STATE OF RHODE ISLAND
DEPARTMENT OF HUMAN SERVICES

PUBLIC NOTICE OF PROPOSED RULE-MAKING

In accordance Rhode Island General Laws (RIGL) 42-35, notice is hereby given that the Department of Human Services proposes to amend the following DHS rule:

RHODE ISLAND WORKS (RIW)
SECTION 1424 INCOME

This amended rule provides guidance around pre-existing past due child support paid by a noncustodial parent for a child receiving RIW benefits, for the period of time that the family was not in receipt of RIW benefits, to be paid to the family in which the child resides. Appropriate households may retain the past due amount as an amount owed to them personally. Any such payment to the household will be treated as Lump Sum Income, if it is in excess of the allowed monthly pass through amount. This rule further reflects technical revisions throughout to comply with current State and Federal Law, and enhancements to internal procedures on program operation. This amendment was implemented via emergency rule-making in October 2009.

In the development of this rule, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This proposed rule is accessible on the R.I. Secretary of State website (http://www.sec.state.ri.us/ProposedRules/) and the DHS website (www.dhs.ri.gov) or available in hard copy upon request (401 462-2018 or RI Relay, dial 711). Interested persons should submit data, views or written comments by Friday March, 12, 2010 to Kimberly Merolla-Brito, Office of Policy Development, Department of Human Services, Louis Pasteur Building, Bldg. 57, Howard Avenue, Cranston, RI 02920.

In Accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

The Department of Human Services does not discriminate against individuals based on race, color, national origin, sex, gender identity or expression, sexual orientation, religious belief, political belief or handicap in acceptance for or provision of services or employment in its programs or activities.

Gary D. Alexander, Director

1424 INCOME

1424.05 DEFINITION OF INCOME

EFF: 10/2008

In determining need, it is necessary to know the amount and value of both actual and potential income. The income of a family includes all of the money, goods, or services received or actually available to any member of the family. Income is considered available both when actually available or when the applicant/recipient has a legal interest in a liquidated sum and has the legal ability to make such sum available for support and maintenance. It must be under the control of the individual during the period for which need is being determined or can be available, if action is taken by the individual to obtain it.

All income is taken into consideration in determining eligibility and need.

However, there are some types of income which are excluded and others that have modifications of the amount which is applied to the assistance plan.

1424.05.05 Child's Income

EFF: 10/2008

A child's income includes the income of an ineligible parent(s) and stepparent with whom s/he is living. The applicant's/recipient's income includes that of her/his ineligible spouse in the home. A sponsored alien's income includes the income deemed from the sponsor (and sponsor's spouse).

However, in a joint cash assistance/SSI household, the income of the SSI child or parent is not counted since it is already counted for SSI.

1424.05.10 Documentation

EFF: 10/2008

The information the client supplies on the Statement of Need, DHS-2 form, and/or the Earnings Report, DHS-3E form, about income must be verified. Sources of verification include business records, wage stubs, income tax returns, award letters, other documents, as well as reports from Social Security, the Veterans' Administration, and other agencies. In some instances, when the individual is unable to obtain the information requested, the DHS agency representative utilizes The Work Number (http://www.theworknumber.com/) or the agency's forms (Wage Report, AP-50; Bank Clearance, AP-91; Clearance with VA, AP-150 and AP-151) to obtain such information. When there appears to be potential eligibility for a benefit for which the individual has not yet filed, such as RSDI, ESB, TDI, or VA benefits, the individual is required to file for such benefit; the DHS representative assists the individual in applying for other potential sources of income. The individual is advised that s/he must inform the agency of the results.

The agency uses computer matching by social security number on a regular basis with other public agency files (such as State employee payrolls, ESB and TDI records, State income tax files), and information obtained from the Social Security Administration and the Internal Revenue Service through the Income and Eligibility Verification System (IEVS) to document recipient information.

1424.10 DETERMINING ELIGIBILITY

EFF: 10/2008

In determining both initial and continuing eligibility, the following procedures are followed:

- Exclude any income identified in Section 1424.15.

- Determine the gross earned income of all persons in the assistance unit (except the earnings of a dependent child).

- Apply the earned income disregard to the earned income, if any.

- Determine the unearned income of all persons in the assistance unit.

- Total the earned income after disregards and unearned income; compare with the appropriate assistance standard for the unit.

1424.15 EXCLUDED INCOME

EFF: 10/2008

In determining need and the amount of benefits for cash assistance the following types of income are excluded:

- income received by any family member who is receiving Supplemental Security Income (SSI) assistance under Title XVI of the Social Security Act;

- the value of assistance provided by state or federal government or private agencies to meet nutritional needs including: value of USDA donated foods; value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended; the special food service program for children under Title VII; Nutrition program for the Elderly of the Older Americans Act of 1965, as amended; and the value of food stamp benefits;

- the value of certain assistance provided to undergraduate students including: any grant or loan for an undergraduate student for educational purposes made or insured under any loan program administered by the U.S. Commissioner of Education (or the Rhode Island board of governors for higher education or the Rhode Island higher educational assistance authority);

- foster care and adoption assistance payments are excluded when the adopted child is not included in the RI Works household;

- home energy assistance funded by state or federal government or by a nonprofit organization;

- payments for supportive services or reimbursement of out-of-pocket expenses made to foster grandparents, senior health aides or senior companions, and to persons serving in SCORE and ACE and any other program under Title II and Title III of the Domestic Volunteer Service Act of 1973.

- payments to volunteers under VISTA (payments to volunteers under Americorps are NOT excluded);

- certain payments to native Americans; payments distributed per capita to, or held in trust for, members of any Indian tribe under PL 92-254, PL 93-134 or PL 94-540; receipts distributed to members of certain Indian tribes which are referred to in section 5 of PL 94-114 that became effective October 17, 1975.

- the federal earned income tax credit;

- the state earned income tax credit;

- the value of any state, local, or federal government rent or housing subsidy, provided that this exclusion shall not limit the reduction in benefits provided for in Section 1426.

Assistance from other agencies and organizations is disregarded in determining need and the amount of the payment.

Also, in determining what is income to meet need, the following are also excluded as income:

- The value of home produce of an applicant/recipient utilized by him/her and his/her household for their own consumption.

- Bona fide loans, educational assistance loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living costs.

- Income equal to expenses attributable to the earnings of the income of a self-employed individual.

1424.15.05 Exclusion of First $50 of Child Support

EFF: 10/2008

The first fifty dollars ($50) of the child support payment paid in any month by a non-custodial parent of a child, or the actual amount of the child support payment if the payment is less than fifty dollars ($50), shall be paid to the family in which the child resides, and is excluded from the family's income. If more than one non-custodial parent makes a child support payment to children living in the same family, there shall be only one (1) payment not to exceed fifty dollars ($50) paid to the family from the total child support collected.

The exclusion shall be applied in the initial month of eligibility. Support payments received in subsequent months are covered by the assignment as described in Section 1424.40.05.

The exclusion may also be applied to payments for child support owed and collected that are in excess of the RI Works grant and are issued to the family. See Section 1424.40.10 for more information.

1424.20 EARNED INCOME

EFF: 10/2008

Earned income is income, in cash or in-kind, earned by an individual through the receipt of wages, salary, commissions, or profit from activities in which s/he is engaged as a self-employed individual or as an employee. It is counted as income only when it is received (or would have been received except for the decision of the recipient to postpone receipt) rather than when earned. It includes earnings over a period of time for which settlement is made at one given time. With respect to the degree of activity, income which the individual produces as a result of the performance of service, including managerial responsibilities, is classified as earned income. (Examples are income from a lodger or boarder and rental income.)

1424.20.05 Earned Income from Wages

EFF: 10/2008

When earned income is from wages, the agency representative must determine the gross amount of wages.

Any legal attachment on wages is considered unavailable and is not counted in the determination of eligibility for and amount of RI Works. Under current law, the first fifty dollars ($50) of any pay is exempt from attachment, and no attachment can be placed on the wages of a current or former cash assistance recipient for one (1) year following the termination of assistance. If an attachment exists, the recipient is referred to Rhode Island Legal Services.

That portion of wages which represents the advance payment of the Earned Income Tax Credit (EITC) is also disregarded as earned income.

1424.20.10 Earned Income from Self-Employment

EFF: 10/2008

The income considered from self-employment is the difference between the amount of gross receipts and the amount of allowable operating expenses incurred in producing the income.

When a business is carried on at home, no part of the overhead is considered a business expense, except as specified in Section 1424.20.10.05. Those self-employed work expenses directly related to producing the goods or services and without which the goods or services could not be produced shall be excluded.

However, items such as depreciation, personal business and entertainment expenses, personal transportation, purchase of capital equipment, and payments on the principal of loans for capital assets or durable goods are not allowable expenses.

The Regional Manager is available to assist staff in determining income from self-employment. In a memorandum directed to the Regional Manager, the agency representative must identify the type of assistance needed along with the necessary information on the business (for example, last year's income tax return, current bookkeeping records, and check books).

If, at the end of sixty (60) days, the business is not providing the recipient with enough income to attain economic self-sufficiency, the case must be submitted to the Regional Manager for review of continued eligibility.

1424.20.10.05 Child Care Service Providers

EFF: 10/2008

Income received by a cash assistance applicant or recipient who provides child care services is considered earned income from self-employment. The income must be verified from information provided by the applicant/recipient.

For purposes of this section, child care services are defined as any care of a child or incapacitated adult for which the provider is remunerated whether by a public or private agency or a private party. The provider need not be a licensed Child Care provider.

Casual baby-sitting, for which the babysitter is paid, qualifies as "child care services."

Expenses of Providing Child Care

The documented expenses incurred in earning such income are deductible. Such expenses include household items, wear and tear on household furnishings, and the increased cost of utilities if the service is provided in the provider's home. Special equipment needed for the individual in care and furnished by the provider is also deductible regardless of where the service is provided. The average total expense of providing child care is $32.00 per week per child. (If the household can document cost in excess of the applicable average amount, the actual cost can be considered.)

When the expense incurred in providing child care exceeds the amount paid by DHS or other payor to the child care provider, there is no income to be considered in determining eligibility and the amount of

cash assistance payment. Conversely, the appropriate earned income disregard is applied toward any net income after expenses.

1424.20.10.10 Income from Roomer or Boarder

EFF: 10/2008

When an applicant/recipient receives income from a roomer or boarder, the amount considered as income is computed by subtracting the following cost of maintaining such lodger or boarder.

	Monthly Cost of Maintenance
Roomer:	$ 25.00
Boarder:	124.00

However, if the household can document cost in excess of the amount indicated, the actual cost can be considered.

Board payments for a foster child paid by the Department for Children, Youth and Families to a cash assistance parent are excluded as income.

1424.20.10.15 Rental Income

EFF: 10/2008

Countable rental income or net income from real property is subject to the appropriate earned income disregards.

When the applicant/recipient lives in the rental property, the tenant's share of the following property expenses is deducted from gross rental income to determine the amount of money to be applied as net income of the client:

(a) the interest portion of mortgage, taxes, insurance, water, sewer charges, and special monthly assessments for sewer installation; and

(b) the cost of the tenant's heat, gas, and electric if provided in the rent by the homeowner.

To determine the net income of a property owner-client living in a two-family dwelling, one-half (1/2) of the expenses in (a) plus the expenses in (b) are deducted from the gross rental; in a three-family dwelling, two-thirds (2/3) of the expenses in (a) plus the expenses in (b) are deducted; in a four-family dwelling, three-fourths (3/4) of the expenses in (a) plus the expenses in (b) are deducted.

When the client does not live in the rental property which is within the one thousand dollars ($1,000) Resource Limit, the income is determined by subtracting from the gross rental income, the expenses of maintaining the property as outlined above.

1424.25 INCOME DISREGARDS

EFF: 10/2008

For applicants and recipients, net adjusted income equals the total of any unearned income plus any amount remaining from earned income after deducting the earned income disregards and any allowable dependent care disregards. This amount must be less than the appropriate cash assistance standard in order for financial eligibility to exist. The disregards are allowed in the order specified below.

Exclusion of Earnings of a Dependent Child

Disregard all the monthly earned income of each dependent child from the assistance unit's income.

$170 and 1/2 Income Disregard

Disregard one hundred seventy dollars ($170) plus one half (1/2) of the earned income not already disregarded (applied to net income after the disregards described above.) This disregard is allowed each individual who has otherwise been found eligible to receive cash assistance.

Dependent Care Disregard

Disregard the actual amount of the expense paid in a calendar month, within the limitations specified below, for each dependent child or incapacitated adult living in the home and receiving cash assistance.

This disregard may not exceed one hundred seventy-five dollars ($175) per month per child age two (2) and older or an incapacitated adult. For a child under the age of two, this disregard may not exceed two hundred dollars ($200) per month.

Payments actually made for dependent care must be verified.

Consideration of the dependent care expense is only given when the care is provided by a person not living in the child's or incapacitated adult's household. If the care provider lives in the same building as the dependent child or adult requiring care, verification that separate households are maintained is required.

1424.30 OTHER SOURCES OF INCOME

EFF: 10/2008

Income may come from many sources beyond employment. Unearned income includes other types of income, such as returns from capital investment with respect to which the individual is not himself/herself actively engaged, such as dividends and interest; it also includes benefits such as individual pensions, RSDI, ESB, TDI, or Veterans' Benefits.

The agency representative needs to be aware of and identify other potential sources of income or resources for which the applicant/recipient may qualify.

1424.30.05 Federal and State Insurance - ESB & TDI

EFF: 10/2008

An applicant or recipient of cash assistance who has worked in the past fifty-two (52) weeks is required to file a claim for either Employment Security Benefits (ESB) if unemployed but able to work or Temporary Disability Insurance (TDI) if unemployed but unable to work. The individual is advised that the eligibility technician of the results. An AP-152 may be used to verify the amount of and/or the receipt of benefits. ESB and TDI files are interfaced on a continuous basis by the agency, and information derived is displayed on UNEA panels and appear on the eligibility worker's daily report for follow-up.

1424.30.10 RSDI Income

EFF: 10/2008

The total amount of benefits received from Retirement, Survivor's, and Disability Insurance (RSDI) by a member of the assistance unit is considered as income.

When a child receives RSDI, the caretaker relative does not have the option of excluding that child from the cash assistance unit even when such benefits are sufficient to meet the child's needs according to the consolidated standard. Once the child is included in the assistance unit, the RSDI benefits of the child are considered income to the family.

1424.30.10.05 Identifying Potential Beneficiaries

EFF: 10/2008

Retirement Benefits can be paid to:

- The insured wage earner or self-employed person who is eligible or can elect to receive actually-reduced benefits at age sixty-two (62). Although the Social Security Act makes this provision elective (receipt of benefits age sixty-two (62)), eligibility for cash assistance is dependent upon acceptance of this source of income at age sixty-two (62).

- The spouse of a retired or disabled worker who:

  - is age sixty-two (62) or over; or

  - has in her/his care a child under age sixteen (16) or over age sixteen (16) and disabled who is entitled to benefits on the worker's Social Security record.

    A spouse is eligible, if the marriage has been in effect for one (1) year and in some instances, less than a year. Spouses of defective ceremonial marriages entered into in good faith are also eligible.

  - The divorced spouse of a retired or disabled worker if age sixty-two (62) or over and married to the worker for at least ten (10) years.

- The divorced spouse of a fully insured worker who has not yet filed a claim for benefits if both are age sixty-two (62) or over and have been finally divorced for at least two (2) continuous years.

- The dependent, unmarried child of a retired or disabled worker entitled to benefits, if the child is:

  - Under age eighteen (18); or

  - Age eighteen (18) or over but under a disability which began before age twenty-two (22).

    This includes children born of natural parents, adopted children, step-children or children born out of wedlock.

Relatives of a deceased insured wage earner or self-employed person who may be eligible to receive monthly benefits include:

- The surviving spouse, (including a surviving divorced spouse) if the widow(er) is age sixty (60) or over.

- The disabled surviving spouse, (including a surviving divorced spouse in some cases) if the widow(er) is age fifty (50) to fifty-nine (59) and becomes disabled not later than seven (7) years after the worker's death, or in case of a widow(er), within seven (7) years after s/he stops getting checks as a widow(er) caring for a worker's children.

- The surviving spouse, or surviving divorced spouse if caring for an entitled child (under age sixteen (16) or disabled) of the deceased.

- The dependent, unmarried child of a deceased insured worker if the child is:

  - Under age eighteen (18); or

  - Age eighteen (18) or over but under a disability which began before age twenty-two (22).

  - The dependent parents of a deceased worker at age sixty-two (62) or over.

Disability Benefits

A worker who becomes severely disabled before age sixty-five (65) may qualify for disability checks. The disability must be a severe physical or mental condition which prevents employment and is expected

to last (or has lasted) for at least twelve (12) months, or is expected to result in death.

Benefits may begin as early as the sixth (6th) full month of disability and continue as long as the disability exists. If a person is severely disabled, benefits can be paid even though the person can do some work.

Dependent's benefits may be paid to certain members of a disabled worker's family as in the case of a retired worker.

1424.30.15 Veterans Administration Benefits

EFF: 10/2008

All applicants and recipients who have been other than dishonorably discharged from any branch of the armed services should apply for VA benefits and/or services. An individual may be eligible as a veteran who served during wartime or specific periods of qualifying peacetime, who is disabled or non-disabled, or has a disability that is service-connected or not. Dependents and survivors of the veteran may also be eligible. Stepchildren, if living with the stepparent, may receive an allowance based on the stepparent's benefits.

Potentially eligible individuals may be referred directly to the Veterans Administration Regional Office, 380 Westminister Street, Providence, RI 02903. The telephone number is 1-800-827-1000.

An AP-150 is used to verify benefits for the veteran and an AP-151 is used to verify benefits for the dependent.

1424.30.20 Workers' Compensation

EFF: 10/2008

Under the Workers' Compensation Act, benefits are payable if an employee sustains a personal injury arising out of or in the course of employment or develops an occupational disease. The possibility of this resource should be discussed with the injured client and follow-up made if this is a potential source of income. Based on probable third party liability, Workers' Compensation benefits are subject to the assignment and reimbursement provisions described in Sections 1402 and 1408.

1424.30.25 Insurance Settlement

EFF: 10/2008

Money received from an insurance settlement is considered as lump sum income except when the insurance settlement results from a fire, flood, lightning or severe wind, and if it is used to repair or replace the property lost because of the fire, flood, lightning or severe wind. For treatment of lump sum income, see Sec. 1424.35

1424.30.30 Money or Goods from Other Agencies

EFF: 10/2008

When another agency provides money or goods to an applicant or recipient on an irregular basis, it is not considered as income to be applied to the assistance plan.

1424.30.35 Non-Legally Liable Relative Contribution

EFF: 10/2008

Regular and/or substantial contributions by non-legally liable relatives or friends living with or apart from the assistance unit are considered as income in determining need. Gifts and contributions of small value and occurring infrequently for special occasions or as expressions of affection are not related to support and are not considered income provided they do not exceed $30 per recipient in any quarter.

1424.30.40 Income-In-Kind

EFF: 10/2008

Regular income in kind for shelter expenses made directly to, for example, the landlord or bank by non-legally liable or legally liable relatives or friends on behalf of a client is considered as income. The table below, by plan size, is used to determine the amount of income to be considered, unless the in-kind shelter payment is less than the amount indicated. In that instance, the actual amount of the payment is considered.

This policy does not apply in a situation where a client is living in the home of another, whether or not s/he is paying toward the rent, or where the client is sharing rent with another.

Plan Size	Shelter	Plan Size	Shelter
1.	$ 27.95	6.	$115.02
2.	90.89	7.	115.48
3.	105.20	8.	113.55
4.	109.18	9.	109.44
5.	113.07	10. . . . . (and over)	119.11

When medical care is met in kind, an INSU panel is completed in the STAT.

1424.30.45 Interest and/or Dividends

EFF: 10/2008

When a recipient who is allowed to retain resources, in accordance with Section 1422.15, receives interest or dividends, the amount received is considered as income.

1424.30.50 Income from Legally Liable Relatives

EFF: 10/2008

When an absent parent pays support directly to the applicant, recipient or child, this income must be forwarded to the Office of Child Support

Services in accordance with the policy and procedures in Sections 1408.15 and 1424.40.

Also see Section 1424.55 for the treatment of the income of a legally liable relative.

For the treatment of the income of a parent of a minor unwed parent, see Section 1424.55.10.

1424.30.55 Income of Joint RI WORKS/SSI Household

EFF: 10/2008

The income of an SSI recipient (including the SSI benefit) is not considered in determining need and the amount of the cash assistance payment.

When an application for cash assistance is made by a family in which a child, a spouse, or a parent (including a stepparent or a relative acting in loco parentis) is receiving an SSI payment, the SSI person is excluded from the count of eligible members constituting the unit.

The SSI recipient's own income and resources are not considered, but any other income or resource that belongs to the cash assistance applicant member, including any that was "deemed" to the SSI recipient, is considered.

When a cash assistance recipient receives SSI, the agency representative must remove the SSI person from the plan size and remove the SSI recipient's own income (and resources). When a cash assistance member applies for SSI, no change is made in the cash assistance payment until the SSI benefits are granted.

Individuals eligible for both cash assistance and SSI have the right to elect which program they wish to receive. There is no authority to mandate placement in one program or the other.

1424.30.60 Income of Americorps and Americorps/Vista Volunteers

EFF: 10/2008

When considered for RI Works cash assistance, Americorps and Americorps/Vista involvement are two separate programs, and the income is treated in different ways.

If the income letter or paystub only reports “Americorps,” without referencing Vista in any way, the income is counted for cash assistance.

If the income letter or paystub cites “Americorps/Vista,” the income is excluded from consideration for the cash assistance program.

1424.35 TREATMENT OF LUMP SUM INCOME

EFF: 10/2008

Lump sum income is considered income in the month of receipt, but becomes considered as a resource upon the first moment of the following month. Lump sum may make a case ineligible due to excess income (using the income-counting rules) in the month of receipt. If this is found to be the case, the eligibility technician should consider the case for reinstatement of cash assistance the following month, with the amount received as income then considered as a resource.

Countable resources are determined as of the FIRST MOMENT OF THE MONTH (FOM). The determination is based on the resources the individuals own, their value, and whether or not they are excluded as of the first moment of the month. The FOM rule establishes a point in time at which to value resources; what a person owns in countable resources can change during a month but the change is always effective with the following month's resource determination.

The kinds of changes that can occur are:

- CHANGES IN VALUE OF EXISTING RESOURCES

  The value of an existing resource may increase or decrease. For example, the value of a share of stock may decrease by $30 or increase by $20.

- DISPOSITION OR ACQUISITION OF RESOURCES

  An individual may dispose of an existing resource (e.g., close a savings account and purchase an item) or may acquire a new resource (e.g., an inheritance which is subject to the income-counting rules in the month of receipt).

- CHANGE IN EXCLUSION STATUS OF EXISTING RESOURCES

  An individual may replace an excluded resource with one that is not excluded (e.g., sell an excluded automobile for non-excluded cash) or vice versa (use non-excluded cash to purchase an excluded automobile). Similarly, a time-limited exclusion may expire.

If countable resources exceed the limit as of the first moment of a month, the recipient is not eligible for that month, unless the resources are reduced by expenditure on certain allowable expenses.

1424.35.05 Reduction of Lump Sum Income/Resource

EFF: 10/2008

An applicant whose countable resources exceed the basic resource limitation may establish eligibility on the basis of resources if:

- S/he incurs (or has incurred) outstanding allowable household maintenance bills or other allowable expenses that equal or exceed his/her excess resources; AND,

- S/he reduces the excess resources to the appropriate resource limit by actually paying the allowable expenses or fees, and submitting verification thereof within thirty days of the date of the rejection or closing notice. Both the expenditure of the resource and submission of verification of the expenditure and the reduced resource must occur within the thirty day time period.

The bills used to establish eligibility cannot be incurred earlier than the first day of the third month prior to the date of an application that is eventually approved.

The agency representative must see the bills that have been actually paid in order to verify that resources have been properly reduced.

An individual who reduces resources and is otherwise eligible will be eligible as of the date the incurred allowable expenses equaled or exceeded the amount of his or her excess assets, subject to verification that the excess resource was actually expended on the allowable expense. In no event shall the first day of eligibility be earlier than the first day of the month of application.

The applicant will be required to verify that:

- S/he incurred the necessary amount of expenses; and,

- His or her excess resources were reduced to the allowable resource limit by expenditure of the excess resource on the allowed expense.

1424.40 CHILD SUPPORT INCOME

EFF: 10/2008

For purposes of this section, child support is defined as financial support, voluntary or court ordered, paid by an absent parent on behalf of his/her natural or adopted child(ren).

1424.40.05 Direct Support

EFF: 10/2008

The applicant or recipient is advised that the assistance payment does not reflect any support money as income except in the initial month of eligibility or when an uncooperative sanctioned recipient retains direct support in violation of the assignment.

The amount of support is ultimately established by court order.

When an applicant or recipient informs the eligibility technician at the time of initial determination of eligibility or at any time during the receipt of assistance that child support is being received by the family on behalf of an applicant child, the agency representative must take the actions described below.

Treat Direct Payments as Income

Except for the first fifty dollars ($50) in child support received in the application month from each noncustodial parent of a child, the agency representative must consider the support payments as income for determining eligibility. If the family is eligible for assistance, any child support (over and above the amount of the excluded support as outlined in Section 1424.15.05) received in the month of application, or until the end of the month in which the payment is authorized, must be budgeted as income.

The purpose of treating direct payments as income in this initial determination period is to provide sufficient time for the referral of the case to the Department of Human Services, Office of Child Support Services, before child support payments are directed there. In subsequent months, direct support payments that are covered by the assignment and paid to the Department of Human Services, Office of Child Support Services, as required, are not considered as income in computing the amount of the assistance payment for which the recipient is eligible (see Section 1424.40.10 concerning the child support pass through).

Inform the Applicant/Recipient

In any case in which there is absence of a parent, the RI Works cash assistance applicant/recipient must be informed that support payments received from an absent parent after cash assistance is authorized must be forwarded directly to:

Rhode Island Family Court
One Dorrance Plaza
C/O Bookkeeping Unit
Providence, RI 02903

Recipients of direct support must also be advised:

- not to send cash through the mail;
- to enter their case I.D. in the lower left-hand corner of the face of the check or money order and, if the absent parent's name is not on it, to add that as well;
- to endorse all checks and money orders by writing the words "Payable to the Department of Human Services, Office of Child Support Services," and then signing their name;
- not to give support payments to DHS employees to be forwarded to Rhode Island Family Court; and
- to notify the Department of Human Services, Office of Child Support Services, in writing when there is a lapse in direct support payments.

It is especially important to convey the above information when an applicant is receiving direct support payments around the time of application. Applicants/recipients must also be informed that failure

to forward direct support payments to Rhode Island Family Court may result in the sanction of the uncooperative recipient in accordance with Section 1408.05.17.

1424.40.10 Support Paid through Family Court

~~EFF: 10/2008~~REV: 04/2010

When support is paid through the Department of Human Services, Office of Child Support Services (DHS-OCSS)~~, or~~, or its agents, a check is issued up to the fifty dollar ($50) pass through amount to which the recipient is entitled. Any amount collected during the month which represents payment on the required support obligation for that month, and is in excess of the pass through, shall be retained by the State to reimburse, in whole or in part, the assistance payment for the month in which the support was collected, for unreimbursed assistance for prior months, if child support arrears exist, or for future support. If the monthly amount owed and collected is greater than the assistance payment for the month, DHS authorizes payment to the family an amount equal to the difference between the assistance payment for the month and the court ordered amount for that month. Any such checks issued to recipients in excess of the pass through payments and cash assistance reimbursements must be counted as child support income for RI Works cash assistance purposes.

Any pre-existing past due support paid by a noncustodial parent for a child receiving RIW benefits, for the period of time that the family was not in receipt of RIW benefits, shall be paid to the family in which the child resides. These households may retain this past due amount as an amount owed to them personally. Any such payment to the household will be treated as Lump Sum Income, if it is in excess of the allowed monthly pass through amount. See Sections 1424.35 and 1424.35.05 for treatment of Lump Sum Income. ~~Any such checks issued to recipients in excess of the pass through payments and cash assistance reimbursements must be counted as child support income for RI Works cash assistance purposes.~~

The recipient need not report the receipt of OCSS-issued child support to the DHS local office. However, DHS-OCSS notices advise recipients that the amounts received are being recorded in INRHODES.

When the agency representative learns of the payment of excess of grant monies, s/he compares CASE/DISD panel in INRHODES which displays both the pass through and child support income paid.

The agency representative must reconcile any discrepancies by contacting the recipient, checking the INRHODES case through the OCSS (IV-D) Interface and, if necessary, contacting DHS-OCSS for clarification. If the agency representative ascertains that the total OCSS-issued (along with any direct) support to the recipient exceeds the pass through bonus amount, s/he completes a STAT/UNEA panel with the payment amount in excess of the pass through amount and codes it as excess of grant. If the agency representative determines that a check reportedly issued by DHS-OCSS which included child support income was evidently not received by the recipient, then no income from that check is counted.

1424.40.15 Payment of Child Support Pass Through

EFF: 10/2008

For any month in which a noncustodial parent makes a child support payment in the month when due and the support is collected by DHS-OCSS for a child or children receiving RI Works cash assistance, the first fifty dollars ($50) of the child support payment, or the actual amount of the child support payment if the payment is less than fifty dollars ($50), shall be paid to the family in which the child resides. If more than one noncustodial parent makes a child support payment to children living in the same family, there shall be only one (1) payment of fifty dollars ($50) paid to the family from the child support collected. This payment, known as the "pass through" payment, shall be sent to the family within two (2) business days of the determination of the amount that is due and owing and no later than within two (2) business days of the end of the month in which the support was collected.

The pass through payment is excluded from income in calculating the family's RI Works cash assistance amount in accordance with Section 1424.15.05. However, the fifty dollars ($50) pass through is counted as income in the Food Stamp Program.

1424.40.20 Distribution of Child Support of SSI Child

EFF: 10/2008

When one of the children in a family in receipt of benefits from the RI Works Program receives Supplemental Security Income (SSI), DHS-OCSS shall distribute to the custodial parent all child support collected on behalf of the minor SSI child. Distribution of support must occur within thirty (30) days of receipt by DHS-OCSS according to the requirements outlined below.

> If the SSI child is the only person covered by the child support order, one hundred percent (100%) of the support collected shall be paid to the custodial parent.
>
> If the SSI child is not the only person covered by the child support order, a pro rata portion of the amount collected shall be paid to the custodial parent, unless otherwise specified in the Family Court order. Child support distributed to a custodial parent on behalf of an SSI child is not considered income for purposes of determining cash assistance eligibility or payment level for members of the cash assistance family. However, child support distributed to a custodial parent on behalf of an SSI child is considered unearned income for the Food Stamp Program.

The Department of Human Services, Office of Child Support Services, must provide to the custodial parent of an SSI child a semi-annual statement which discloses the amount of child support collected and distributed during the preceding two calendar quarters on behalf of the child. The statement includes notification of the custodial parent's right to a hearing with regard to disputes involving the collection and distribution of child support.

1424.45 STUDENTS' INCOME

EFF: 10/2008

RSDI benefits received by eighteen (18) to nineteen (19) year old recipients due to their in-school status are countable as income in the determination of need and the amount of cash assistance.

In addition, the Veterans Administration sponsors several different educational assistance programs. One does not have to be a veteran to qualify for assistance under some of the programs. Anyone receiving VA educational assistance receives an award letter indicating the amount to be received and the period of time for which it will be received.

In determining need and amount of assistance, that part of the payment which is intended for the individual dependents who are in the assistance unit is counted as available income. The verified amount from the student's portion that is used for tuition, books, fees, equipment, special clothing needs, and transportation for education-related purposes is not considered as income in the determination of need and amount of the assistance payment.

The total amount of the allowable educational expenses is deducted up to the amount of the individual's benefit. Only the balance, if any, is entered as income.

Federally or Non-Federally Supported Sources

Individuals may receive scholarships, grants and awards from federally supported sources such as the Bureau of Indian Affairs (BIA); state sources; civic, fraternal, and alumni/alumnae organizations; from relatives; or because of verified needs, achievements or a combination of such reasons. That portion of the scholarship, grant or award which is used for tuition, books, fees, equipment or transportation for school purposes is disregarded as income in the determination of need and amount of the assistance payment.

See also Section 1424.15, Excluded Income.

1424.50 DEEMED INCOME

EFF: 10/2008

In certain instances, income must be deemed to the members of the assistance unit and counted in the determination of eligibility for and the amount of cash assistance. Deemed income means income that is counted as available and received, even if it is not in fact received by the assistance unit. There are three (3) groups of individuals whose income must be deemed available to the assistance unit. These are:

- Parent(s) of a minor parent or pregnant minor when s/he is living in the same household;

- Sponsors of aliens; and

- Parent(s) of a child(ren) who is (are) ineligible to

receive cash assistance themselves.

1424.50.05 Income of Parent(s) of Minor Parent

EFF: 10/2008

The income of the parent(s) of a minor parent or pregnant minor (under age eighteen (18)) who applies for or receives cash assistance is deemed available to the minor parent's assistance unit when:

- The minor parent lives with his/her own parent(s); and

- The parent(s) is(are) not receiving assistance themselves.

The income of such parents, less appropriate disregards, is counted in the determination of eligibility for and the amount of cash assistance for the minor parent and his/her dependent child(ren). The policy and the method for calculating the amount of deemed parental income are found in Section 1424.55.

1424.50.10 Income of Alien Sponsor

EFF: 10/2008

The income of the sponsor and sponsor's spouse of an alien applying for or receiving cash assistance is deemed available to the assistance unit unless the alien is exempt from the sponsorship deeming provisions.

A sponsor is anyone who executed an affidavit of support or similar agreement on behalf of an alien as a condition of the alien's entry into the United States. This provision does not apply to aliens who were sponsored by private or public organizations. The policy and the method for calculating deemed alien sponsorship income (and resources) are found in Section 1424.60.

1424.50.15 Ineligible Parent of Children

EFF: 10/2008

In most cases, the parent of a child is required to be included in the assistance unit. (Refer to Section 1404 for a complete discussion of the Assistance Unit rules.) However, in certain instances a parent cannot be included in the cash payment.

This occurs when the parent is either statutorily barred from cash assistance eligibility or disqualified from the cash assistance program.

Examples of a parent statutorily barred from receipt of cash assistance include a parent who is an ineligible alien because of sponsor-to-alien deeming, or because of the receipt of lump sum income.

Examples of a parent disqualified from receipt of cash assistance include a parent sanctioned because of refusal or failure to cooperate with child support enforcement.

However, all parents, even if not included in the receipt of benefits, are required to cooperate with RI Works work requirements unless exempted specifically from the work requirements.

1424.50.15.05 Income of Statutorily Barred Parent

EFF: 10/2008

STATUTORILY BARRED PARENT

A ninety dollar ($90) disregard and any applicable dependent care disregard are applied to the earned income of a statutorily barred parent. In addition, an amount is allocated to meet the parent's own needs. This is done by subtracting the cash assistance standard for a plan size excluding the parent from the cash assistance standard for a plan size including the parent.

If the ineligible parent has dependents also ineligible solely because they do not meet program requirements but are not sanctioned individuals, an amount is allocated to meet their needs by using the method specified above. The net income of the ineligible parent is then counted as unearned income to determine eligibility for and the amount of cash assistance.

EXAMPLE: An alien with a tourist visa applies for herself and her two children who are U.S. citizens. She is employed and earns six hundred dollars ($600) per month and incurs $100 in child care costs. Her income is allocated as follows:

1.	Gross Earned Income	$600.00
2.	Work Expense Disregard	-$ 90.00
		$510.00
3.	Child Care Costs	-$100.00
		$410.00
4.	Parent's Needs	-$105.00
5.	Net Countable Income	$305.00
6.	Cash Assistance Standard for the 2 Children	$449.00
7.	Net Income from Parent	-$305.00
8.	Cash Assistance Payment	$144.00

1424.50.15.10 Income of a Disqualified Parent

EFF: 10/2008

When the parent is disqualified from cash assistance and has income of her/his own, this income must be considered available to the assistance unit. In determining the amount of income available to the assistance unit, no amount is allocated to meet the needs of the sanctioned parent. Moreover, no earned income disregards are applied to the earned income of the sanctioned parent.

EXAMPLE: A parent with two children is disqualified from cash assistance because she refused to cooperate with the Department of Human Services, Office of Child

Support Services. She is employed and earns $600 per month. Her income is allocated as follows:

1.	Gross Earned Income	$600.00
2.	Work Expense Disregard	-$ 0.00
		$600.00
3.	Parent's Needs	-$ 0.00
4.	Net Countable Income	$600.00
5.	Cash Assistance Standard for the Two Children	$449.00
6.	Net Income	-$600.00
7.	Cash Assistance Payment	$ 0.00

1424.50.20 Income of the Spouse of an L.P. Caretaker

EFF: 10/2008

The income and resources of the spouse of an L.P. caretaker applying for or receiving cash assistance is deemed available to the assistance unit. The income of a spouse of an L.P. caretaker includes both his/her earned and unearned income. (However, the income of an SSI spouse is not deemed.)

Prior to the spouse's income being applied to the needs of the L.P. caretaker's assistance unit, certain disregards are allowed. These disregards are verified and applied, as appropriate, in the following order:

- Earned Income

From the spouse's monthly gross earned income, disregard the first ninety dollars ($90).

- Net Earned and Unearned Income

An amount is disregarded for the support of the spouse and any other individuals who are living in the home, but whose needs are not taken into account in the determination for cash assistance or SSI and who are claimed or could be claimed by the spouse as dependents for purposes of determining his/her federal personal income tax liability.

The amount disregarded must equal the cash assistance spouse's standard for a plan size of the same composition as the spouse's family group but excluding any person included in the L.P. caretaker's family.

Amounts actually paid by the spouse to individuals not living in the home but who are claimed or could be claimed by him/her as dependents for purposes of determining federal personal income tax liability are disregarded.

Amounts actually paid by the spouse as alimony and/or child support to individuals not living in the household are disregarded.

The spouse's net income, after the appropriate disregards are allowed, is assumed available to meet the needs of the L.P. caretaker's assistance unit.

If this income renders the assistance unit ineligible for cash assistance, the L.P. caretaker has the option to apply for cash assistance for the child(ren) in his/her care only, without requesting for him/herself. In this situation, no income or resource from either adult (the L.P. caretaker or the spouse) would count towards the child's or children's eligibility.

1424.55 SUPPORT OF DEPENDENT CHILDREN

EFF: 10/2008

DHS requires spouses to contribute to the support of each other and also requires that parents, either singly or jointly, support their children under eighteen (18) years of age or (nineteen (19), if eligible for cash assistance). The parent(s) and stepparent of a dependent child for whom assistance is sought or received must be included in the assistance unit if they live in the same household as the child. The parent(s) and stepparent of a minor unwed parent in need of assistance and living in the same household in most cases need not be included in the assistance unit. However, the income of a parent(s) and stepparent of a minor unwed parent living in the household is subject to the deeming provisions specified in 1424.55.05.05.

1424.55.05 Responsibility for Unwed Minor Parent

EFF: 10/2008

By federal court order, unwed parents under eighteen (18) years of age are eligible to apply for assistance and to receive cash assistance, if otherwise eligible. Therefore, age by itself is not a barrier to eligibility for cash assistance from the RI Works Program. For additional eligibility requirements for minor parents and pregnant minors, see Section 1414.

In the determination of eligibility of an assistance unit headed by an unwed minor parent or pregnant minor, it is necessary to deem to said minor parent and to her/his dependent child(ren) the available income of her/his parent(s) and/or stepparent living in the same household. If income is deemed from a parent and/or stepparent to an assistance unit headed by a minor, the deeming procedure specified in Section 1424.55.05.05 is followed. Thus, an amount, based upon assistance payment standards, is disregarded to meet the parent's own needs.

Eligibility is denied the assistance unit if the parent(s) living in the home fail(s) to provide sufficient information to establish eligibility for cash assistance.

1424.55.05.05 Minor Parent Living in Parental Home

EFF: 10/2008

When an unwed minor parent is living in the home of her/his parent(s) and/or stepparent, the income of the parent(s) and/or stepparent must be determined first. This determination is made by following the procedures set forth in Section 1424.55.05.05.

When it is determined by this procedure that the parent(s) and/or stepparent has/have the ability to support, in whole or in part, the minor unwed parent and her/his dependent(s), the parent's (parents') and/or stepparent's net income, after appropriate disregards are allowed, is deemed as unearned income in determining eligibility for and the amount of cash assistance for the minor parent and her/his dependent(s).

1424.55.05.10 Deeming of Grandparent's Income

EFF: 10/2008

When determining financial eligibility for cash assistance of a minor parent living in the home of her/his parent(s) and/or stepparent, it is necessary to consider the resources and income of the parent(s) and/or stepparent.

The income of a parent(s) and/or stepparent of a minor parent includes both his/her/their earned and unearned income.

(However, the income of a SSI parent(s) and/or stepparent is not deemed.) Prior to the parent(s) and/or stepparent's income being applied to the needs of the minor parent's assistance unit, certain disregards are allowed. These disregards are verified and applied, as appropriate, in the following order:

- Earned Income

From the parent(s) and/or stepparent's monthly gross earned income, disregard the first ninety dollars ($90).

- Net Earned and Unearned Income

An amount is disregarded for the support of the parent(s) and/or stepparent and any other individuals who are living in the home, but whose needs are not taken into account in the determination for cash assistance or SSI and who are claimed or could be claimed by the parent(s) and/or stepparent as dependents for purposes of determining his/her/their federal personal income tax liability.

The amount disregarded must equal the cash assistance parent(s) and/or stepparent's standard for a plan size of the same composition as the parent(s) and/or stepparent's family group but excluding any person included in the minor parent's family.

Amounts actually paid by the parent(s) and/or stepparent to individuals not living in the home but who are claimed or could be claimed by him/her/them as dependents for purposes of determining federal personal income tax liability are disregarded.

Amounts actually paid by the parent(s) and/or stepparent as alimony and/or child support to individuals not living in the household are disregarded.

The parent(s) and/or stepparent's net income, after the appropriate disregards are allowed, is assumed available to meet the needs of the minor parent's assistance unit.

EXAMPLE: Deeming the income of a parent(s) and/or stepparent of a minor parent.

A household is composed of a sixteen (16) year old and her child who live with her mother, her three (3) siblings, and her father. He is employed and earns $300 per week. He also pays child support of $50 per week for a child by a previous marriage.

Parent's monthly gross earned income (assuming four (4) paychecks)	$1200
Less deduction for earned income	- 90
	$1110
Less deduction for a plan size of five (5) (cash assistance standard)	$ 714
	$396
Less deduction for paid child support (assuming four (4)payments at $50)	-200
Available income	$196

The $196 is considered unearned income available to meet the needs of the minor mother and her child. The cash assistance amount is calculated as follows:

Cash Assistance Standard for two (2)	$449
Less unearned income deemed from parent	-196
Monthly RI Works Program payment	$253

1424.60 INCOME OF ALIENS WHOSE SPONSORS ARE LIABLE

EFF: 10/2008

When determining financial eligibility for cash assistance, it is necessary to consider the resources and income of a sponsor of a legally admitted alien. Those resources and income of a sponsor which are deemed (taken for granted as available) as the resources and unearned income of an alien are used in making the determination of eligibility for and amount of cash assistance.

Those aliens who meet the date of entry criteria and are not exempt as outlined in Section 1424.60.05 must cooperate in obtaining and documenting their sponsor's income and resources in order to determine their sponsor's liability. If such information and documentation are not provided, the agency representative is unable to determine eligibility for cash assistance.

The applicability of sponsorship deeming affects all applications for assistance made by the legal alien.

1424.60.05 Aliens Exempted from Sponsor Liability

EFF: 10/2008

The policy of sponsorship liability does not apply to aliens who are exempted because they are:

- Dependent children of the sponsor or of the sponsor's spouse;

- Admitted as a conditional entrant refugee to the United States as a result of the application, prior to 4/1/80, of the provisions of Section 203(a)(7) of the Immigration and Nationality Act (I&NA);

- Admitted as refugees to the United States as a result of the application, after 3/31/81, of the provisions of Section 207(c) of the I&NA;

- Paroled into the United States as a refugee under Section 212(d)(5) of the I&NA;

- Granted political asylum by the Attorney General under Section 208 of the I&NA;

- Cuban or Haitian entrants, as defined in Section 501(3) of the Refugee Education Assistance Act of 1980 (Public Law 96-422);

- Amerasians admitted to the United States under the provisions of the Amerasian Homecoming Act (PL 100-200).

1424.60.10 Sponsor Definition and Responsibility

EFF: 10/2008

A sponsor is, for the purpose of applying this policy, any person, agency, or organization that executed an affidavit of support or a similar agreement on behalf of an alien as a condition of the alien's entry into the United States.

The income and resources of a sponsor and the sponsor's spouse, which are deemed as unearned income and resources to the alien, must be considered available to the alien.

The spouse's income and resources must be counted even if the sponsor and spouse have married since the signing of the agreement.

The income and resources of a sponsor who signed a support agreement for an alien are still considered in the determination of the alien's eligibility for assistance even if the sponsor claims to have given up sponsorship responsibility.

1424.60.10.05 Considerations Relating to Sponsoring Agency

EFF: 10/2008

The responsibilities of a sponsoring agency or organization are the same as those of an individual sponsor. It is the obligation of the sponsoring agency to support the alien, if necessary to prevent the

alien from becoming a public charge. However, the obligation to support is considered to have ceased if the agency:

- no longer exists, or

- has become unable to meet the alien's needs.

If the alien contends that either condition prevails, s/he must provide evidence to substantiate the claim. When the demise of the sponsoring agency or organization is common knowledge, documentation may not be required. But when such is not the case, the alien must obtain verification from the Office of the Secretary of State or other appropriate government body in the state where the agency was chartered.

If the sponsoring agency or organization continues to exist but maintains it has become unable to meet the alien's needs, the alien must furnish an affidavit to this effect from the sponsoring agency to support the claim.

1424.60.15 Responsibility of Alien

EFF: 10/2008

An alien must provide information and documentation of her/his sponsor and the sponsor's income and resources. Moreover, the alien is responsible in obtaining the cooperation of the sponsor for the purpose of determining what income and resources can be deemed to the alien. Aliens who do not obtain this cooperation or supply this information are not eligible to receive cash assistance.

From the documents supplied, the agency determines if the alien has a sponsor and if that sponsor signed an agreement to support.

If the alien is unable to supply a copy of the Alien Sponsorship Affidavit, or further verification or information is needed from the Immigration and Naturalization Service, the agency representative may assist the applicant in obtaining such information. INS form G-639, Freedom of Information/Privacy Act Request, is used for this purpose.

The instructions for completing the form are on the reverse side of the G-639. In order to expedite the return of the form from INS, in Section 2, the name of the agency with an attention to the worker, and the office address and telephone number may be entered.

The form may be hand delivered by the applicant or mailed to:

Immigration and Naturalization Service
200 Dyer Street
Providence, RI 02903

1424.60.15.05 Calculation of Income Deemed to Alien

EFF: 10/2008

The monthly income of the sponsor (and of the sponsor's spouse) deemed available to the alien is computed in the following way.

It should be noted that income from a sponsor receiving SSI, GPA, or cash assistance from the RI Works Program is not considered available to the alien.

The sponsor's total monthly earned income is reduced by twenty percent (20%)(not to exceed $175 monthly). Earned income is wages, salary, or gross earnings from self-employment minus the full amount of any costs incurred in producing self-employment income in the month.

The sponsor's total monthly unearned income is then added to the net amount of earned income calculated.

EXAMPLE: Procedure for deeming income of a sponsor to an alien:

Sponsor's monthly earned income	-	$800
Less 20% deduction	-	-160
Applicable earned income	-	$640
Sponsor's monthly unearned income (Spouse's TDI)	-	+300
Total applicable income	-	$940
Deemed amount	-	$940

The amount of $940 a month is deemed as unearned income to the alien who is applying for cash assistance.

1424.60.15.10 Calculation of Resources Deemed to Alien

EFF: 10/2008

The resources of the sponsor (and of the sponsor's spouse, if living together) deemed available to the alien are determined as described below. It should be noted that resources of a sponsor receiving SSI, GPA, or cash assistance from the RI Works Program are not considered available to the alien.

In determining the resources of a sponsor to be deemed to the legal resident, the resource exclusions in Section 1422.10 shall be applied and the value in excess of one thousand five hundred dollars ($1,500) shall be considered available to the legal resident.

EXAMPLE: Procedure for deeming resources of a sponsor to an alien:

A sponsor lives in a self-owned home, owns an automobile whose fair market value is $5,000 and equity value is $2,000, has a bank account of $500, and mutual fund shares with a value of $1,000.

Considered resource value of:

House	-	$0
Automobile	-	400
Bank Account	-	500
Mutual fund value	-	1,000

Total Resources	-	$1,900
Less deduction of	-	-1,500
Deemed Amount	-	$400

A total of $400 is deemed as a resource to the alien applying for or receiving assistance.

1424.60.20 Prorating Income and Resources of Sponsor

EFF: 10/2008

In a case where a person is the sponsor of two or more alien individuals, the deemed income and resources of the sponsor and of the sponsor's spouse are divided equally among the aliens.

In a case where a person is the sponsor of two or more alien families, the deemed income and resources of the sponsor (and of the sponsor's spouse, if living together) are divided equally among the aliens applying for or receiving assistance.

For example, if a person sponsors four (4) families and one family requests assistance, the total deemed income and resources are applied to the needs of that family. If three (3) of the families request assistance, then the deemed income and resources are divided by three (3), and one-third is applied to the needs of each family.

Income and resources deemed to a sponsored alien are not considered in determining the needs of other unsponsored members of the alien's household. An exception occurs when the deemed income and resources are actually available to members of the alien's family such as the alien's spouse and/or children.

1424.60.25 Overpayments

EFF: 10/2008

When overpayments are made to an alien because a sponsor failed to provide correct information, both the sponsor and alien are held responsible. Refer to policy on overpayments in Section 1434 for procedures.