

## CALFRESH (CF) PROGRAM REQUEST FOR POLICY/REGULATION INTERPRETATION

**INSTRUCTIONS:** Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO:		5. DATE OF REQUEST:	NEED RESPONSE BY:
<input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:		5/4/2015	ASAP
2. REQUESTOR NAME: Jennifer Martinez		6. COUNTY/ORGANIZATION: YOLO	
3. PHONE NO.: 530-661-2660		7. SUBJECT: KIN-GAP Children with Parent in Home CFHH	
4. REGULATION CITE(S): 63-402.142		8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> <b>NOTE: All requests must have a regulation cite(s) and/or a reference(s).</b>  ACL 89-08, 99-97	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

Scenario: Grandparents have guardianship and receive Kin-Gap benefits for three of their grandchildren (ages 17, 15, and 11) who reside in their home. The Mother of the three children has now moved into the home with another one of her children (age 4) who has never been removed from her care and for whom the Grandparents do NOT have guardianship. Mother has not relinquished her parental rights, Grandparents have legal custody only. (Similar to foster care)

The Mother is now applying for CalFresh benefits for herself and her 4 year old child. Can the mother and her 4 year old child be granted separate household status from the mother's 3 other children? 63-402.142 states that separate household status shall not be granted. However, does the court decision (outlined in ACL 89-08) which states that Foster children (and therefore Kin-Gap children, per ACL 99-97) should be considered boarders and can either be excluded or included overrule the households status requirements even in the case of a parent's CalFresh household?

10. REQUESTOR'S PROPOSED ANSWER:

Unsure of which rules to apply in this scenario.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

The Kinship Guardianship Assistance Payment (Kin-GAP) program offers a subsidy to children who leave the juvenile court system to live with a relative legal guardian. For purposes of CalFresh, the mother and her four-year-old child may not be treated as a separate household. Regulations at MPP Section 63-402.142 specify that separate household status shall not be granted to parents who are living with their natural, adopted or step children. In addition, if the Kin-GAP child and either of his or her parents reside in the same home, eligibility For Kin-GAP ceases (see ACL 99-97).

### FOR CDSS USE

DATE RECEIVED:

05-04-2015

DATE RESPONDED TO COUNTY/ALJ:

05-18-2015

**CALFRESH (CF) PROGRAM  
REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)**

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