

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: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input checked="" type="checkbox"/> Other:	5. DATE OF REQUEST: July 1, 2013	NEED RESPONSE BY: July 8, 2013
2. REQUESTOR NAME: Robin Zeno-Jackson	6. COUNTY/ORGANIZATION: Riverside County	
3. PHONE NO.: 951 358-4994	7. SUBJECT: Treatment of the Child Support Exclusion (part 1)	
4. REGULATION CITE(S): ACL 06-31	8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> NOTE: All requests must have a regulation cite(s) and/or a reference(s). Attached Policy Interpretation Requests	

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

During a discussion at the C-IV CalWORKs/CalFresh Committee meeting, it was determined that two CF 24s on the treatment of the Child Support Exclusion appear to have conflicting information. Please see the questions on page 2 and the two attached Policy interpretation requests.

10. REQUESTOR'S PROPOSED ANSWER:

See page 2

11. STATE POLICY RESPONSE (CFPB USE ONLY):

See Treatment of the Child Support Exclusion (part 2)

FOR CDSS USE

DATE RECEIVED:

DATE RESPONDED TO COUNTY/ALJ:

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

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Income Exclusions Child support payments that a household member pays to or for an individual living outside of the household.

Question 1) Is the Child support payment income exclusion treated differently when the household consists of excluded and non-excluded members? If yes, please see the questions below.

For example:

- a) Household consists of all non-excluded members and one member is responsible for a child support payment.
- b) Household consists of non-excluded members and excluded members. Non-excluded member is responsible for a child support payment.
- c) Household consists of non-excluded members and excluded members. An excluded member is responsible for a child support payment.
- d) Household consists of non-excluded members and excluded members. A non-excluded member is responsible for a child support payment and an excluded member is also responsible for a child support payment.

Question 2) Does the household member who is responsible for the payment receiving income or has enough income make a difference in how the child support income exclusion is treated?

Proposed Response 2)

- a) Deducted from the gross income before applying the gross income test (ACL 06-31).
- b) Exclude from household income [63-502.2(p)].
- c) Subtract the payment from the excluded member's income [63-503.442(b)].
- d) Exclude from the non-excluded members income and exclude from the excluded members income.

Proposed Response 2) yes

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2. REQUESTOR NAME: Robin Zeno-Jackson	6. COUNTY/ORGANIZATION: Riverside County	
3. PHONE NO.: 951 358-4994	7. SUBJECT: Treatment of the Child Support Exclusion (part 2)	
4. REGULATION CITE(S): ACL 06-31	8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> NOTE: All requests must have a regulation cite(s) and/or a reference(s). Attached Policy Interpretation Requests	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):
From Treatment of the Child Support Exclusion (part 1)

10. REQUESTOR'S PROPOSED ANSWER:

11. STATE POLICY RESPONSE (CFPB USE ONLY):

Question 1:

a) In this scenario, the child support would be deducted from any unearned income that the household has first, and then any remainder would be deducted from the household's earned income. (ACL 06-31)

b) In this scenario, the child support would be deducted from any unearned income that the household has first, and then any remainder would be deducted from the household's earned income. This is the same outcome as scenario 1 above since the excluded member is not responsible for the child support. [63-502.2(p)]

Continued on page 2

FOR CDSS USE

DATE RECEIVED: July 8, 2013	DATE RESPONDED TO COUNTY/ALJ: July 22, 2013
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**CALFRESH (CF) PROGRAM
REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)**

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4. REGULATION CITE(S):		

STATE POLICY RESPONSE (CFPB USE ONLY:

(continued from page 1)

c) In this scenario, the child support would be deducted from the excluded member's income first. Any remaining child support would then be deducted from the household's unearned income. If, after deducting the child support from the unearned income, any portion of the child support payment is left, it would then be deducted from the household's earned income. (MPP 63-503.442(b))

d) In this scenario, the child support for the excluded member's child would be deducted from the excluded member's income.

The child support for the non-excluded member would be deducted from the unearned income of the household first, and any remaining child support would then be deducted from the earned income of the household.

Question 2:

CDSS concurs with the requestors proposed response; the exclusion of child support paid from income consideration may vary based on factors such as which hh members (excluded or not) are responsible for paying the child support as well as which hh members (excluded or not) have earned income.