of an excluded home are also excluded to the extent they are intended to be used and are, in fact, used to purchase a similarly excluded home within three months of the date the proceeds are received. Any remaining balance will be counted as an excess resource.

What is considered Essential Property to Self Support?

- Property used in a trade or business, and non-business property which produce income either in cash or in-kind is considered property essential to self-support.
- Property in current use or that will again be used within one year of its most recent use, for income producing purposes qualifies as property essential to self-support.

What is considered Business Property?

Business property includes the necessary capital and operating assets of a business (e.g., real property, buildings, inventory and equipment).

Business Property Categories

1. **Property Excluded Regardless of Value or Rate of Return.** This category includes, effective May 1, 1990, property used in a trade or business, and property used by an individual as an employee for work.
2. **Property Excluded up to \$6,000 Equity Regardless of Rate of Return.** This category includes non-business property used to produce goods or services essential to daily activities, e.g., land used to produce vegetables for consumption by the individual's household. Equity is the difference between the property's fair market value minus any liens or encumbrances.
3. **Property Excluded up to \$6,000 Equity if it Produces a 6% Rate of Return.** This category includes non-business income-producing property, i.e., rental property. There are some exceptions to the 6% rate of return, but individuals will usually have higher than \$6,000 equity in rental property, which makes it a countable resource.

What is considered Burial Funds?

Burial funds consist of any of the following: revocable burial contracts, burial trusts, other burial arrangements, cash, accounts, or other financial instruments with a definite cash value clearly designated for the individual's (or spouse's) burial expenses and kept separate from non-burial related assets.

Property other than the one listed in this definition **is not** considered burial funds.

Excluded fund amount

Up to \$1,500 of a revocable burial fund may be excluded. This amount is reduced, however, by the value of any irrevocable burial fund and by the face value of any excluded life insurance policy. Any increased value of the burial fund due to interest earned is also excluded as long as the interest remains in the fund.

If the CAPI participant uses the burial funds for some other purpose, the individual's future CAPI benefits will be reduced by an amount equal to the amount used for another purpose.

CAPI applicants/participants can sign a contract with a funeral home placing up to \$1,800 in an irrevocable burial contract or a trust. Legitimate irrevocable burial trusts are not counted as a resource because the individual has no legal access to the money.

What is considered a burial space?

Burial spaces include plots, grave sites, crypts, mausoleums, urns, niches and other customary repositories of bodily remains. Additionally, the term burial spaces include necessary and reasonable improvements, such as vaults, headstones, markers, plaques, or burial containers and arrangements for opening and closing the grave site.

Excluded burial amount

The value, with **no limit**, of burial spaces for the individual and immediate family, is excluded from countable resources. The immediate family means the CAPI participant's spouse, minor and adult children, siblings, parents, and the spouses of those individuals.

An individual can transfer **any amount** or type of resource in order to become eligible for CAPI. The applicant or participant only has to prove that he/she no longer has access to, or control of, the asset, and it will no longer be counted as a resource effective the first of the month following the transfer.

What is a trust and how does it work?

A trust is a legal arrangement regulated by State law in which one party holds property for the benefit of another. A trust may be revocable or irrevocable. A trust can be, and generally is, an excluded resource for a CAPI participant who is the beneficiary. The beneficiary is the person for whose benefit the trust exists. Generally, the beneficiary has no control of or access to the trust account.

The trustor is the person who creates the trust.

The trustee is the person who holds legal title to the trust account or property. In most instances, the trustee has no legal right to revoke the trust or to use it for his/her own purpose.

Trust principal is the amount placed in the trust by the trustor, plus any earnings left to accumulate.

Trust earnings are amounts earned by the trust property in the form of dividends, interest, etc.

Some trusts pay, or otherwise give access to, the trust earnings, which would then be **counted** as income to the CAPI participant.

Some trust expenditures made on behalf of the CAPI participant are counted as income. Expenditures made for food, clothing or shelter would be counted as in-kind support and maintenance, subject to the presumed maximum value. Expenditures made for other items, which can be converted to cash would be counted as in-kind income equal to the current market value of the item. Expenditures for services such as medical care or rehabilitation treatment would not be counted as income. Any direct payments to the beneficiary are counted as income.

How does undue hardship affect conditional payments?

Excess real property that would otherwise be countable and subject to conditional payments is excluded if the property is **jointly owned** and sale of the property would cause **undue hardship** for the other joint owner(s). Undue hardship would result if another joint owner used the property as a principal place of residence and sale of the property would result in loss of that residence.

CP 49-040.4 Spouse's Resources

Are resources of an applicant's/participant's spouse included?

Yes, resources of an applicant or recipient include the resources of a sponsor who is living in the same household regardless of whether or not the resources are actually made available to the applicant or participant.

CP 49-040.5 Countable Resources for Individuals Under the Age of 18

What resources are counted when determining eligibility for individuals under the age of 18?

Resources of any applicant or participant under the age of 18 are deemed to include the resources of any ineligible parent or the parent's spouse who is living in the same household as the child regardless of whether or not the resources are actually made

available to the applicant.

CP 49-040.6 Exclusions to Resource Deeming

What exclusions apply to resource deeming from an ineligible spouse or ineligible parent?

- The resource exclusions that apply to an applicant/participant apply to resource deeming from an ineligible spouse or ineligible parent.

See **CP 49-040.3 - Resource Exclusions** - for more information

- Pension funds belonging to an ineligible spouse or parent.

See **CP 49-040.3 - Resource Exclusions** - for more information

Deemed resources are resources belonging to another person who is considered available to CAPI participants for the purpose of determining CAPI eligibility. It **does not** matter whether the resources are or are not available for use by the participants.

When are sponsor's resources deemed to the immigrant?

Resources are deemed from a sponsor and/or the sponsor's spouse to an immigrant.

See **CP 49-037 - Sponsor Deeming** - for more details

Are the sponsor's spouse's resources deemed to the immigrant?

Yes, a sponsor's spouse's resources are deemed to the immigrant regardless of when the marriage took effect unless the sponsor dies or one of the deeming exemptions applies.

CP 49-040.7 Deemed Resources

What is deemed resources?

Deemed resources are sponsor's resources considered **available** to the non-citizen for the purpose of determining CAPI eligibility. It does not matter whether the resources are actually made available to the applicant or participant.

Are the sponsor's spouse's resources deemed to the applicant/participant?

Yes, the sponsor's spouse resources are deemed to the applicant/participant if the sponsor and his or her spouse live in the same household.

When are the sponsor's (and spouse's if any) resources

counted as resources available to the non-citizen?

Resources are counted as available to the noncitizen only when they exceed the applicable resource limit of \$2,000 for an individual or \$3,000 for a couple.

See **CP 49-037 -Sponsor Deeming** - for more information

Are any of the sponsor's resources excluded?

Yes, the same resource exclusions that apply to the applicant/participant apply to the sponsor.

See **CAP 49-040.3 - Resource Exclusions** - for more details

**CP 49-040.8
Resource
Determinations**

When are resource determinations made?

Resource determinations are based on the countable resources available as of the **first** (moment) of the month. Any increase or decrease in the value of a resource is **not** counted until the first of the **following** month.

EXAMPLE:

A CAPI participant receives a \$2,000 inheritance in 11/11. The \$2,000 is considered income in the month received. The CAPI participant buys a refrigerator valued at \$600 in the same month and does not spend any other money. The remaining \$1,400 is considered resources in the following month, 12/11.

How is an item treated the month it is received?

An item is considered income the first month it is received. As such, it should be counted under the income rules the first month. This item becomes a resource the following months.

Can an applicant transfer or give away his/her resources to become eligible for CAPI benefits?

No, effective December 14, 1999, an eligible person may not transfer his/her resources for **less** than fair market value. A person applying for or receiving CAPI who disposes of resources for LESS than fair market value is ineligible for CAPI for a period up to **36 months**.

NOTE: Eligible persons include the applicant/participant, his/her spouse and any co-owners of the resources being transferred.

How is the period of ineligibility determined?

The period of ineligibility begins on the first day of the month immediately following the month of transfer and can be up to, but no more than 36 months.

The period of ineligibility may be computed by dividing the resource amount by the monthly payment the person is or would be eligible for.

How is the period of ineligibility computed when a member of a couple receives SSI/SSP?

The uncompensated value is divided by the maximum “one CAPI, one SSI/SSP” couple rate based on the CAPI applicant’s living arrangements.

What is fair market value?

Fair market value is equal to the current market value of a resource at the time of the transfer.

What is uncompensated value?

Uncompensated value is the difference between the fair market value of a resource and the amount of compensation received by the individual in exchange.

EXAMPLE 1:

A month prior to his December 20, 2011, CAPI application, Mr. Chin, an aged person living independently, transfers his \$4,000 resource without compensation.

Computation

$\$4,000 \div \$844.40 = 4.74$; resulting in five months of ineligibility.

NOTE: \$844.40 is the CAPI Payment amount for one person living independently. In the case of any fraction, round to the nearest whole number.

EXAMPLE 2:

An aged individual with a spouse who receives SSI/SSP transfers a resource with an uncompensated value of \$4,000.

Computation

$\$4,000 \div \$1,434.20 = 2.79$; resulting in three months of ineligibility.

NOTE: \$1,434.20 is the CAPI Payment amount for a couple with one spouse on SSI residing in own household.

Is there a penalty for transferring a home?

Transfer of resources does **not** apply to transfer of an applicant’s

or participant's (transferor's) home if the home was transferred to:

- The spouse of the transferor;
- A child of the transferor who is under age 21, or who is blind or disabled (as determined by DAPD); and
- The sibling of the transferor who has an equity interest in the home and who was residing in the transferor's home for a period of at least one year immediately before the date the transferor is institutionalized.

NOTE: For any other home transferring arrangement questions, District Office staff shall contact Program staff.

Are money or goods received by a recipient to replace a resource or in exchange for a resource considered income?

No, receipts of sold exchanged or replaced resources (or increased value) are not considered income. They are considered a resource conversion. In other words, the money and/or goods are considered a resource, unless they fit within another resource exemption.

When can an individual with excess resources be eligible for Conditional CAPI?

An individual with excess resources may receive **conditional** CAPI benefits if the following three criteria are met:

- The total liquid resources **do not** exceed **three times** the CAPI benefit rate (e.g., for an aged or disabled individual residing in his own household this would be $3 \times \$844.40 = \$2,533.20$);
- The individual **agrees** in writing to sell the excess non-liquid resources at their current market value, and repay any overpaid conditional payments with the proceeds from such sale; and
- **Within 30 days** of signing the conditional agreement, the individual must make **reasonable efforts** to sell the property by listing the property with a real estate agent or other conventional advertisement. The individual must accept any reasonable offer. Reasonable means at least two-thirds of the current market value.

Conditional payments **do not** apply to excess liquid resources.

The basic conditional periods for disposal of non-liquid resources are **nine months** for real property and **three months** for personal

property.

See **Future Action Controls - User Initiated - Create** - for LEADER Procedures

See **Future Action Controls - User Initiated - Resolve** - for LEADER Procedures

- The total overpayments to be recovered equal the **lesser** of the net proceeds received from the sale of the property, or the amount of CAPI benefits received during the conditional period.

How is an unsold property treated after a conditional period expires?

If the conditional period expires with the property remaining unsold, the property will be excluded in determining regular CAPI benefits for as long as the person continues making reasonable efforts to sell. When the property is sold, the CAPI participant is only responsible to repay the conditional payments made during the conditional period.

See **Future Action Controls - User Initiated - Resolve** - for LEADER Procedures

Is jointly owned property countable if it creates an undue hardship on the non-applicant joint owner?

Excess real property that would otherwise be countable and subject to conditional payments is **excluded** if the property is **jointly owned** and sale of the property would cause **undue hardship** for the other joint owner(s). Undue hardship would result if another joint owner used the property as a principal place of residence and sale of the property would result in loss of that residence.

(Rev. 12/11)

CP 49-045 – Filing for Other Benefits

CP 49-045.1 – SSI/SSP Application

Is application for SSI/SSP an eligibility requirement for CAPI?

Yes, all qualified aliens (except PRUCOLs) must have a current SSI application pending, have been referred to CAPI SSI Advocacy Program (SSIAP), or have proof (dated after 8/1/98) of an SSI application denial before CAPI may be approved. Individuals must file an application or reconsideration for SSI/SSP benefits within six months prior to or at the time of their application for CAPI. All applicants/participants, excluding PRUCOLs, must meet this requirement by cooperating with their SSI Advocacy Program representative, when appropriate, and throughout the SSI/SSP application or reconsideration process.

NOTE: Although CAPI can be approved for persons age 65+ on the basis of a pending SSI application, individuals age 65+ who were lawfully admitted to the United States before 8/22/96 will be referred to DAPD for a disability evaluation. If the individual is determined to be disabled by DAPD, the individual will be referred to an SSIAP Advocate.

See **CP 49-030.2 - SSI/SSP Application Verification** - for more information

CP 49-045.2 – CAPI SSI Advocacy Program (SSIAP)

What is the CAPI SSI Advocacy Program (SSIAP)?

CAPI SSI Advocacy Program (SSIAP) is a component of CAPI to assist CAPI applicants/ participants who are potentially eligible for SSI. This program was implemented at the beginning of 2002. The program is composed of specialized advocates who guide CAPI participants through the SSI application process and the gathering of necessary information and documentation to increase the possibility of approval of the noncitizen's SSI application. . The advocates also coordinate with Social Security Administration staff to expedite SSI approvals for the CAPI participants.

How does the CAPI SSIAP referral process work?

The implementation of CAPI SSIAP resulted in changes to the CAPI Intake process. The CAPI EW must determine whether the participant's case will be referred to CAPI SSIAP or to SSA.

- At intake, the CAPI EW must verify from case records/documentation whether the CAPI participant has a pending SSI application:
 - If an SSI application is pending, update LEADER, document case and set a three-month review date.
- If an SSI application is pending, then the requirement to apply

for SSI has been met.

- If there is no pending SSI application, the CAPI EW shall refer to the CAPI SSIAP 015, Determining Potential SSI Eligibility for CAPI Cases, chart to determine if the participant is potentially eligible for SSI. If a determination cannot be made with available information, the EW must contact the applicant via telephone (or mail, if the participant does not have a telephone) to obtain additional information required to make a determination.
- If the participant **is not** potentially eligible for SSI, the CAPI EW shall initiate a referral to SSA by providing the participant with form CAPI 103, Cash Assistance for Immigrants (CAPI) Referral for SSI Application. The participant should be issued a return appointment to provide proof that an SSI application has been filed or the participant may return the proof of SSI application by mail.

NOTE: Failure to return proof that an SSI application has been filed will result in the denial of the CAPI application.

- If the participant **is** potentially eligible for SSI, the CAPI EW shall refer the participant to the CAPI SSI Advocate. The CAPI EW enters the case information on the CAPI SSIAP 014, CAPI Two-Way Referral Gram, and provides the form to the CAPI Supervisor to be forwarded to the CAPI SSIAP Supervisor. Do not require the participant to apply for SSI at SSA.

NOTE: If the participant's case record reveals that an application for SSI has been denied within that last 60 days, the CAPI EW is to review the case to determine if the participant will benefit from advocacy services for assistance with the reconsideration process or referral to an attorney for the appeals process. If so, refer the participant to CAPI SSIAP; if not, then the requirement to apply for SSI has been met and the EW must proceed with intake procedures.

- After receiving the copy of the CAPI SSIAP 001, "CAPI SSI Advocacy Appointment," from the CAPI SSI Advocate indicating that the participant is participating in SSIAP, the CAPI EW shall continue with the intake process.
- Intake referrals to the CAPI SSIAP have priority over any other referrals due to time constraints, as the EW needs verification that the SSI application has been submitted to SSA within 30 days after CAPI approval.

NOTE: The EW still has 30 days to process the CAPI application. The additional 30 day extension was granted to the CAPI SSI Advocate in order to initiate the SSI application.

- If the CAPI EW receives the CAPI SSIAP 005, “CAPI SSI Advocacy Status Report,” the form must be reviewed and the appropriate action must be taken on the CAPI case according to the information provided on the form.

How successful has CAPI SSIAP been in transitioning CAPI participants to SSI?

CAPI SSIAP has been extremely successful in assisting a large number of CAPI participants transition to SSI. During the program’s first 21 months, over 3,500 CAPI participants were approved for SSI, lowering the initial CAPI caseload by approximately 50%. This success was made possible through the guidance and assistance provided by the CAPI Staff, CAPI SSIAP Advocates and the SSA staff.

CP 49-045.3 – Filing for Other Benefits

Is application for other benefits a CAPI eligibility requirement?

Yes, to be eligible or remain eligible for CAPI, an applicant/participant **must** pursue and file for any other cash benefits for which he/she may be eligible. Other benefits include, but are not limited to Title II Social Security, Veterans Benefits, Worker’s Compensation, DIB, or any other private pensions.

An applicant/participant who does not file for other benefits within 30 days of receiving a referral from his or her worker is not eligible for CAPI benefits, unless the worker determines that a good reason exists for not filing within the 30 day period. The worker must enter a failure to comply with other benefits into LEADER. LEADER will generate the appropriate NOA in English and Spanish. Other threshold language NOAs must be manually generated by the Worker.

CP 49-050 Living Arrangements & Benefit Categories

CP 49-050.1

CAPI SSI/SSP Payment Amounts

How do CAPI and SSI/SSP payment amounts compare to each other?

CAPI payment standards are equivalent to SSI/SSP payment standards, except for the following:

- The CAPI payment standards for individuals are \$10 less than the SSI/SSP payment standards.
- The payment standards for eligible couples are \$20 less than the SSI/SSP payment standards for eligible couples.
- The payment standard for couples when one member is receiving or applying for CAPI and other is receiving SSI/SSP is \$10 less than the SSI/SSP payment standards for eligible couples. *(See Payment Standards Chart at end of this section for more details.)*

CP 49-050.2

Living Arrangements and CAPI Payments

How does the household composition affect CAPI eligibility determination?

The household composition is a highly important eligibility factor in the determination of CAPI eligibility. Household composition plays the **biggest** role in determining eligibility and CAPI payment standards; it plays an even bigger role than blindness, disability or marital status.

How many types of living arrangements are there for CAPI purposes?

There may be up to **six** types of **living arrangements** under CAPI. Within the six living arrangements, there are **27** household compositions which correspond with unique CAPI standard payment amounts.

Living arrangement types

1. Independent Living
2. Household of Another
3. Non-Medical Out-of-Home Care (NMOHC)

	<p>4. Independent Living Without Cooking Facilities</p> <p>5. Disabled Child Living With Parent</p> <p>6. The Title XIX Medical Facility</p> <p>(See Payment Standard Chart at end of this section for more details.)</p>
	<p><u>Which individuals are considered to live independently?</u></p> <p>Individuals who are in independent living include those who:</p> <ul style="list-style-type: none"> • live alone; or • have ownership interest or rental liability; or • are homeless; or • live in a public assistance household; or • live with someone else, but purchase their food separately or pay a prorated share for food and/or shelter expenses; or • rent a room under a business-like arrangement. <p><i>(See Payment Standard Chart at end of this section for more details.)</i></p> <p>If an applicant receives in-kind support (also referred to as In-kind Support and Maintenance or ISM), the in-kind support is treated as a Presumed Maximum Value (PMV), unless the applicant can prove that the value of the in-kind support is less than the current PMV (i.e., in January 2009, the PMV is \$244.66 for an individual and \$357.00 for a couple).</p> <p>See CP 49-035.5 - ISM Value under PMV Rule - for more details</p> <p><u>EXAMPLE:</u> Applicant receives in-kind housing in January 2009.</p>

	<p>The PMV is \$244.66, unless the applicant has proof that the value is actually less. Included in the Independent Living Arrangement are separate payment standards for:</p> <ul style="list-style-type: none"> • blind individuals, • couples where both members are aged or disabled, • couples where both members are blind, and • couples where only one member is blind.
	<p><u>When is an applicant/participant's living arrangement categorized as Household of Another (HOA)?</u></p> <p>An applicant/participant is considered in an HOA if he or she lives with someone else (other than spouse, or parent, if a non-Qualified Alien minor child). That is, the participant receives both food and shelter from that person and does not contribute toward the household expenses or pays less than the prorated share for food and shelter. Also, they do not have ownership interest or rental liability. <i>(See Payment Standard Chart at end of this section for more details.)</i></p> <p>NOTE: The in-kind support is not counted as income but is applied in this situation by using the reduced needs CAPI payment standards for living in the HOA.</p>
	<p><u>Which applicant/participant is considered as living in a Non-Medical Out-of- Home Care (NMOHC)?</u></p> <p>An applicant/participant is considered to be part of an NMOHC when he or she lives:</p> <ul style="list-style-type: none"> • Outside his or her own home in a protective living arrangement and, at a minimum, receives board, room, personal non-medical care and supervision related to the applicant's/ participant's individual needs (e.g., a nursing home, a licensed foster care, community care or

	<p>residential care facility).</p> <p>NOTE: EW must verify the facility licensure by contacting the local Community Care Licensing field office.</p> <ul style="list-style-type: none"> In a County approved non-licensed private residence of an applicant's relative or legal guardian, conservator, where the need for and the appropriateness of the care has been certified by the county. <p>NOTE: EW shall contact the Adult Services Division listed below to determine whether a residence can be certified.</p> <p style="text-align: center;">Bureau of Special Operations Adult Services Division IHSS Metro West Region 2707 S. Grand Ave. Los Angeles, CA 90007 (213) 744-3716</p> <ul style="list-style-type: none"> - A relative is related by blood (i.e., parent, son, brother, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin or any such person denoted by the prefix "grand" or "great"). Applicants/participants cannot receive both the NMOHC CAPI rate and In-Home Supportive Services (IHSS). Applicants/participants must choose one or the other. <i>(See Payment Standard Chart at end of this section for more details.)</i> <p>See Non-Medical Out-of-Home Care (NMOHC) for LEADER Procedures</p>
	<p><u>When does the "Independent Living Without Cooking Facilities" living arrangements apply?</u></p> <p>This living arrangement applies to aged/disabled participants who, for at least one entire month, do not have access to both a stove and refrigerator and do not have meals provided as part of their living arrangement.</p>

	<p><u><i>Ineligible participants</i></u></p> <p>This living arrangement does not apply to blind individuals or couples with at least one blind member.</p> <p><u><i>Restaurant Meal Allowance (RMA)</i></u></p> <p>This living arrangement has an extra benefit built into the CAPI Standard amount. The extra benefit is known as the Restaurant Meal Allowance (RMA). <i>(See Payment Standard Chart at end of this section for more details.)</i></p>
	<p><u>Who may qualify for the “Disabled Child Living With Parent” living arrangement?</u></p> <p>This living arrangement is for PRUCOL disabled/blind minors, children under age 18, who live with one or both parents. This living arrangement does not apply to Qualified Alien disabled minors. These children are not eligible for CAPI because they are potentially eligible to SSI/SSP. <i>(See Payment Standard Chart at end of this section for more details.)</i></p>
	<p><u>When does this living arrangement apply?</u></p> <p>This living arrangement applies to applicants/ participants who are living in a medical facility for an entire month and Medi-Cal and/or other medical insurance is paying at least 50% of their cost. <i>(See Payment Standard Chart at end of this section for more details.)</i></p>
	<p><u>When does a living arrangement go into effect?</u></p> <p>Living arrangements are always determined as of the first of the month and remain the same throughout the month. If a participant moves, living arrangements resulting from a move are effective the first of the month following the date of move.</p>

	<p><u>Are there any special needs allowances for CAPI?</u></p> <p>Yes, CAPI provides for one special needs allowance, “Assistance Dog Special Allowance Program (ADSA).”</p>
	<p><u>How can a participant qualify for the Assistance Dog Special Allowance Program?</u></p> <p>Approved CAPI participants are categorically eligible for an ADSA of \$ 50.00 per month. The ADSA Program provides a monthly payment to eligible CAPI participants who use a guide, signal, or service dog to help them with their disability-related needs.</p> <p><u>Qualifying assistance dogs</u></p> <p>For purposes of this program, qualifying assistance dogs must meet one of the following definitions:</p> <ul style="list-style-type: none"> • Service Dog - a dog that has been trained to meet a physically disabled person’s requirements including, but not limited to, minimal protection work, rescue work, pulling a wheel chair or fetching dropped items. • Signal Dog - a dog that has been trained to alert a deaf person or a person whose hearing is impaired, to intruders or sounds. • Guide Dog - a dog that has been specifically trained and certified by a licensed guide dog trainer, under the provisions of Chapter 9.5 of Division 3 of the Business and Professions Code, for use by a blind person to assist with his/her sight needs. <p>The ADSA Program is administered by the California Department of Social Services (CDSS). Eligibility for the ADSA Program is determined by CDSS. CAPI participants who are interested in applying for the ADSA Program shall be instructed to complete and submit an application to CDSS at the following address:</p> <p>California Department of Social Services Office of Services to the Blind 744 P Street, MS 6-94 Sacramento, California 95814</p>

CAPI eligibility staff is to make every effort to assist the participant in completing his/her application for the ADSA Program. Applications may be obtained by contacting CAPI Program staff.

Allowance eligibility effective date

Eligibility commences the first day of the month the application is received. Approved applicants will receive a retroactive payment dating back to the application month.

Allowance redetermination period

Redetermination of eligibility will be conducted once every **12 months**. To ensure continuing eligibility, participants must complete and return the ADSA renewal Application Form ADSA 1A to CDSS by the due date indicated on the form.

It is the participant's responsibility to notify CDSS if one of the following happens:

- He or she ceases to receive CAPI benefits;
- He or she ceases using the service of an assistance dog; or
- There is a change in any information provided on the application forms provided to CDSS.

Participants who fail to meet the eligibility requirements will be terminated from the ADSA Program. The termination will be effective the last day of the month in which it is determined that the participant no longer meets the eligibility requirements for the program.

Upon termination, a Notice of Action Denial and a Right to Request a State Hearing form will be sent to the participant. CDSS will also provide the participant with a new ADSA Application and a postage-free return envelope.

Is there emergent aid for CAPI while aid is pending?

CAPI applicants who have an emergent need and are potentially eligible for GR must be referred to apply for GR at their local GR Office. Individuals may apply for CAPI and GR at the same time. Although CAPI payments cannot be made for the month of application, GR offers some emergent assistance in the month of application to needy individuals.

**CASH ASSISTANCE PROGRAM FOR IMMIGRANTS PAYMENT STANDARDS
EFFECTIVE January 1, 2012**

	INDEPENDENT LIVING	REDUCED NEEDS	NON-MEDICAL-OUT-OF-HOME CARE	
	RESIDING IN OWN HOUSEHOLD	HOUSEHOLD OF ANOTHER WITH-IN-KIND ROOM & BOARD	HOUSEHOLD OF RELATIVE WITH IN-ROOM & BOARD	IN LICENSED HOUSEHOLD OF RELATIVE WITHOUT IN- KIND ROOM & BOARD
	TOTAL CAPI	TOTAL CAPI	TOTAL CAPI	TOTAL CAPI
INDIVIDUAL:				
AGED OR DISABLED without cooking facilities (RMA)*	\$ 844.40	\$ 615.17	\$ 862.34	\$1,100.00
BLIND	\$ 928.40	N/A	N/A	N/A
DISABLED MINOR	\$ 899.40	\$ 670.17	\$ 862.34	\$1,100.00
living with parent(s)	\$ 751.40	\$ 522.17	-----	-----
living with non-parent relative or non-relative guardian	\$ 752.40	\$ 522.17	\$ 862.34	\$1,100.00
COUPLE:				
AGED OR DISABLED				
Per couple	\$1,424.20	\$1,080.00	\$1,724.33	\$2,200.00
without cooking facilities (RMA)*	\$1,592.20	N/A	N/A	N/A
Per couple				
(1 receiving SSI/SSP)	\$1,434.20	\$1,090.00	\$1,734.33	\$2,210.00
without cooking facilities (RMA)*	\$1,602.20	N/A	N/A	N/A
BLIND				
Per couple	\$1,571.20	\$1,227.00	\$1,724.33	\$2,200.00
Per couple				
(1 receiving SSI/SSP)	\$1,581.20	\$1,237.00	\$1,734.33	\$2,210.00
BLIND/AGED OR DISABLED:				
Per couple	\$1,515.20	\$1,171.00	\$1,724.33	\$2,200.00
Per couple				
(1 receiving SSI/SSP)	\$1,525.20	\$1,181.00	\$1,734.33	\$2,210.00

TITLE XIX MEDICAL FACILITY

	Individual	Couple	Couple (1 receiving SSI/SSP)
Total CAPI	\$40.00	\$ 80.00	\$90.00
SSI/SSP	\$50.00	\$100.00	N/A

*RMA - Restaurant Meals Allowance

Individual	Couple
\$84	\$168

CP 49-055 Benefit Determination

CP 49-055.1 – Benefit Determination Budgeting	<p><u>What budgeting processes are used to make benefit determination?</u></p> <p>Two budgeting processes are used to make benefit determinations in CAPI:</p> <ul style="list-style-type: none">• Prospective budgeting; and• Retrospective budgeting						
CP 49-055.2 – Retrospective and Prospective Budgeting	<p><u>What is retrospective budgeting and how is it used in benefit determination?</u></p> <p>Retrospective budgeting is the term used to describe the process for using the individual's, or couple's countable income received two months prior to the current month to determine the CAPI benefit amount for the current, or payment month.</p> <p>NOTE: Exceptions to retrospective budgeting are listed under prospective budgeting above.</p> <p>See Budgeting - Prospective v Retrospective for LEADER Procedures</p> <p><u><i>Application of retrospective budgeting rules</i></u></p> <p>Once the payment standard has been determined, the CAPI benefit amount is calculated by subtracting the individual's/couple's budget month's countable income from the payment standard for the payment month.</p> <p><u>EXAMPLE:</u></p> <p>Mr. Smith, a blind person living independently, is expected to continue to be eligible for CAPI during the month of January 2012.</p> <p>Mr. Smith's November 2011 income will be retrospectively counted against his January 2012 payment.</p> <table><tr><td>A. Mr. Smith's CAPI Payment Standard</td><td>\$899.40</td></tr><tr><td>B. Subtract Mr. Smith's Countable Income</td><td><u>\$400.00</u></td></tr><tr><td>C. Mr. Smith's CAPI Payment</td><td>\$499.40</td></tr></table> <p>(the difference between A and B)</p> <p>Since Mr. Smith continues to be eligible for CAPI for January 2012, his income from November 2011 would be retrospectively counted for January. Consequently, Mr. Smith's CAPI payment will be \$499.40.</p>	A. Mr. Smith's CAPI Payment Standard	\$899.40	B. Subtract Mr. Smith's Countable Income	<u>\$400.00</u>	C. Mr. Smith's CAPI Payment	\$499.40
A. Mr. Smith's CAPI Payment Standard	\$899.40						
B. Subtract Mr. Smith's Countable Income	<u>\$400.00</u>						
C. Mr. Smith's CAPI Payment	\$499.40						

What is prospective budgeting and how is it used in benefit determination?

Prospective budgeting is the term used to describe the process for using the individual's or couple's countable income received during the current month to determine the CAPI benefit amount for the current, or payment, month.

After determining eligibility, prospective budgeting is used for the first two months of eligibility, meaning all income is counted in the month of receipt.

Application of prospective budgeting rules

- The first two months of eligibility, the budget and payment amounts, will be the same.
- The first two months following a status change from individual to couple, couple to individual, or child to adult will be treated the same as the first two months of eligibility.
- In-kind support income (ISM) for the first two months is not to used to further reduce the CAPI payment that is already reduced in the payment month because the participant is in the Household of Another (HOA) living arrangement.

EXAMPLE:

John Doe applied for CAPI on December 1, 2011. Mr. Doe is found eligible by the Disability Determinations Service Division (DDSD) effective December 2011, and because of CAPI effective date of aid rules, his CAPI benefits are effective the first of the month following application (January 1, 2012).

For January 1, 2012, Mr. Doe's countable income is \$400.00 and his CAPI Payment Standard is \$899.40. (He is blind and lives alone). The Eligibility Worker did not get notice of Mr. Doe's disability determination approval until February 2012. In February 2012, the Eligibility Worker did the aid payment computations. Mr. Doe's CAPI benefit amount computation is as follows:

A. Mr. Doe's CAPI Payment Standard	\$899.40
B. Subtract Mr. Doe's Countable Income	<u>\$400.00</u>
C. Mr. Doe's CAPI Payment	\$499.40

Mr. Doe's first month of eligibility is January 2012. Therefore, LEADER will issue a **\$499.40** CAPI payment in January 2012 and February 2012 as determined through prospective budgeting.

**CP 49-055.3 –
Computation and
Issuance of Payments**

How is the CAPI benefit amount computed?

Currently, LEADER computes the CAPI benefit amount. This computation is made based on information provided by the applicant/participant and entered on LEADER by the CAPI EW.

The benefit payments are calculated based on applicant's/participant's living arrangements for that month.

How are payments issued to participants?

Participants receive or access their CAPI benefits by one of the three methods below:

- Electronic Benefit Transfer (EBT)
- Direct Deposit; and
- Mail

See **Benefit Issuance Authorization** for LEADER Procedures

What is the Electronic Benefit Transfer (EBT) issuance method?

EBT is an electronic issuance process. Participants pick up their benefits with a debit card (like an ATM card) on the first of the month. The EBT issuance method replaced the L.A. FAIR payment issuance system in February 2004.

See **Pick-Up Date – Determine/Change** for LEADER Procedures

Alternate Cardholder

EBT participants who are unable to pick up and cash their benefits may designate an alternate cardholder. All primary cardholders are required to complete the TEM 2215, EBT Responsibility Statement (*user initiated on LEADER form*). By completing this form, participants certify that they will inform all Alternate Cardholders of their responsibility to immediately report a lost or stolen EBT card.

What is the Direct Deposit issuance method?

Effective December 2001, Direct Deposit was introduced as another method of issuing benefits to participants receiving CAPI. Participants may choose to have their benefits directly deposited into their account at a financial institution of their choice. Direct Deposit must be offered by EWs at Intake, Redetermination, Recertification and upon request.

Direct Deposit must be offered:

- **At Intake** - Direct Deposit shall be offered at the time of case approval by Wilshire Special District staff. The CAPI EW will mail the PA 1675, PA1675-1 and PA 1675-2 (*out of drawer forms*) with the LEADER screen prints (Case Profile and Case Member) attached.
- **At the annual Redetermination** - When completing the annual Redetermination (CAPI cases **without** Food Stamps), Direct Deposit shall be offered by the CAPI EW by mailing the PA 1675, PA 1675-1 and PA 1675-2 with the LEADER screens (Case Profile and Case Members) to the participant.
- **At the annual Recertification** - When completing the annual Recertification (CAPI cases **with** Food Stamps), the PA 1675-2 is to be offered at the face-to-face interview.

See **Direct Deposit Identifying** for LEADER Procedures

Direct Deposit forms

All forms (PA 1675, PA 1675-1 and PA 1675-2) are to be provided to the participant any time information about Direct Deposit is requested.

Authorized Representative

Direct Deposit participants who are unable to go to their financial institution to pick up their benefits, may designate an Authorized Representative to do this for them by completing a PA 1857/PA 1857S, Authorized Representative Designation for Food Stamp/Cash Benefits (*user initiated on LEADER forms*).

NOTE: Any time there is a change in Payee/Authorized Representative on a case with Direct Deposit, the CAPI EW must change the pick-up type on the Case Issuance Method screen to EBT. Additionally, a new PA 1675 must be completed by the participant and forwarded to the Direct Deposit Liaison to be forwarded to the Auditor-Controller. After the Auditor-Controller updates new payee on LEADER, they will notify the participant by mail of the effective month of Direct Deposit.

See **Pick-Up Date Determine/Change** for LEADER Procedures

Who may have their payments mailed to them?

County warrants may be mailed directly to the following participants, if they choose this method of payment:

- Age 65 or older
- Physical/mental incapacity (TEMP 2203 is needed)
- Living outside of County (ICTs)
- Limited access (TEMP 2203 is needed)

NOTE: Homeless participants who use the district office as a mailing address cannot opt to receive a warrant at the district office. They must provide another mailing address, choose direct deposit or select an alternative cardholder. Warrants are not to be mailed to the district office.

How are couple benefits processed on LEADER?

Couple cases with one or both individuals aided on CAPI are processed on LEADER as one case. LEADER determines eligibility for each individual based on the data input. Each member of an eligible couple is entitled to one-half of the couple's benefit amount when each member is eligible for CAPI.

See **Add individual - To A Case** for LEADER Procedures

What is an overpayment?

An overpayment is an excess payment. It is the amount an individual received for any period which exceeds the total amount which should have been paid for that period.

Underpayment

An underpayment is a payment amount less than the amount due for any period.

Waiver (Of Adjustment Or Recovery)

A waiver frees the overpaid person and eligible spouse (and the person's estate after his or her death) from the obligation to repay the amount of the overpayment covered by the waiver.

"Without fault"

Without fault is the absence of fault in connection with causing or accepting an overpayment. The overpaid individual is not without fault solely because the county may have been at fault in causing the overpayment.

"At Fault"

At fault is the existence of evidence that a participant knowingly, willingly and with intent to defraud, makes a false statement which impacts eligibility or the payment amount.

How are overpayments classified?

Overpayments are classified as:

- Administrative overpayment or
- Potential Fraud

Overpayment?

An administrative overpayment is caused by the county or the State and the participant is "without fault" in connection with causing or accepting an overpayment of this type.

EXAMPLE:

Mr. Wong, a Chinese-only speaking participant, reported (within 10 days) the death of his wife, who was aided on their case; however, the EW inadvertently failed to change the household composition to one and couple payments continued for another three months following Mrs. Wong's death.

Having met his reporting responsibilities and not having been explained the program eligibility rules in his native language. Mr. Wong cashed the checks under the assumption that he was eligible to them.

In considering the factors mentioned above, it is determined that Mr. Wong is "**Without Fault.**"

Collection of an Administrative overpayment **may be waived** if the overpaid person requests an overpayment recovery waiver. A waiver request, forms SOC 807 and 807A, (*out of drawer forms*) must be completed and submitted **with** supporting evidence to show that the overpaid person is without fault and repaying the overpayment would create a hardship which would prevent the person from meeting his/her basic needs.

NOTE: An administrative error does not relieve the person of responsibility for repayment when the person knew or should have known the payment was incorrect.

When does a Potential Fraud Overpayment occur?

A potential fraud overpayment occurs when a person is "At Fault." One is at fault when he/she knowingly, willfully and with intent to defraud, makes or causes a false statement to be made, or conceals or misrepresents a fact.

Collection of a fraud overpayment **must** be pursued in all cases in which fraud is suspected.

How is a "without fault" and "at fault" determination made?

Without fault

In making a “without fault” determination, the EW must consider whether the individual:

- Understood the cause of the overpayment at the time it occurred;
- Understood the reporting requirements;
- Agreed to report events affecting payments;
- Was aware of events that should have been reported;
- Attempted to comply with the reporting requirements; and
- Understood the obligation to return payments to which he/she was not entitled.

In considering the factors mentioned above, the following shall be taken into account: the person’s age, comprehension, and any physical, mental, educational, or linguistic limitations.

Information to make a “without fault” determination is obtained from the individual through a SOC 807, Cash Assistance for Immigrants (CAPI) - Request For Waiver Of Overpayments - Without Fault (*our of drawer form*). This information is then used in conjunction with all available evidence and case supporting documentation.

EXAMPLE:

In November 1999, Mrs. Le received a \$3,500 gift from her son and reported this timely (within 10 days); however, the EW did not act on the reported change. In March 2000, Mrs. Le spent \$1,500 on medical bills.

A review of the available evidence and case supporting documentation in June 2000 revealed that \$3,500 was the only resource Mrs. Le had at the time and she reported this timely. Thus, Mrs. Le is found to be “without fault” of any overpayments related to her son’s gift.

At fault

For CAPI overpayment determination purposes, a person is said to be “**At Fault**” when there is evidence that the person knowingly, willingly and with intent to defraud, makes or causes a false statement to be made - either of which is material to eligibility or payment amount.

Some indications of being “**At Fault**” include, but are not limited to:

- Concealing information vital to eligibility determination.
- Making an incorrect statement the person knew or should have known was incorrect.
- Failing to timely report important information that a person knew or should have known would affect payments.
- Accepting and cashing payments that a person knew or should have known were incorrect.
- Receiving and cashing duplicate payments for the same period.
- Having been overpaid in the past for similar reasons.

EXAMPLE:

Mr. Sanchez failed to declare a checking and a savings account with a combined value of \$5,250 on his initial application. This was discovered at the annual redetermination.

The applicant is “At Fault” for concealing information which would have made him ineligible to CAPI benefits. A potential fraud overpayment exists in this case.

Once a claim is established and authorized on LEADER, the system will show a claim status of “Pending Waiver.” No recoupment activity will occur while the claim is in a “Pending Waiver” status. The EW must set a **manual 30 day control** to begin recoupment of the alleged overpayment **only** if the overpaid person does not dispute it within this period of time. The EW must also prepare and **mail** the NA 1217, Notice of Overpayment, (*out of drawer form*) on the **same day** a claim is established on LEADER.

Suspend all collection activity during the 30 days following the NOA or until a determination is made on the request for a waiver of collection of an overpayment.

NOTE: Recoupment of any overpayment begins on the 1st of the month following the 30th day from the date the overpayment NOA was mailed to the participant or when a determination is made on the request for a waiver of collection of an overpayment. Recoupment of the overpayment may be initiated **only** if the participant **does not** request a waiver of collection of his/her overpayment or if the waiver is denied.

A **fraud referral** is electronically created by LEADER after the ES changes the claim status from “Pending Waiver” to “Open.” The

waiver status is changed to "Open" to begin or resume collection of the overpayment after:

- The allowed 30 day period has expired **and** the overpaid person did not file for a waiver of collection of his/her overpayment.

or

- A waiver of collection of an overpayment has been denied.

See **Fraud Referrals – Initiate** for LEADER Procedures

How is an overpayment and/or underpayment determined?

The first step in determining whether an overpayment exists is to **net** all overpayments and prior month underpayments against each other (i.e., add all of the overpayments and deduct the total amount of the underpayments). Once it is determined that an over- or underpayment exists, the EW must **notify** the participant of the incorrect payment using the appropriate notice NA 1217, Notice of Overpayment or NA 1218, Notice of Underpayment, (out of drawer forms). The EW must set up a **30-day manual control** to proceed with recoupment of the overpayment if there is no response from the participant within 30 days.

NOTE: CAPI benefits received by 7-Year refugees pending a DAPD disability determination are **not** considered an **overpayment** even if DAPD finds the person **not** disabled.

See **49-020.11 - Refugees Categories** - for more information

Notices Of Action (NOAs)

NA 1217: Cash Assistance Program For Immigrants (CAPI) - Notice Of Overpayment is completed manually. (*Out of drawer form.*)

NA 1218: Cash Assistance Program For Immigrants (CAPI) - Notice Of Underpayment is completed manually. (*Out of drawer form.*)

Once an overpayment claim is established on LEADER and it is **not** disputed by the overpaid person within the allowed 30-day period, recoupment must be initiated or resumed as indicated below:

NOTE: The CAPI payment will be automatically reduced by **10 percent** of the CAPI Payment standard associated with the overpaid participant's living arrangements.

Netting overpayment with underpayments

If it is determined that there is an outstanding underpayment after netting the overpayments against underpayments, the EW must initiate reimbursement of the underpayment amount **immediately** after the NA 1218 - Notice of Underpayment is mailed to the participant. This is done to ensure that the underpaid person receives his/her supplemental payment within **two weeks** from the date the EW becomes aware that the underpayment exists.

When can recovery of an overpayment be waived?

Recovery of an overpayment can be waived if **BOTH** of the following are true:

- The person is “**without fault**” in connection with causing or accepting the overpayment as determined by reviewing the SOC 807A, “Cash Assistance Program For Immigrants (CAPI), Request For Waiver Of Overpayment Recovery.”

and

- The administratively overpaid person **cannot afford** to pay his/her bills for food, clothing, housing, medical care or other necessary expenses and still repay the overpayment either in full or by installments, as determined by reviewing the SOC 807, Cash Assistance Program For Immigrants (CAPI), Request For Waiver of Overpayment Recovery - Income/Expenses.

Waiver forms

A person(s) requesting a waiver of collection of an overpayment can do so by completing the **two** waiver request (*out of drawer*) forms below:

SOC 807: Cash Assistance Program For Immigrants (CAPI) - Request For Waiver Of Overpayment - Income Expenses and

SOC 807A: Cash Assistance Program For Immigrants (CAPI) - Request For Waiver Of Overpayment - Without Fault

Upon receiving a request for a waiver of collection of an overpayment, the EW must **manually** mail the SOC 807 and the SOC 807A for completion by the waiver requestor(s).

NOTE: All overpayment collection activity (if any) must be suspended immediately after the waiver request forms are received from the overpaid person(s) until a

determination is made on the waiver request. The EW shall examine the SOC 807 and the SOC 807A for their proper completion and to identify and reconcile (if possible) any discrepancies between the information provided in the waiver request forms and existing information in the case record.

Automatic waivers

There are **two instances** in which a waiver is automatically granted and the person is presumed "Without Fault" unless the evidence clearly shows that he/she willingly and knowingly failed to report the excess resources.

An **automatic waiver** of recovery is granted, regardless of whether the overpaid person requests a waiver or not, when:

- The sole cause of the overpayment is Excess Resources **under \$50**

and/or

- The Overpayment is **under \$30**. This is the minimum collectable overpayment amount.

NOTICE: **No NOA** is required on these cases; however, the EW must document the reason for not pursuing collection of these overpayments in the case record.

One of **three possible** decisions below may be rendered on a request for a waiver of collection of an overpayment:

Approval: If a request for a waiver is approved and collection of an overpayment is waived, the EW shall annotate this in the case record and send a NOA, NA 1230 - CAPI Notice of Overpayment - Waiver Approval " to inform the participant. Any money recovered toward the collection of the overpayment must be refunded to the individual.

Partial Approval: If a request for a waiver of collection of an overpayment(s) is partially approved, annotate this in the case record and send an NA 1231, CAPI Notice of Overpayment - Partial Waiver Approval, (*out to drawer form*) to inform the participant. Any money recovered toward the collection of the overpayment amount partially approved must be credited toward recovery of the denied waiver portion.

Denial: If a request for a waiver of collection of an overpayment(s) is denied, the EW shall annotate this in the case record and send a NOA, NA 1232, CAPI Notice of Overpayment Waiver Denial, to inform the participant of this and initiate or resume (if suspended)

collection of the overpayment.

Waiver Approval, Partial Approval and Denial reasons

In addition to the two reasons for an automatic waiver mentioned above, collection of an overpayment may be waived based on information provided by the overpaid person on the SOC 807 and SOC 807A. A request for a waiver of collection of an overpayment(s) may be approved, denied, or partially approved for one of the following reasons:

A waiver of collection of an overpayment is fully approved when it is determined that throughout the overpayment period:

- The person was not at fault in connection with causing the or accepting the overpayment; **and** one of the conditions below:
 - The person cannot pay his/her bills for food, clothing, housing, medical care, or other necessary expenses if he/she was to repay the overpayment.

or

-The person's quality of life decreases; or he/she gives up an opportunity to improve his/her living conditions because he/she relied on the County's promise of a CAPI payment(s).

EXAMPLE:

A person does not take advantage of an offer made by a private organization or charity because he/she relies on CAPI benefits. It is subsequently found that CAPI benefits were improperly paid for the month in which the person did not take advantage of the offer made by the organization or charity.

Recoupment of this overpayment is waived because the participant declined private benefits and relied on CAPI.

All waiver approvals must be documented in the case record and a NOA must be sent to the participant. Any benefits previously withheld and covered by the waiver determination must be re-issued.

See **Section 49-055.15 - Overpayment/ Underpayment Process**
- for more information

Reasons For Partial Waiver Approval

A partial waiver approval of collection of an overpayment is calculated based on the participant's information provided on the SOC 807, "CAPI Request for Waiver of Overpayment Recovery -

Income/Expenses” and the SOC 807A, “CAPI Request for Waiver of Overpayment Recovery - Without Fault.”

A partial waiver approval of collection of an overpayment is calculated based on the participant’s information provided on the SOC 807, “CAPI Request for Waiver of Overpayment Recovery - Income/Expenses” and the SOC 807A, “CAPI Request for Waiver of Overpayment Recovery - Without Fault.”

Reasons for denial

A waiver of collection of an overpayment must be denied if a person is found at fault for the occurrence of an overpayment or without fault but able to repay the overpayment.

The denial reasons below include most of the indications for a waiver denial:

1. “At Fault”

- The person made an incorrect statement or a statement he/she should have known was incorrect.
- The person failed to provide timely information that he/she knew or should have known was important.
- The person accepted and cashed payments that he/she either knew or could have been expected to know were **incorrect**.
- The person received and cashed duplicate payments for the same period.
- The person has been overpaid in the past for similar reasons.

2. “Income Under Basic Needs”

- The person can afford to pay his/her bills for food, clothing, housing, medical care, or other necessary expenses and still repay the overpayment either in full; or by installments.
- The overpaid person receives CAPI or SSI (after CAPI is terminated) and does not have earned income greater than \$65 a month.
- The overpaid person receives CAPI (or SSI) and it is determined that:
 - recoupment of the overpayment would NOT reduce the total resources below \$3,000 for one person without

dependents or \$5,000 for a person with one dependent.

3. Misleading Information

Due to misleading information provided by the County, a participant bears a decrease of quality of his/her life; or gives up an opportunity to improve his/her living conditions because he/she relied on promised CAPI payment(s).

EXAMPLE:

A person does not take advantage of an offer made by a private organization or charity because he/she relies on CAPI benefits. It is subsequently found that CAPI benefits were improperly paid for the month in which the person did not take advantage of the offer made by the organization or charity.

Recoupment of this overpayment is waived because the participant declined private benefits and relied on the county.

Revision of Payments And Creation Of Over/Underpayments

1-Year Rule: Prior determination of eligibility and payment amounts can be revised (and over - or underpayments created) within one year of discovery of an erroneous payment amount for any reason.

2 - Year Rule: Prior determination of eligibility and payment amounts can be revised (and over - or underpayments created) within two years prior to the date that the County:

- Received new material evidence;
- Determines a clerical error has been made; or
- Determines there is an error based on existing evidence already provided.

3 - Year Rule: Prior determination of eligibility and payment amounts can be revised (and over - or underpayments created) at **any time** if fraud is suspected or if in the past there was an overpayment for the same reason.

Methods of collection

Recovery of overpayments may be accomplished through **two** methods: cash repayments and recoupment.

1. Cash Repayments: Repayment in full of the existing overpayment amount. This is always the **preferred** method of repayment.

2. Recoupment: An adjustment of the CAPI grant payment through a 10 percent reduction of the individual's monthly CAPI payment standard.

EXAMPLE:

The payment adjustment rate for an overpaid individual living independently (in January 2012) would be \$84 (10% of \$844.40).

NOTE: An individual can request a higher or lower rate of recovery than the standard rate of 10 percent. A lower rate of recovery may be approved if the overpayment will be recovered in full within 36 months. This type of arrangement, however, will require payments to be made at the district office in person.

On the other hand, an individual can arrange with his or her EW for a recovery payment plan **higher** than the required monthly, 10 percent recoupment amount. This plan would have to be carried out manually as LEADER cannot accommodate this arrangement at this time. If the participant fails to comply with the manual plan, the automatic 10% recovery plan must be reinstated. The EW must properly notify the participant of this change.

NOTE: Participant must be instructed to make manual payments to the CAPI District or the nearest GR District Office.

Overpaid Persons No Longer Receiving CAPI

For overpaid persons no longer receiving CAPI, the EW shall:

- Determine if the person has been overpaid.
- Determine if participant(s) was "At Fault" or "Without Fault."
- Send the appropriate overpayment notice.
- Initiate a manual referral, PA 495, Request for Collection, (*out of drawer form*) to the Special Operations Section if it is determined that the overpaid person is "Without Fault" but able to repay the overpayment without any hardship.
- Refer the case to the Welfare Fraud Prevention and

Investigation (WFP&I) for investigation if:

- the person **does not** respond within 30 days of the initial notice; **or**
- the notice is returned as undeliverable **and** the EW has determined that an overpayment exists and the participant was "At Fault;" **or**
- the individual is known to have **other** income assets or windfall payment, e.g. court or insurance settlement, that could be used to repay the overpayment.

NOTE: Overpayment collection efforts are initiated by eligibility staff (See below for more information). District collection referrals of CAPI overpayments on discontinued cases must follow existing General Relief Regulations.

See **GR 43-203 and 44-336.2** for GR Policy

Special Operations Section staff manually refers the case to the Treasurer Tax Collector (TTC) if the person is more than 30 days late on an installment.

Fraud Referral Process

A fraud referral process is initiated in two ways:

- By the case carrying Eligibility Worker (EW), or
- By a tip received from an outside source.

Once potential fraud is reported to the Welfare Fraud Prevention and Investigation (WFP&I) Section, via existing procedures, an investigation is conducted to determine if fraud exists. Investigation findings are then shared with the case carrying District and/or with the (TTC) Office, if applicable, for appropriate collection efforts.

Recovery of Fraud Overpayments

Overpayment recovery from cases with fraud is done by either WFP&I or the District Attorney's Office:

- Fraud overpayments **under \$1,500** are processed by **WFP&I**.
- Fraud overpayments **over \$1,500** are referred to the **District Attorney's Office**, by WFP&I, for prosecution.

NOTE: Cases with an overpayment agency error (“Without fault”) are returned to the district office for collection

Overpayments due to excess resources

For overpayments caused by excess resources of over \$50, the participant will be determined to be without fault, unless he/she willingly and knowingly failed to report the excess resources accurately and timely.

To compute the overpayment amount in cases where the excess of resources changed during the overpayment period, a determination of “without fault” must be made in the months in which the greatest resource amount existed (see example below).

The EW must annotate this determination in the Case Comments and proceed to recover the lesser of excess resource amount and the amount of CAPI paid during the overpayment period (see example below).

EXAMPLE:

In his August 2009 application, Mr. Le, the only aided participant on his case, declared a life insurance policy with a cash surrender value of \$1,900 (his only countable resource). It was discovered during a July 2011 redetermination that the cash surrender value of Mr. Le’s life insurance policy (still his only countable resource) had increased to \$2,400 in October 2009 and to \$2,900 in July 2010.

Step #1: Finding The Greatest Resource Amount:

Subtract the applicable resource limit for one person (\$2,000), from the greatest resource amount during the overpayment period (\$2,900). [$\$2,900 - \$2,000 = \900]

Step #2: Finding The Amount To Be Recovered:

Recover the lesser of the excess resource amount in Step #1 (\$900) or the amount of CAPI paid while the participant’s resources exceeded the limit by more than \$50 (in this case, \$10,086).

The amount to be recovered in this example is \$900.

NOTE: A manual claim must be established for all overpayments due to excess resources. LEADER does not compute this type of overpayment.

See **Claims – Create Manual Claim** for LEADER Procedures

**CP 49-055.4 – Effective
Date Of Aid**

What is the effective date of aid for new applications?

The effective date of aid for all CAPI applications is the first day of the month following the date of application or the date the individual would otherwise become eligible, whichever is later. LEADER automatically makes this determination.

NOTE: Any child or adult who is engaging in substantial gainful activity (SGA) at the time of filing a new CAPI application will not be considered disabled.

See **CP 49-035- Income** - for more information

EXAMPLE 1:

A woman applies for CAPI on November 9, 2011, the day she turns 65. Her effective date of aid is December 1, 2011.

EXAMPLE 2:

A man applies for CAPI on December 1, 2011. The effective date of CAPI aid is January 1, 2012.

EXAMPLE 3:

A minor child, through his parents, applies for CAPI on December 1, 2010. The EW sends the case to DDSD the same month. DDSD's eligibility determination for the minor child's blindness is not received until June 22, 2011. Since the minor child's date of application is December 1, 2010, (as secured by the CA 1 date), the first date for which he can be approved for CAPI would be January 1, 2011. Once the participant applies and is otherwise eligible, his/her effective date of aid is always the first of the month following the month of application regardless of the date when DDSD responds.

CP 49-060 Benefit “Suspensions” & Terminations

CP 49-060.1 Reasons for “Suspensions” (Temporary Terminations)

When are CAPI payments suspended (terminated cases with option for benefit restoration within 12 months of adverse action)?

CAPI benefits shall be suspended when one of the following happens:

- The participant's income in the budget month exceeds the appropriate payment standard in the payment month.

See **CP 49-025 - Income** - for more information

- The participant fails to provide proof of application for SSI/SSP benefits or fails to take all necessary steps to obtain SSI/SSP benefits.

See **CP 49-015.13 - CAPI Ineligibility** - for more information

See **CP 49-045.1 - Filing for Other Benefits** - for more information

- The participant becomes eligible to SSI/SSP benefits.
- The participant fails to cooperate or provide requested information within 30 days of the county's written request for information or documentation.
- The participant is a resident of a public institution for an entire calendar month.

See **CP 49-10.2 - CAPI Ineligibility** - for more information

- The participant is no longer a California resident.

See **CP 49-10.2 - CAPI Ineligibility** - for more information

- The sponsor's status no longer meets the eligibility requirements associated with a New Affidavit of Support.

See **CP 49-020- Immigration Status** - for more information

See **CP 49-037 - Sponsor Deeming Rules** - for more information

- The participant's resources exceed the allowable limit.

See **CP 49-040 - Resources** - for more information

- The participant is fleeing to avoid prosecution for a felony or

is violating a condition of probation or parole.

See **CP 49-010.2 - CAPI Ineligibility** - for more information

- The participant fails to file for all other possible benefits.

See **CP 49-010 - Eligibility Requirements** - for more information

CP 49-060.2 Effective Date of Restoration

What is the effective date of aid restoration on “suspended” (terminated) benefits by one of the reasons above?

Individuals whose case is “suspended” (terminated on LEADER) for one of the reasons listed above **and** who reapply for aid **within** 12 months of the suspension (termination on LEADER) may regain eligibility through the benefit restoration process.

See **Restoration** for LEADER Procedures

What is the objective of a restoration of benefits?

The objective of the restoration of benefits is to expedite reinstatement of benefits for individuals who request this within 12 months of their CAPI discontinuance.

NOTE: Restoration of benefits can be filed **only** at the Wilshire Special District, 2415 W. 6th Street, Los Angeles, CA 90057.

What is the difference between a restoration and an application of benefits?

The restoration process involves a limited application and differs from the application process in the following aspects:

- The effective date of reinstatement is the date of the request or the first day the individual meets all eligibility requirements, **whichever** is later (see examples below).
- Evidence of age is **not** required as it is already known to the County.
- Documentation of disability or blindness **is** required only **if** the individual requests restoration of benefits **six or more** months after CAPI was discontinued.

NOTE: No special LEADER input is needed on restorations. LEADER automatically recognizes a CAPI restoration and prorates the initial payment.

What are some examples of restoration of benefits?

EXAMPLE:

Mr. Kazini's CAPI case was discontinued at the end of March 2004. On **July 12, 2004**, he requested restoration of his CAPI benefits and met **all** the eligibility criteria on the date of the reinstatement request. Consequently, Mr. Kazini's benefits are restored effective **July 12, 2004**.

EXAMPLE:

Mrs. Martinez's CAPI case was discontinued at the end of February 2004. On **May 27, 2004**, she requested restoration of her CAPI benefits and met **all** the eligibility criteria on June 10, 2004. Consequently, Mrs. Martinez's benefits are restored effective **June 10, 2004**.

CP 49-060.3 Reasons for Terminations

When would a termination reason prevent an individual from having benefits restored within 12 months?

1. When the participant becomes a citizen
2. When the participant under age 65 is no longer blind or disabled
3. When the participant voluntarily asks to discontinue his or her CAPI benefits
4. When the participant dies

What Notice of Action (NOA) is required for discontinuance of benefits?

LEADER generates and mails an NA 692, Notice of Change/Discontinuance, in English and Spanish. Other threshold languages NOAs are manually prepared and mailed by the CAPI EW, 10 calendar days prior to the effective day of discontinuance.

CP 49-060.4 Eligibility Restorations

Is a new "full" CAPI application necessary to restore eligibility following a termination?

Yes, after benefits have been terminated for one of the four reasons listed above, the noncitizen must submit a "full," not a limited, CAPI application to re-establish eligibility, unless there is a favorable appeal decision rendered by an Administrative Law Judge.

CP 49-065 – Interim Assist Reimbursement Procedures

CP 49-065.1 – Interim Assistance Reimbursement (IAR) Procedures

What public assistance is considered during the Interim Assistance Reimbursement (IAR) process?

The Interim Assistance Reimbursement (IAR) process considers certain public assistance received while an application for another public assistance program is pending approval.

IA is recovered/reimbursed once the application for another program is approved. A significant number of CAPI participants are former GR recipients and potential SSI/SSP recipients. Therefore, some of their initial SSI/SSP benefits might be used to reimburse the County for GR benefits and the State for CAPI payments made to the non-citizen.

What are the IAR procedures to recover paid GR assistance?

Initial reimbursement procedures for GR/Interim Assistance are as follows:

- Eligibility staff shall obtain from the applicant/participant a signed SOC 455, Cash Assistance Program for Immigrants State Interim Assistance Reimbursement Authorization, and file it in the case record. This is a written agreement by the CAPI applicant that the GR can be recovered from the CAPI benefits.
- At the point of CAPI approval, the amount of GR paid (while CAPI was pending) will be automatically computed by LEADER. The GR grant amount paid for the number of months GR was received is considered a recoverable amount and LEADER will deduct it from the CAPI payment.

EXAMPLE:

Tony Papazian, who was receiving GR, applied for CAPI on January 3, 2004. He was found eligible to CAPI and was approved effective February 1, 2004 on March 4, 2004. Mr. Papazian's GR grant was terminated effective March 31, 2004. He had been receiving \$221 GR monthly payments.

The recoverable GR amount is \$442 for the months of February 2004 and March 2004. Once the CAPI case is approved, LEADER will deduct \$442 automatically from the CAPI entitlement.

- The GR termination date is to be coordinated with the CAPI EW.

- LEADER generates and mails, in English and Spanish, an **NA 693 IAR**, Notice of Approval - CAPI. Other threshold language forms are manually prepared and mailed by the CAPI EW. The NA 693 IAR advises the participant of the CAPI approval and the GR being recovered from the CAPI benefits.

What are the IAR procedures to recover paid CAPI assistance?

Initial reimbursement procedures for CAPI/interim assistance are as follows:

- Eligibility staff shall obtain from the applicant/ participant signed copies of the SOC 451 LA, 'Cash Assistance Program for Immigrants Supplemental Application', and the SSA-16-U4, Appointment of Representative, forms (*both out of drawer forms*).
- The SOC 451 LA is a three page form which includes a page titled "Cash Assistance Program for Immigrants State Interim Assistance Reimbursement Authorization." A copy of this signed page as well as a copy of the signed and completed SSA-16-U4 form must be given to SSA. These forms are a written agreement by the CAPI participant/SSI applicant that CAPI can be recovered from the first SSI payment to the participant.
- At the point of SSI approval, the amount of CAPI paid (while SSI/SSP was pending) will be manually computed by the Special Operations Section (SOS). The CAPI grant amount paid for the number of months SSI was pending is considered a recoverable amount and SOS will deduct it from the first SSI/SSP payment.
- LEADER generates and mails, in English and Spanish, an **NA 692**, Notice of Change (Discontinuance). Other threshold language NA 692's are manually prepared and mailed by the CAPI EW. The NA 692 form advises the participant of the CAPI discontinuance due an approval of SSI benefits.

EXAMPLE:

Mrs. Garcia applied for CAPI and SSI on August 20, 2003. Her CAPI application was approved effective September 1, 2003 and her SSI/SSP benefits were approved on March 11, 2004, effective September 1, 2003. SOS was informed on April 27th that Mrs. Garcia will receive her first SSI payment in April 2004.

Mrs. Garcia's CAPI case was terminated effective May 31, 2004. Therefore, SOS will inform SSA of the IAR 9-month

period, September 2003 through May 2004. May is included in the IAR period because Mrs. Garcia received both CAPI and SSI benefits in this month and it was too late to terminate CAPI because of the 10-day notice requirement.

What is the Special Operations Section's (SOS) role in the IAR process?

SOS's role includes:

- computing the IA period,
- informing SSA, in a timely manner, of the total IA received by the CAPI participant(s),
- receiving and processing the IAR payment
- receiving from SSA and forwarding to the SSI recipient (former CAPI participant) his or her retroactive SSI lump sum payment check.

CP 49-065.2 – Interim Assistance Reimbursement for GR and CAPI

When is GR and CAPI assistance reimbursable?

GR

Any GR paid while a CAPI application is pending approval is considered to be interim assistance and is subject to recovery/reimbursement once CAPI is approved.

The **IAR period** begins the first day of the month of CAPI eligibility and ends the month CAPI benefits are approved. LEADER generates and mails, in English and Spanish, an NA 693, Notice of Approval - Cash Assistance Program for Immigrants (CAPI). Other threshold language NOAs are out of drawer.

CAPI

Any CAPI paid, including payments made on the participant's behalf to providers of goods or services, to meet the participant's basic needs is considered reimbursable IA.

The **IAR period** begins with the date the non-citizen becomes eligible to SSI benefits and ends the month the first SSI payment is made. The first SSI payment month is considered IA if a CAPI payment cannot be stopped and is made to the participant.

NOTICE: SSA will **not** reimburse CAPI payments issued because the County failed to complete and return to SSA the SSA-8125 "Payment Pending Case" form in a timely manner.

All IARs for GR and CAPI are processed by the Special Operations Section (SOS). SOS also resolves any discrepancies with SSA.

CP 49-070 Redeterminations

What is the purpose of a redetermination?

The intent of the Redetermination process is to ensure periodically that only eligible persons receive assistance and only in the amount to which they are entitled.

How frequently is a redetermination done?

All CAPI cases must have eligibility redetermined within 12 months of the participant's initial benefit payment date and every 12 months thereafter.

How is the redetermination process completed?

- The SOC 804, Statement of Facts for Determining Continuing Eligibility for the Cash Assistance Program for Immigrants (CAPI), and the rest of the Redetermination package is mailed automatically by LEADER to the participant and a two-month control is set for its return. If the package is not returned, aid is discontinued.

Completion of the SOC 804 is required to determine continued eligibility for CAPI. *(English and Spanish versions of this form are user initiated on LEADER. Other languages are out of drawer, manually generated.)*

- Participants must complete and sign the SOC 804 and return it by mail.
- No face-to-face interview is required to redetermine CAPI eligibility; however, a face-to-face interview is required when the participant is receiving both CAPI and Food Stamps.
- Completion of the SOC 455, CAPI State Interim Assistance Reimbursement Authorization, *(User initiated on LEADER form)* is required at every annual redetermination.
- Direct Deposit (DD) must be offered to participants at Redetermination/ Recertification.
 - When completing the annual Redetermination (CAPI cases **without** Food Stamps), DD shall be offered by the CAPI EW by mailing the PA 1675, Direct Deposit Authorization Sign-Up, PA 1675-1, Bank Products Brochure, and PA 1675-2, Direct Deposit Overview, with the LEADER screens (Case Profile and Case Members) to the participant.

(The three DD forms above are out of drawer and available in the threshold languages.)

- When completing the annual Redetermination /Recertification (CAPI cases **with** Food Stamps), the PA 1675-2 is to be included with the package at the face-to-face interview.
- If eligibility **continues**, the Redetermination date is updated on LEADER.

NOTE: For cases with Medi-Cal segments, after the CAPI Redetermination is complete, the CAPI Redetermination due date is to be aligned with the Medi-Cal Redetermination due date.

- If eligibility does not continue, a timely Notice of Action (NOA) is sent to the participant and LEADER discontinues the case.
- CAPI eligibility and benefits paid must be reviewed for accuracy for all previous months of the year.
 - If the participant was underpaid, a supplemental payment must be authorized.
 - If the participant was overpaid, the EW must initiate recovery according to existing Overpayment procedures.

See **CP 49-055 - Benefit Determination-** for more information.

What eligibility factors must be considered during the redetermination process?

Upon review of the SOC 804, Statement of Facts for Determining Continuing Eligibility for the Cash Assistance Program for Immigrants (CAPI), if any information does not agree with the participants case file, further information and/or verification must be obtained, as follows:

- When a participant has a previously unreported move, has a change in household, or lives in the household of another and receives a reduced need payment, the SOC 453, Living Arrangement and Household Expenses, must be completed. If the form is not returned by the redetermination due date, aid is discontinued.
- When a participant appears potentially eligible for SSI/SSP benefits, reports any physical or mental health problems, he or she must be referred to the SSIAP via an SSIAP 014, CAPI Two-Way Reference Gram (*out of drawer form*). The SSIAP Advocate shall assist the participant apply for SSI/SSP within

30 days from the date the referral is generated.

- When a new SSI/SSP application is required, but the participant does not appear to be eligible for these benefits, the EW must refer the participant directly SSA via a CAPI 103, Cash Assistance Program for Immigrants (CAPI) Referral for Supplemental Security Income (SSI). *(Out of drawer form.)*

NOTE: The SSI/SSP application referrals are given to the participants with a new Interim Assistance Reimbursement Agreement (page 2 of Supplemental Application form [SOC 455] is required. *(out of drawer form)*

LEADER will discontinue and mail a termination NOA if the participant fails to apply for SSI/SSP. *(The English and Spanish versions of this form are user initiated on LEADER. Other threshold language forms are out of drawer.)*

- When the participant reports receipt of SSI/SSP, the effective date of SSI/SSP is verified and aid is discontinued.
- When a change in sponsor's information would result in a loss/reduction of benefits, or a change to the **Extended CAPI** category, the sponsor's disability must be verified in all cases where that was the basis for the participant's CAPI eligibility.
- When the participant's immigration status has changed or he/she has become a U.S. citizen, the change is documented and LEADER takes appropriate action (e.g., terminate benefits, or refer participant to apply for SSI/SSP benefits).
- When a participant has been outside of the United States, the exact dates must be verified by reviewing passport or other immigration documents.
- When the participant has been outside the State of California for an entire month, the participant's statement for reason of absence and the intent to return must be verified.
- When a participant has spent a full calendar month in a hospital, nursing home, or other institution, admission and discharge dates must be verified.
- When a participant or spouse received any money, food, a free place to live, or received help to pay for rent or household expenses, the information must be verified by contacting the source of the support.
- When a participant or spouse earned income from working or self-employment, all wages reported for the year must be

verified.

- When a participant reports countable resources, the value of the resource must be verified if it exceeds \$1,250 as of the first day of the month.
- When a participant or (spouse living with participant) owns any land or buildings or whose name appears on any deed or mortgage inside or outside the United States, the value of the excluded property must be verified.