

CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL
GLOSSARY OF TERMS

Date:

Transmittal:

0500

Authorized Representative (1500)

An authorized representative is an adult, over the age of eighteen, who has written authorization to act on the behalf of an assistance unit of which he or she is not currently a member, and who would otherwise not be eligible to act without such authorization.

Available Asset (4000)

An available asset is an asset [which someone owns and can readily convert to cash] that is actually available to the individual or one that the individual has the legal right, authority or power to obtain or to have applied for the individual's general or medical support.

Available Income (5000)

Available income is all income from which the assistance unit is considered to benefit, either through actual receipt or by having the income deemed to exist for its benefit.

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Date: 1-1-96

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0500

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Immigrant (3000)

An immigrant is a non-citizen or North American Indian born in Canada who is lawfully admitted into the United States for the express purpose of maintaining permanent residence.

Inaccessible Asset (4000)

An inaccessible asset is an asset which someone owns but, for some reason beyond his or her control, cannot readily convert to cash.

Inaccessible Income (5000)

Inaccessible income is money which an assistance unit member is due but neither receives nor benefits from due to circumstances beyond his or her control.

Income-In-Kind (5000)

Income-in-kind is the value of goods, commodities, or services which are provided to the assistance unit or to a third party in behalf of the assistance unit in lieu of cash.

Independent Community Living (4500)

Independent community living is any type of living arrangement which is not a licensed room and board facility or medical or penal institution.

Installment Recoupment (7000)

Installment recoupment is a method of recoupment in which the assistance unit makes monthly installments to the Department in the form of cash or Food Stamps.

Institution (3000)

An institution is an establishment that furnishes food, shelter and some treatment or services to four or more persons unrelated to the proprietor.

Institution for Mentally Retarded (3000)

An institution for mentally retarded is an institution that is primarily for diagnosis, treatment or rehabilitation for the mentally retarded or persons with other developmental disabilities in a protected residential setting.

**CONNECTICUT DEPARTMENT OF INCOME MAINTENANCE
UNIFORM POLICY MANUAL**

Date:	Transmittal: UP-xx-xx	1010.05
Section:	Rights and Responsibilities	Type: POLICY
Chapter:	Responsibilities of Applicants and Recipients	Program: AFDC AABD [FS] SNAP MA
Subject:	Responsibilities in Relationship with the Department	

1010.05 A. Supplying Information

1. The assistance unit must supply the Department, in an accurate and timely manner as defined by the Department, all pertinent information and verification which the Department requires to determine eligibility and calculate the amount of benefits (cross reference: 1555).
2. The assistance unit must permit the Department to verify information independently whenever the unit is unable to provide the necessary information, whenever verification is required by law, or whenever the Department determines that verification is necessary (Cross reference: 1540).

B. Reporting Changes

1. The assistance unit must report to the Department, in an accurate and timely manner as defined by the Department, any changes which may affect the unit's eligibility or amount of benefits (cross reference 1555).
2. An assistance unit which is required to submit monthly reports to the Department must submit its monthly reports to the Department by the date specified by the Department (Cross reference: 1550).

C. Satisfying Procedural Requirements

The assistance unit must satisfy certain procedural requirements as described in Section 3500, including:

1. disclosing or obtaining a Social Security number;
2. complying with work requirements when necessary;
3. taking certain actions to secure support, when appropriate;
4. completing an assignment, when appropriate;
5. signing a security mortgage, when appropriate;

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Chapter:	Responsibilities of Applicants and Recipients	Program: AFDC AABD [FS] SNAP MA
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Subject:	Responsibilities in Relationship with the Department	
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1010.05 C. Satisfying Procedural Requirements (continued)

6. cooperating with the Department as necessary. Cooperation includes:
 - a. taking steps as required by the Department to complete the eligibility determination, periodic redetermination of eligibility, interim changes in eligibility or benefit level and Quality Control reviews;
 - b. seeking any [potential] and all income or assets for which the unit may be eligible.

D. Reporting Requirement - Pending Eviction

1. Assistance units receiving benefits under the AFDC or AABD program must report within 10 days, the receipt of a notice to quit, issued pursuant to Chapter 832 of the General Statutes.
2. There is no penalty imposed on the assistance unit for failure to report receipt of a notice to quit.

**CONNECTICUT DEPARTMENT OF INCOME MAINTENANCE
UNIFORM POLICY MANUAL**

Date: **Transmittal: UP-XX-X** **3525**

Section: **Procedural Eligibility Requirements** **Type: POLICY**

Chapter: **Cooperation** **Program: AFDC
AABD
[FS] SNAP**

Subject: **MA**

3525 This chapter describes four specific areas of cooperation and the applicable eligibility requirements for the different programs. The requirements in regard to potential sources of income, pursuing assets do not apply to the [Food Stamp] Supplemental Nutrition Assistance program.

Subjects include:

- cooperation as related to the eligibility process;
- cooperation as applied to potential sources of income [or inaccessible income];
- cooperation related to pursuing assets

**CONNECTICUT DEPARTMENT OF INCOME MAINTENANCE
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Date:	Transmittal: UP-XX-X	3525.10
Section:		Type:
Procedural Eligibility Requirements		POLICY
Chapter:		Program:
Cooperation		AFDC AABD MA
Subject:		
Related to Potential [or Inaccessible] Income		

3525.10 A. Requirements

Applicants for or recipients of AFDC, AABD and MA must:

1. apply for or cooperate in applying for a potential benefit from any source other than SSI; and
2. cooperate in obtaining [inaccessible] potential income.

B. Potential Sources

1. Potential income refers to legal entitlement to a benefit. This does not include gain through individual effort.
2. Income to which the assistance unit may be entitled includes but is not limited to the following sources:
 - a. OASDI;
 - b. Veteran's Compensation or pension;
 - c. Railroad Retirement;
 - d. Unemployment Compensation;
 - e. Worker's Compensation;
 - f. private pensions or disability benefits;
 - g. income rightfully belonging to a member of the assistance unit, which is paid to someone else and not [made accessible] to the unit[.];
 - h. trusts.

C. Time Limit

Applicants or recipients must apply to the source within the time limit set by the Department or show good cause for not having done so.

D. Penalty

Failure to comply with this requirement results in ineligibility of the entire assistance unit.

**CONNECTICUT DEPARTMENT OF INCOME MAINTENANCE
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Date:	Transmittal: UP-XX-XX	3525.15
Section:		Type:
Procedural Eligibility Requirements		POLICY
Chapter:		Program:
Cooperation		AFDC AABD MA
Subject:		
Related to Pursuing Assets		

3525.15 A. Requirements

An assistance unit is required to cooperate in pursuing assets, as determined by the Department. Cooperation may require one or more of the following:

1. pursuit of [inaccessible] assets such as:
 - a. property in probate,
 - b. jointly owned property,
 - c. a trust,
 - d. personal property in someone else's possession,
 - e. the assets of the community spouse, when there has been an assignment of support rights; (Cross Reference 4025.68)
2. compliance with the Department's request for one or more of the following:
 - a. information about the asset;
 - b. names and addresses of people involved;
 - c. a petition to the probate court;
 - d. an application for compensation equal to the value of the assistance unit's interest;
 - e. a letter of demand or inquiry to the current holder of an asset;

B. Penalty for Noncompliance

Failure to cooperate in pursuing assets as required by the Department will result in one of the following penalties:

1. If the asset value is known, [such as inaccessible assets], the full value of the assets are counted as available to the assistance unit.
2. If the asset value is unknown, such as an interest in an estate, the adult who fails to cooperate is ineligible.

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Date:	Transmittal: UP-XX-X	3530.05
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Section:	Type:
Procedural Eligibility Requirements	POLICY

Chapter:	Program:
Granting a Security Mortgage	AFDC AABD [FS] SNAP MA

Subject:	
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3530.05 A. AFDC, AABD

1. Non-Home Property

As a condition of eligibility, when the assistance unit has non-home property which has been temporarily excluded from consideration pending sale, (Cross-reference: Treatment of Assets 4020 and Recovery 7505), the assistance unit must:

- a. sign a security mortgage; and
- b. make a bona fide effort to sell the property.

2. Jointly Held Property

When the assistance unit holds a partial interest in jointly held non-home property which is [inaccessible] excluded, (Cross-reference: 4015), the assistance unit must sign a security mortgage.

B. MA

The MA assistance unit is not required to sign a security mortgage against non-home property which has been temporarily excluded from consideration pending sale (Cross-reference 7510 re: Liens).

C. Penalty for Noncooperation

If the assistance unit fails to cooperate by signing the security mortgage as required, the equity value of the assistance unit's interest in the property involved is added to the unit's countable assets.

**CONNECTICUT DEPARTMENT OF INCOME MAINTENANCE
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Date: _____ **Transmittal:** UP-xx-xx **4000**

Section: _____ **Type:** _____
Treatment of Assets **POLICY**

Chapter: _____ **Program:** AFDC
AABD
MA
Subject: _____ **[FS] SNAP**

4000 In order to qualify for assistance, an assistance unit must meet certain financial eligibility requirements. These requirements, based on state and federal law, pertain to income and assets.

In this section, the Department's policies and procedures concerning the treatment of assets are described in detail. The section contains the following chapters:

- Asset Limits
- Determination of Ownership
- Inaccessible Assets (SNAP only)
- Excluded Assets
- Asset Disregards
- Deemed Assets
- Counted Assets
- Treatment of Specific Types of Assets

The Department's treatment of income, the other financial eligibility factor, is described in Section 5000.

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Section:	Type:
Treatment of Assets	POLICY

Chapter:	Program:
Asset Limits	AFDC AABD MA [FS] SNAP

Subject:	[FS] SNAP
General Principles	

4005.05 A. Limits Specific to each Program

For every program administered by the Department, there is a definite asset limit.

B. Assets Counted Toward the Asset Limit

1. The Department counts the assistance unit's equity in an asset toward the asset limit if the asset is not excluded by state or federal law and is either:
 - a. available to the unit; or
 - b. deemed available to the unit.
2. Under all programs except [Food Stamps] SNAP, the Department considers an asset available when actually available to the individual or when the individual has the legal right, authority or power to obtain the asset, or to have it applied for, his or her general or medical support.
3. Under the [Food Stamps] SNAP program, the Department considers an asset available when the individual owns it and can convert it to cash within the certification period.

C. Assets not Counted Toward the Asset Limit

The Department does not count the assistance unit's equity in an asset toward the asset limit if the asset is either:

1. excluded by state or federal law; or
2. not available to the unit.

D. Asset Limit an Eligibility Factor

1. The Department compares the assistance unit's equity in counted assets with the program asset limit when determining whether the unit is eligible for benefits.
2. An assistance unit is not eligible for benefits under a particular program if the unit's equity in counted assets exceeds the asset limit for the

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Section: **Treatment of Assets** **Type:** **POLICY**

Chapter: **Asset Limits** **Program:** **AFDC**
AABD

Subject: **General Principles** **[FS] SNAP**

4005.05 D. 2. Asset Limit an Eligibility Factor (continued)

particular program, unless the assistance unit is categorically eligible for the program and the asset limit requirement does not apply (cross reference: 2500 Categorical Eligibility Requirements).

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Date: **Transmittal: UP-XX-X** **4015**

Section: **Treatment of Assets** **Type: POLICY**

Chapter: **Inaccessible Assets** **Program: [AFDC]
[AABD]
[MA]**

Subject: **[FS] SNAP**

4015 Some assets are not counted because they are considered inaccessible to the assistance unit. This chapter describes the Department's policies and procedures concerning inaccessible assets and their effect upon the assistance unit's eligibility.

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Date:	Transmittal: UP-xx-xx	4015.05
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Section:	Type:
Treatment of Assets	POLICY

Chapter:	Program:
Inaccessible Assets	[AFDC] [AABD] [MA]

Subject:	[FS] <u>SNAP</u>
General Provisions [- All Programs]	

4015.05 A. Effect on Eligibility

1. Subject to the conditions described in this section, equity in an asset which is inaccessible to the assistance unit is not counted as long as the asset remains inaccessible.
2. [In the Food Stamp program,] [if] If the asset is inaccessible for the entire certification period, the asset is excluded in the determination of eligibility.

B. Responsibilities of Assistance Unit

1. The burden is on the assistance unit to demonstrate that an asset is inaccessible.
- [2. For all programs except Food Stamps, in order for an asset to be considered inaccessible, the assistance unit must cooperate with the Department, as directed, in attempting to gain access to the asset.
 - a. If the unit does not cooperate as described above, the asset is considered available to the unit, and the unit's equity in the asset is counted toward the asset limit.
 - b. If the unit's equity in the asset is unknown, the non-cooperative adult member of the unit is ineligible for assistance.]

(Cross reference: Section 3525, Procedural Eligibility Requirements.)

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Date: **Transmittal: UP-XX-XX** **4015.10**

Section: **Treatment of Assets** **Type:** **POLICY**

Chapter: **Inaccessible Assets** **Program:** **AFDC
AABD
MA**

Subject: **General Provisions – Cash and Medical Programs**

[4015.10 A. Property in Probate

1. Property in probate is inaccessible to an individual only in the case where he or she has an interest in a decedent's estate that is undergoing administration provided that:
 - a. the individual does not have the legal right to make the assets available until the probate court completes such administration; and
 - b. the individual takes reasonable steps to ensure that the administration of the decedent estate is not unduly prolonged.
2. In cases described in paragraph 1, the Department takes an assignment of interest under the AFDC and AABD programs (Cross Reference: Chapter 7505).

B. Testamentary Trusts and Certain Inter-Vivos Trusts

Certain testamentary and inter-vivos trusts may be considered inaccessible to an individual as described at 4030.80.]

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Date: **Transmittal: UP-XX-XX** **4025.65**

Section: **Treatment of Assets** **Type: POLICY**

Chapter: **Deemed Assets** **Program: MAABD**

Subject:
Non-MCCA Spouses

4025.65 A. Circumstances in Which Assets are Deemed

1. The Department deems assets from the individual's spouse to the individual when they are considered to be living together.
2. The spouse's assets are also deemed to the MAABD applicant or recipient for the month that they cease living together.

B. Circumstances in Which Assets Are Not Deemed

1. The Department does not deem assets from spouses who are living apart.
2. Spouses are considered to be living apart under the following circumstances:
 - a. one spouse has left the home and does not return; or
 - b. both are residing in the different rooms in the same boarding home; or
 - c. both are residing in the same long term care facility; or
 - d. one spouse is a receiving home and community based services (CBS) under a Medicaid waiver.

C. Spouses Part of Needs Group

A spouse who is living with the MAABD unit member is a member of the needs group for the purpose of setting the asset limit.

D. Deeming Methodology

The Department subtracts the value of the following assets from the total value of the assets owned by the deemor:

1. [inaccessible] unavailable assets; and
2. excluded assets.

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Date: **Transmittal:** UP-xx-xx **4025.67**

Section: **Treatment of Assets** **Type:** **POLICY**

Chapter: **Deemed Assets** **Program:** **MAABD**

Subject:
MCCA Spouses

4025.67 A. Circumstances in Which Assets are Deemed

When the applicant or recipient who is a MCCA spouse begins a continuous period of institutionalization, the assets of his or her community spouse (CS) are deemed through the institutionalized spouse's initial month of eligibility as an institutionalized spouse (IS).

1. As described in section 4025.67 D., the CS' assets are deemed to the IS to the extent that such assets exceed the Community Spouse Protected Amount.
2. Any assets deemed from the CS are added to the assets of the IS and the total is compared to the Medicaid asset limit for the IS (the Medicaid asset limit for one adult).

B. Circumstances in Which Assets Are Not Deemed

The Department does not deem assets from the community spouse to the institutionalized spouse:

1. after the initial month the institutionalized spouse is eligible as an institutionalized spouse; or
2. when undue hardship exists (Cross Reference 4025.68); or
3. when the IS has assigned his or her spousal support right to the Department (Cross Reference: 4025.69); or
4. when the IS cannot execute the assignment because of a physical or mental impairment (Cross Reference: 4025.69).

C. Community Spouse Not Part of Needs Group

As noted in section 4025.67 A.2., a community spouse is not a member of the institutionalized spouse's needs group for setting the asset limit.

D. Deeming Methodology

1. The Department calculates the amount of assets deemed to the institutionalized spouse from the community spouse by subtracting the Community Spouse Protected Amount (CSPA) from the community spouse's total available non-excluded assets.
2. The Department calculates the community spouse's total available [non-

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Section: **Type:**
Treatment of Assets **POLICY**

Chapter: **Program:**
Deemed Assets **MAABD**

Subject:
MCCA Spouses

4025.67 D. 2. Deeming Methodology (Continued)

excluded] assets by subtracting the value of [the following] all excluded assets [from the total value of the assets] owned by the community spouse[.].

- [a. inaccessible assets; and
 - b. excluded assets.]
3. Every January 1, the CSPA shall be equal to the greatest of the following amounts:
- a. the minimum CSPA; or
 - b. the lesser of:
 - (1) the spousal share calculated in the assessment of spousal assets (Cross Reference 1507.05); or
 - (2) the maximum CSPA; or
 - c. the amount established through a Fair Hearing decision (Cross Reference 1570); or
 - d. the amount established pursuant to a court order for the purpose of providing necessary spousal support.
4. For the purpose of calculating the amount to be deemed, the community spouse's total available non-excluded assets include only those assets which are:
- a. owned solely by the community spouse; and
 - b. owned jointly with any other person except the institutionalized spouse. Assets owned jointly with the IS are treated as being owned by the IS, as described in UPM 4010.
5. When the calculation results in a zero or lesser amount, the Department does not deem any portion of the community spouse's assets to the institutionalized spouse.

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Date:	Transmittal: UP-xx-xx	4026.05
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Section: Treatment of Assets	Type: POLICY
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Chapter: Counted Assets	Program: AFDC AABD MA [FS] SNAP
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Subject: Calculation Method	
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4026.05 The amount of assets counted in determining the assistance unit's eligibility is calculated in the following manner:

- A. The Department determines the amount of the assistance unit's available [non-excluded] assets by subtracting the value of [the following assets] all excluded assets [owned by the assistance unit:] and in SNAP
 - [1.] those assets considered to be inaccessible to the assistance unit at the time of determining eligibility]; and
 2. assets which are excluded from consideration].
- B. The Department adjusts the amount of the assistance unit's available non-excluded assets by:
 1. subtracting a Community Spouse Disregard (CSD), when appropriate, for those individuals applying for assistance under the MAABD program (Cross Reference: 4022.05); and
 2. adding any amount of assets deemed to be available to the assistance unit (Cross Reference: 4025); and
 3. subtracting a Long-Term Care Insurance Disregard (LTCID), when appropriate, for those individuals applying for or receiving assistance under the MAABD program (Cross Reference: 4022.10).
- C. The amount remaining after the above adjustments is counted.

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Section:		Type:
Treatment of Assets		POLICY
Chapter:		Program:
Treatment of Specific Types		AFDC AABD MA
Subject:		[FS] SNAP
Life Use		

4030.35 A. Status of Life Use as an Asset

1. Life use is an asset to the extent that it can be sold by the life tenant.
2. Life use can be an excluded [, inaccessible,] or counted asset depending on the situation, as follows:
 - a. life use is an excluded asset for as long as the life tenant is residing in the home. The exclusion continues if the life tenant is temporarily absent from the home but intends to return.
 - b. life use is an [inaccessible] excluded asset if the life tenant leaves the home and is unable to find someone willing or able to purchase the life use.
 - c. proceeds from the sale of life use are a counted asset as of the month the life tenant sells the life use.

B. Value of Life Use

The Department computes the value of life use by taking into account the following factors:

1. life tenant's status as sole or joint owner of the home; and
2. life tenant's age and sex; and
3. life tenant's equity in the home; and
4. life expectancy of the life tenant.

C. Income Derived from Life Use

If life use is an [inaccessible] excluded asset, as described above and the life tenant is collecting rent derived from the life use, the rent is considered income (Cross Reference: 5050, Treatment of Specific Types).

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Section: **Treatment of Assets** **Type:** **POLICY**

Chapter: **Treatment of Specific Types** **Program:** **AFDC**
AABD
MA
[FS] SNAP

Subject:
Motor Vehicles

4030.55 The Department evaluates each motor vehicle owned by every member of the assistance unit in terms of the vehicle's status as an excluded[, inaccessible,] or counted asset.

A. Fair Market Value

1. The fair market value of a motor vehicle is the "Average Trade-in Value" listed in the National Automobile Official Dealers (NADA) Used Car Guide, or, for older models, the Appraisal Guide unless the assistance unit proves otherwise.
2. The fair market value of a motor vehicle is not increased if the vehicle is specially equipped with apparatus for the handicapped.
3. The fair market value of a motor vehicle is not increased by adding the value of low mileage or other factors such as optional equipment.
4. The assistance unit may contest the value given by the Department by presenting documentation from a reliable source regarding the actual value of the motor vehicle. The Department adjusts its computation accordingly if appropriate.

B. Motor Vehicle Used as a Home

A registered camper, trailer or mobile home is excluded as home property if the assistance unit is using it as principal residence.

C. AFDC and FMA

1. Up to \$1,500 of the equity value of one motor vehicle per assistance unit is excluded. The amount of the equity value in excess of \$1,500 is counted toward the asset limit.
2. If the assistance unit owns more than one motor vehicle, the \$1,500 exclusion is applied to the vehicle that has the highest equity value.

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Section: **Treatment of Assets** **Type:** **POLICY**

Chapter: **Treatment of Specific Types** **Program:** **AFDC**
AABD
MA

Subject: **Motor Vehicles** **[FS] SNAP**

4030.55 D. AABD and MAABD

1. For an individual and spouse if any, living together one motor vehicle is excluded if it :
 - a. is needed for employment: or
 - b. is needed for the medical treatment of a specific or ongoing medical problem; or
 - c. has been modified for operation by or transportation of a handicapped person.
2. Up to \$4,500 of the fair market value of one motor vehicle is excluded, if no vehicle is otherwise totally excluded. The amount of the fair market value in excess of \$4,500 is counted toward the asset limit.
3. If there is more than one vehicle, the unit's equity in the second vehicle is counted toward the asset limit.
4. If there is more than one motor vehicle, the \$4,500 exclusion is applied in a way, which is the most advantageous to the assistance unit.

E. [Food Stamps] SNAP (Cross Reference 4020.15)

1. All vehicles are totally excluded.

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Section:		Type:
Treatment of Assets		POLICY
Chapter:		Program:
Treatment of Specific Types		AFDC AABD MA
Subject:		[FS] SNAP
Rental Security Deposits		

4030.70 A. [Excluded] Unavailable

A rental security deposit held by a landlord is an [inaccessible] unavailable asset.

B. Counted

A rental security deposit is a counted asset in the month it is returned to the assistance unit by the landlord.

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Section: Treatment of Assets	Type:	POLICY
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Chapter: Treatment of Specific Types	Program:	AFDC AABD MA
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Subject: Trusts	[FS]	<u>SNAP</u>
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4030.80 A. General Principles Pertaining to Trusts

1. The Department evaluates an individual's interest in a trust as:
 - a. a potentially counted asset in determining whether the individual's assets are within the program limits (Cross Reference: 4005); and
 - b. a potential source of income in determining whether the individual's income is within the program limits, and in computing the amount of benefits for which the individual may be eligible (Cross Reference: 5000); and
 - c. a possible transfer of assets by the individual or by his or her spouse in determining whether the individual will be subject to a penalty period (Cross References: 3025, 3028, 3029).
- [2.] For all programs except Food Stamps, if the assistance unit is a beneficiary of a trust, but the funds in the trust are inaccessible to the unit, the unit shall cooperate with the Department in attempting to gain access to the funds as a condition of eligibility.]
- [3.] 2. The Department considers the corpus of a trust that an individual can revoke as an available asset to him or her.
- [4.] 3. The Department considers payments from a trust to or for the benefit of the individual to be the individual's income.
- [5.] 4. The term "trust" includes any legal instrument or device like a trust, such as an annuity.

B. Testamentary Trusts and Certain Inter Vivos Trusts that are not Established or Funded by the Individual or by his or her Spouse during their Lifetime

The individual's interest in a testamentary trust, and the individual's interest in a trust that was not established or funded by the individual or by his or her spouse during their lifetime, are evaluated under the cash and Medicaid programs as described in this paragraph.

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Section: **Treatment of Assets** **Type:** **POLICY**

Chapter: **Treatment of Specific Types** **Program:** **AFDC
AABD
MA**

Subject:
Trusts

4030.80 B. Testamentary Trusts and Certain Inter Vivos Trusts that are not Established or Funded by the Individual or by his or her Spouse during their Lifetime
(continued)

1. The Department determines whether the corpus, or principal of such a trust is an available asset by referring to the terms of the trust and the applicable case law construing similar instruments.
2. The principal of such a trust is an available asset to the extent that the terms of the trust entitle the individual to receive trust principal or to have trust principal applied for his or her general or medical support.
3. Under circumstances described in subparagraph 2 above, the trust principal is considered an available asset if the trustee's failure to distribute the principal for the benefit of the individual in accordance with the terms of the trust would constitute an abuse of discretion by the trustee.
4. The Department considers the following factors in determining whether the trustee would be abusing his or her discretion by refusing to distribute trust principal to the individual:
 - a. the clarity of the settlor's intention to provide for the general or medical support of the individual; and
 - b. the degree of discretion afforded to the trustee; and
 - c. the value of the trust created, with a high dollar value tending to indicate an intent to provide for general or medical support; and
 - d. the history of trust expenditures prior to the filing of an application for assistance for or on behalf of the individual.

C. Medicaid-Qualifying Trusts -- MA

The funds in an inter vivos trust, to the extent that they may be used at the discretion of the trustee, are considered available to an individual if:

1. the trust was established by the individual or individual's spouse prior to August 11, 1993; and
2. the individual is a beneficiary of the trust; and

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Section: **Treatment of Assets** **Type:** **POLICY**

Chapter: **Treatment of Specific Types** **Program:** **MA**

Subject:
Trusts

4030.80 C. Medicaid-Qualifying Trusts – MA (continued)

3. the trustee is able to distribute the funds to the individual at the trustee's discretion. This is true even if:
 - a. the trust is irrevocable; and
 - b. the trustee does not exercise his or her discretion.

D. Inter Vivos Trusts Established on or After August 11, 1993 - MA

For the purpose of determining an individual's eligibility under the Medicaid program, paragraph D pertains to inter vivos trusts established by the individual on or after August 11, 1993.

1. The Department considers an individual to have established a trust if the individual's assets were used to form all or part of the corpus of the trust and if any of the following individuals established the trust by means other than a will:
 - a. the individual; or
 - b. the individual's spouse; or
 - c. a person, including a court or administrative body, with legal authority to act in place of or on behalf of the individual or the individual's spouse; or
 - d. a person, including a court or administrative body, acting at the direction or upon the request of the individual or the individual's spouse.
2. For a trust whose corpus includes assets of an individual described in paragraph 1 and of any other person, the Department evaluates only that portion of the trust attributable to the assets of the individual.
3. The Department evaluates trusts described in paragraph D regardless of:
 - a. why the trust was established; or

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Chapter: **Treatment of Specific Types** **Program:** **MA**

Subject:
Trusts

4030.80 D. 3. Inter Vivos Trusts Established on or After August 11, 1993 (continued)

- b. whether the trustees have or exercise any discretion under the trust; or
 - c. any restrictions on when or whether distributions may be made from the trust; or
 - d. any restrictions on the use of distributions from the trust.
4. With respect to a revocable trust, the following principles apply:
- a. The Department considers the corpus of such a trust as an available asset.
 - b. The Department considers payments from the trust made to or for the benefit of the individual as income of the individual.
 - c. The Department considers payments from a revocable trust that are neither to nor for the benefit of the individual to be assets transferred by the individual as described in chapters 3028 and 3029.
5. With respect to an irrevocable trust, the following principles apply:
- a. The Department considers the portion of the corpus of an irrevocable trust, or the income generated by the corpus of such trust to be an available asset of the individual if there are any circumstances under which a payment from the trust could be made to or on behalf of the individual.
 - b. The Department considers payments from that portion of the corpus or income generated by the corpus of a trust described in paragraph a to be:
 - (1) the individual's income, if the payments are to or for the benefit of the individual; and
 - (2) a transfer of assets by the individual, as described in chapters 3028 and 3029, if the payments are for any other purpose.

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Section: **Treatment of Assets** **Type:** **POLICY**

Chapter: **Treatment of Specific Types** **Program:** **MA**

Subject:
Trusts

4030.80 D. 5. Inter Vivos Trusts Established on or After August 11, 1993 (continued)

c. The Department considers any portion of a trust from which, or any income generated by the corpus from which, no payment could be made to the individual under any circumstances as a transfer of assets, as described in chapters 3028 and 3029.

6. The Department does not consider the following types of trusts in determining the individual's eligibility for Medicaid:

a. a trust containing the assets of an individual under age 65 who is disabled, according to criteria under the SSI program, if:

(1) the trust is established for the benefit of such individual by his or her parent, grandparent, or legal guardian, or by a court acting in accordance with the authority of state law; and

(2) under the terms of the trust, the state will receive all amounts remaining in the trust upon the death of the individual, up to an amount equal to the total amount of Medicaid benefits paid on behalf of the individual.

b. a trust that meets the following conditions:

(1) the trust is established and managed by a non-profit association; and

(2) a separate account is maintained for each beneficiary of the trust, but, for purposes of investment and management of the funds, the trust pools these accounts; and

(3) accounts in the trust are established solely for the benefit of individuals who are disabled, according to criteria under the SSI program, by the individuals, their parent, grandparent or legal guardian, or by a court; and

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Section: **Treatment of Assets** **Type:** **POLICY**

Chapter: **Treatment of Specific Types** **Program:** **MA**
[FS] SNAP

Subject:
Trusts

4030.80 D. 6. b. Inter Vivos Trusts Established on or After August 11, 1993 (continued)

(4) to the extent that the amounts remaining in the individual's account upon his or her death are not retained by the trust, the trust is required by its terms to pay to the state from such remaining amount, an amount equal to the total amount of Medicaid benefits paid on behalf of the individual.

7. The Department waives the policies described in paragraph D if it is determined that the application of such policies would create an undue hardship (Cross References: 3028 and 3029 for undue hardship criteria).

E. Trusts in [the Food Stamps Program] SNAP

1. The funds in a trust are considered inaccessible to the assistance unit if:
 - a. the trust arrangement is not likely to cease during the certification period and the assistance unit has no power to revoke the trust arrangement or change the name of the beneficiary during the certification period; or
 - b. the trustee is either:
 - (1) a court or an institution, corporation or organization which is not under the direction or ownership of the assistance unit; or
 - (2) an individual appointed by the court who has court imposed limitations placed on the use of the funds; or
 - c. trust investments made on behalf of the trust do not directly involve or assist any business or corporation under the control, direction, or influence of the assistance unit; and
 - d. the funds held in irrevocable trust are either:

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Section: **Treatment of Assets** **Type:** **POLICY**

Chapter: **Treatment of Specific Types** **Program:** **[FS] SNAP**

Subject:
Trusts

4030.80 E. 1. d. Trusts in [the Food Stamps Program] SNAP (continued)

- (1) established from the assistance unit's own funds, if the trustee uses the funds solely to make investments on behalf of the trust or to pay the educational or medical expenses of any person named by the assistance unit creating the trust; or
 - (2) established from non-assistance unit funds by a non-assistance unit member.
2. If the funds in a trust are totally available to the assistance unit at the present time, the total value is a counted asset.

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Date: **Transmittal: UP-xx-xx** **[4015.10] 4030.83**

Section: **Treatment of Assets** **Type: POLICY**

Chapter: **[Inaccessible Assets] Treatment of Specific Types** **Program: AFDC
AABD
MA**

Subject: **[General Provisions – Cash and Medical Programs] Property in Probate**

[4015.10 A.] Property in Probate
4030.83

1. Property in probate is [inaccessible to an individual] an excluded asset only in the case where [he or she] the individual has an interest in a decedent's estate that is undergoing administration provided that:
 - a. the individual does not have the legal right to make the assets available until the probate court completes such administration; and
 - b. the individual takes reasonable steps to ensure that the administration of the decedent estate is not unduly prolonged.
2. In cases described in paragraph 1, the Department takes an assignment of interest under the AFDC and AABD programs (Cross Reference: Chapter 7505).

[B.] Testamentary Trusts and Certain Inter-Vivos Trusts

Certain testamentary and inter-vivos trusts may be considered inaccessible to an individual as described at 4030.80.]

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Date: **Transmittal: UP-xx-x** **4099.30**

Section: **Treatment of Assets** **Type:** **POLICY**

Chapter: **Verification** **Program:** **AFDC**
AABD
MA
SNAP

Subject: **Treatment of Specific Types**

4099.30 A. Factors to be Verified

The assistance unit must verify the following for the Department to evaluate each asset held by the assistance unit. This list is not necessarily all-inclusive.

1. the asset's legal owner, if there is a question of ownership, as described in 4010; and
2. the asset's status as [either inaccessible or] excluded[,] or, in SNAP, inaccessible, if there is a question, as described in 4015 and 4020, respectively; and
3. the amount of equity the assistance unit has in the asset; and
4. the amount of equity in counted assets to be deemed available to the unit, as described in 4025.

B. Penalty for Failure to Verify

The penalty for failure to verify the various items of information concerning assets is described in the previous pages of this chapter.

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Date: **Transmittal: UP-xx-x** **5000**

Section: **Type:**
Treatment of Income **POLICY**

Chapter: **Program:** **AFDC**
AABD
MA
Subject: **[FS] SNAP**

5000 This section describes how income received by the assistance unit and certain individuals outside the assistance unit is treated. It describes the progression from consideration of total gross income to determining the amount used in determining eligibility and calculating benefits. The policy contained in this section relates to:

- for all programs except SNAP, distinguishing between income which is available and that which is inaccessible;
- for SNAP, distinguishing between income which is available and that which is inaccessible;
- excluding certain types of income based upon the nature and sources of the income;
- deeming income to the assistance unit from individuals outside the unit;
- converting income which is received at varying intervals to a usable monthly amount;
- adjusting income which is counted by subtracting certain allowable amounts each month;
- calculating the applied income to be used in determining eligibility and benefit amount.

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Date: _____ **Transmittal:** UP-xx-xx **5000.01 page 1**

Section: _____ **Type:** _____
Treatment of Income **POLICY**

Chapter: _____ **Program:** AFDC
AABD

Subject: _____ **[FS] SNAP**
Definitions

5000.01 Anticipated Income

Anticipated income is that income which is expected to exist during a projected period of eligibility.

Available Income

Available income is all income from which the assistance unit is considered to benefit, either through actual receipt or by having the income deemed to exist for its benefit.

Applied Income

Applied income is that portion of the assistance unit's countable income that remains after all deductions and disregards are subtracted.

Community Spouse

A community spouse is an individual who resides in the community, who does not receive home and community based services under a Medicaid waiver, who is married to an individual who resides in a medical facility or long term care facility or who receives home and community based services (CBS) under a Medicaid waiver.

Continuous Period of Institutionalization

A continuous period of institutionalization is a period of 30 or more consecutive days of residence in a medical institution or long term care facility, or receipt of home and community based services (CBS) under a Medicaid Waiver.

Counted Income

Counted income is that income which remains after excluded income is subtracted from the total of available income.

Deductions

Deductions are those amounts which are subtracted as adjustments to counted income and which represent expenses paid by the assistance unit.

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Section:

Treatment of Income

Type:

POLICY

Chapter:

Program:

AFDC

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Subject:

Definitions

[FS] SNAP

5000.01 Deemor

A deemor is a person from whom income or assets are deemed available to the assistance unit.

Deemed Income

Deemed income is that portion of income belonging to someone who is not a member of assistance unit which is considered available to the unit.

Disabled Person – [Food Stamp] SNAP Program

A disabled person, in the context used by the [Food Stamp] SNAP program, means a person who meets any of the following conditions:

1. receives or is certified to receive SSI (Title XVI) benefits or disability or blindness payments under Titles I, II, XIV, or XVI of the Social Security Act; or
2. receives assistance through the AABD program; or
3. receives disability retirement benefits from a governmental agency because of a disability considered permanent under Section 221(i) of the Social Security Act; or
4. is a veteran with a service-connected disability, which under Title 38 of the United States Codes is:
 - a. rated or paid as a total disability; or
 - b. considered to necessitate regular aid and attendance; or
 - c. severe enough to permanently preclude self-support; or
5. is a disabled surviving spouse or child of a veteran and considered to be in need of aid and attendance, permanently housebound, or permanently incapable of self-support; or

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Section:
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POLICY

Chapter:

Program: AFDC
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Subject:
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[FS] SNAP

5000.01 Disabled Person [Food Stamp] SNAP Program (continued)

6. is a veteran's surviving spouse or child who is considered permanently disabled under Section 221(i) of the Social Security Act and receiving or authorized to receive:
 - a. compensation for a service connected death; or
 - b. pension benefits for a non-service connected death; or
7. receives an annuity payment under Section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 and is determined to be eligible for Medicare by the Railroad Retirement Board; or
8. receives annuity payment under Section 2(a)(i)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon the criteria used for SSI; or
9. receives a Federal or State benefit payment under 212 (a) of Public Law 93-66; or
10. is a recipient of interim assistance benefits pending the receipt of Supplemental Security Income, a recipient of disability related medical assistance under title XIX of the Social Security Act, or a recipient of disability-based State General Assistance benefits provided that the eligibility to receive any of these benefits is based upon disability or blindness criteria established by the state agency which are at least as stringent as those used under Title XVI of the Social Security Act.

Disregards

Disregards are those amounts which are subtracted as standard adjustments to countable income and which do not represent expenses paid by the assistance unit.

Diverted Income

Diverted income is that portion of income belonging to a member of the assistance unit which is considered available to meet the needs of someone who is not a member of the assistance unit.

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Section:

Treatment of Income

Type:

POLICY

Chapter:

Program:

AFDC

AABD

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Subject:

Definitions

[FS] SNAP

5000.01 Earned Income

Earned Income is income which the assistance unit receives in exchange for the performance of duties or through self-employment and may be in the form of wages, salary, benefits, or proceeds from self-employment.

Elderly Person – [Food Stamp] SNAP Program

An elderly person, in the context used by the Food Stamp program, means a person who is sixty or more years of age.

Excluded Income

Excluded income is income which is available from certain specified sources and is not counted in determining eligibility and level of benefits.

Full-time Employment

Full-time employment means that the income being counted from a particular calendar month resulted from at least 130 hours of employment.

Gross Earned Income

Gross Earned Income is the total amount of counted earned income before deductions or disregards are subtracted from it. When earnings are from self-employment, the gross amount is the difference between self-employment income and self-employment expenses.

Gross Unearned Income

Gross unearned income is the total amount of counted unearned income before disregards are subtracted from it.

Homeless Assistance Units – [Food Stamp] SNAP Program

An assistance unit meets the homeless criteria when all its members lack a fixed and regular nighttime residence or when their primary nighttime residence is one of the following:

1. a supervised shelter designed to provide temporary accommodations;
2. a halfway house or other institution that provides temporary residence for individuals intended to be institutionalized;

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Section: **Treatment of Income** **Type:** **POLICY**

Chapter: **Program:** **AFDC**
AABD
MA

Subject: **Definitions** **[FS] SNAP**

5000.01 Homeless Assistance Units (continued)

3. a temporary accommodation that lasts no more than ninety days in the residence of another individual;
4. a place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Inaccessible Income

Inaccessible income is money which an assistance unit member is due but neither receives nor benefits from due to circumstances beyond his or her control.

Income-In-Kind

Income-in-kind is the value of goods, commodities, or services which are provided to the assistance unit or to a third party in behalf of the assistance unit in lieu of cash.

Institutionalized Spouse

An institutionalized spouse is a spouse who resides in a medical facility or long term care facility, or who receives home and Community Based Services (CBS) under a Medicaid waiver, and who is legally married to someone who does not reside in such facilities or who does not receive such services.

Intermittent Income

Intermittent income is income which is received at recurrent intervals longer than one month.

Lump Sum

A lump sum is an amount of money which is received by an assistance unit on a one time basis and is not expected to recur.

Net Earned Income

Net earned income is that portion of the gross earned income which remains after deductions are subtracted from the gross earned income amount.

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Section: **Treatment of Income** **Type:** **POLICY**

Chapter: _____ **Program:** AFDC
AABD
MA

Subject: **Definitions** [FS] SNAP

5000.01 Part-time Employment

Part-time employment means fewer than 130 hours were spent in the performance of the duties for which the total earned income received in a calendar month is paid.

Self-employment Expenses

Self-employment expenses are non-personal business expenses directly related to producing goods or services and incurred in the budget month.

Self-employment Income

Self-employment income means the total amount of income derived from a self-employment enterprise before self-employment expenses are deducted.

Sponsor

A sponsor is an individual who executed an affidavit of support or similar agreement on behalf of a non-citizen, other than the non-citizen's parent or spouse, as a condition of the non-citizen's entry into the United States.

Unearned Income

Unearned income is income which does not constitute compensation for work or services performed or business conducted and includes returns from capital investments when the individual is not actively involved in the production of the income.

Windfall

A windfall is a type of lump sum which is not earned, does not occur on a regular basis, and does not represent accumulated monthly income received in a lump sum.

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Date: **Transmittal: UP-xx-x** **5005**

Section: **Treatment of Income** **Type: POLICY**

Chapter: **Consideration of Income - General Principles** **Program: AFDC
AABD
MA**

Subject: **[FS] SNAP**

- 5005 A. In consideration of income, the Department counts the assistance unit's available income, except to the extent that it is specifically excluded. Income is considered available if it is:
1. received directly by the assistance unit; or
 2. received by someone else on behalf of the assistance unit and the unit fails to prove that it is [inaccessible] unavailable; or
 3. deemed by the Department to benefit the assistance unit.
- B. For SNAP only, [The] the Department does not count income which it considers to be inaccessible to the assistance unit.
- C. The Department computes applied income by subtracting certain disregards and deductions, as described in this section, from counted income.
- D. The Department uses the assistance unit's applied income to determine income eligibility and to calculate the amount of benefits.

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Date: **Transmittal: UP-xx-x** **5010**

Section: **Type:**
Treatment of Income **POLICY**

Chapter: **Program:** **[AFDC]**
Inaccessible Income **[AABD]**

Subject: **[MA]**
[FS] SNAP

- 5010 A. The Department considers all income to be accessible unless otherwise indicated.
- B. Inaccessible income is not counted for any month in which it is considered inaccessible throughout the month.
- C. The assistance unit must, as a condition of eligibility, cooperate as required by the Department, in gaining access to the inaccessible income. (Cross Reference: 3525 - "Procedural Eligibility Requirements")

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Date: **Transmittal: UP-XX-XX** **5035.07**

Section: **Type:**
Treatment of Income **POLICY**

Chapter: **Program:** **AFDC**
Income Deductions **[FMA]**

Subject:
Lump Sum Deductions

5035.07 A. Designated Expenses

Any portion of a lump sum which was paid for the purposes of meeting certain designated expenses is excluded when it is used to meet those expenses. (Cross Reference: 5015)

B. Unavailable Amounts

1. Any portion of a lump sum may be deducted if it becomes unavailable to the assistance unit during the period of ineligibility for reasons beyond its control.
2. To be considered unavailable for reasons beyond the unit's control, the income must be [inaccessible] actually unavailable to the assistance unit or already spent on an unexpected, unavoidable expense.
3. Circumstances meeting [these conditions] actual unavailability include, but are not limited to, loss or theft, or catastrophic events such as fire or flood.

C. Medical Costs

Any amount paid by the assistance unit for a medical cost during the period of ineligibility is deducted. This is considered when:

1. the expense was for a service which would have been paid by the Medicaid program; and
2. the assistance unit incurred and paid for the expense during a month within the period of ineligibility caused by receipt of the lump sum.

D. Earned Lump Sums

When a lump sum is earned income, the lump sum amount is:

1. added to any gross earned income belonging to the assistance unit member who received the lump sum in the month the lump sum was received; and
2. adjusted by subtracting any appropriate earned income deductions and disregards (Cross Reference: 5035.05).

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Section: **Treatment of Income** **Type: POLICY**

Chapter: **Income Deductions** **Program: AFDC
[FMA]**

Subject:
Lump Sum Deductions

5035.07 E. Unearned Lump Sums

When a lump sum is unearned income, the lump sum amount is:

1. added to any gross unearned income belonging to the assistance unit member who received the lump sum in the same month the lump sum was received; and
2. adjusted by subtracting any appropriate deductions and disregards from the total.

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Date:	Transmittal: UP-xx-x	6530.35
Section: Benefit Issuance		Type: POLICY
Chapter: Benefit Replacement		Program: AFDC AABD MA
Subject: Misuse of Benefits By a Protective Payee		

6530.35 Cash benefits that have been issued on behalf of an assistance unit to a protective payee are replaced if the Department determines that the protective payee has misused the benefits, rendering them unavailable to meet the needs of the assistance unit.

A. What Constitutes Misuse

Benefits have been misused by the protective payee if:

1. benefits issued on behalf of the assistance unit have been withheld or used by the payee for a purpose other than to meet the financial obligations of the assistance unit; and
2. the benefits are not [accessible] available to the assistance unit; and
3. the payee acted without the knowledge and approval of the assistance unit.

B. Documenting the Allegation

Allegations of misuse of benefits by a protective payee are documented in writing. The head of the assistance unit is required to sign an affidavit attesting to:

1. the alleged misuse of benefits by the protective payee; and
2. the [inaccessibility] unavailability of the benefits; and
3. the fact that the protective payee acted without the approval of the assistance unit; and
4. the assistance unit's willingness to cooperate in any legal action taken by the Department.

C. Investigations

1. The Department conducts an investigation into the alleged misuse of benefits.

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Date: **Transmittal:** UP-xx-x **6530.35 page 2**

Section: **Benefit Issuance** **Type:** **POLICY**

Chapter: **Benefit Replacement** **Program:** **AFDC
AABD
MA**

Subject: **Misuse of Benefits By a Protective Payee**

6530.35 C. Investigations (continued)

2. The protective payee is given the opportunity to refute the allegation or to make available the benefits in question.
3. The investigation is completed within 30 days of the date that the Department becomes aware of the alleged misuse of benefits.

D. Authorization of Replacement Benefits

1. Replacement benefits are authorized if:
 - a. the protective payee fails to produce evidence that refutes the allegation of misuse; and
 - b. evidence gathered during the investigation supports the allegation of misuse; and
 - c. it is determined that the protective payee acted without the knowledge and approval of the assistance unit.
2. Replacement benefits are issued directly to the head of the assistance unit or to a newly appointed protective payee in the form of a check or:
 - a. directly deposited into a personal bank account; or
 - b. deposited into an electronic benefits transfer account.

E. Limitations

Replacement benefits are authorized only for that portion of the cash payment that is misspent or is [inaccessible] unavailable.

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Date: 01-01-07

Transmittal: UP-07-07

7505.15

Section:

Recovery

Type:

POLICY

Chapter:

Recovery by Assignment or Security Mortgage

Program:

**AFDC
AABD**

Subject:

Security Mortgages

7505.15 A. Sole Ownerships

1. If the assistance unit owns non-home property out-of-state which is being temporarily excluded for up to nine months, the unit must grant the Department a security mortgage against such property while continuing to make a good faith effort to sell (Cross reference: Section 4020, Excluded Assets).
2. If the unit sells the property within nine months subsequent to the effective date of assistance, the amount of the Department's claim is equal to the least of the following amounts:
 - a. the amount of assistance rendered to or on behalf of the assistance unit during this time period; or
 - b. the net proceeds from the sale; or
 - c. zero, if the net proceeds from the sale, combined with the unit's other counted assets, are less than the program asset limit.
3. If the assistance unit does not sell the property by the end of the nine month period, the unit is ineligible for additional benefits for as long as it continues to own the property. The amount of the Department's claim is equal to the amount of assistance rendered to or on behalf of the unit during the nine months.
4. If the assistance unit becomes ineligible for assistance for any other reason during the nine month disposal period, all payments made to the unit by the Department covering this period are considered overpayments, and subject to recovery.

B. Joint Ownership

1. If the assistance unit is a co-owner of out-of-state non-home property, the unit must grant the Department a security mortgage against its share of the property.

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Section:

Recovery

Type:

POLICY

Chapter:

Recovery by Assignment or Security Mortgage

Program:

**AFDC
AABD**

Subject:

Security Mortgages

7505.15 B. 1. Joint Ownership (continued)

- a. There is no time limit by which the unit must sell such property if the sale is contingent upon the cooperation of the co-owner.
- b. The amount of the Department's claim against the property is equal to the least of the following amounts:
 - (1) the amount of financial assistance rendered to the assistance unit while it was a holder of the property; or
 - (2) the net proceeds from the unit's share of the property upon its sale; or
 - (3) zero, if the unit's net proceeds from the sale, combined with the unit's other counted assets, are less than the program asset limit.
2. As described in Section 4015, equity in jointly-owned non-home property is inaccessible if the co-owner is either unwilling or unable to buy the unit's share, and the property cannot otherwise be subdivided.
3. Equity in the property is not considered inaccessible to the assistance unit if the co-owners consist only of:
 - a. assistance unit members; or
 - b. assistance unit members and their spouses who live with the unit.
4. If appropriate, the Department requires the assistance unit to cooperate in forcing a partition sale of non-home property, so that the unit can gain access to its share of equity in the property.

C. Home Property Repairs-AFDC

If the Department pays for any property repairs on the assistance unit's home property, the Department's claim, which is equal to the amount paid for the repairs, is secured by a lien. (Cross Reference: Section 9000, Special Benefits).

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Date: **Transmittal: UP-xx-xx** **8070.35**

Section: **Special Programs** **Type:**
POLICY

Chapter: **Connecticut Assistance For Organ Transplant Recipients** **Program:**
ConnTRANS

Subject:
Treatment of Income

8070.35 A. General Principles

1. The rules governing the treatment of income in ConnTRANS are the same as under the AFDC program with respect to:
 - [a. inaccessible income; and]
 - [b.] a. excluded income; and
 - [c.] b. applied income, which, under ConnTRANS, consists of gross income minus insurance premiums.
2. Income is deemed to the individual only from the following persons living with him or her:
 - a. spouse;
 - b. parents if the individual is under age 18;
 - c. children of the individual if they are under age 18 and do not receive SSI.

B. Consideration of Income and Deductions

1. Income consists of gross unearned and earned income received or expected to be received during the certification period.
2. Health insurance premiums incurred by the individual or any person listed in paragraph A.2. are deducted from gross income in the eligibility determination.

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Date: **Transmittal: UP-XX-XX** **8070.40**

Section: **Type:**
Special Programs **POLICY**

Chapter: **Program:**
Connecticut Assistance For Organ Transplant Recipients **ConnTRANS**

Subject:
Treatment of Assets

8070.40

A. Assets include the following liquid assets:

1. cash on hand;
2. bank accounts;
3. stocks;
4. bonds;
5. mutual funds.

B. Assets include those of the following individuals with whom the individual lives:

- a. spouse; and
- b. parents, if the individual is under age 18; and
- c. children of the individual if they are under age 18 and do not receive SSI.

C. Joint Ownership

When the applicant or recipient or his or her family member as defined in this section jointly own an asset with another person, the applicant or recipient or the family member is the sole legal owner of the asset and the full value of the asset counts toward the asset limit unless the applicant or recipient can provide clear and convincing evidence that the other person is the legal owner. (Cross Reference: Section 4000)

[D. Inaccessible Assets

The Department does not count inaccessible assets for the time period that they are considered inaccessible. (Cross Reference 4015)]

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Date: **Transmittal: UP-xx-xx** **8560.15**

Section: **Jobs First** **Type:**
POLICY

Chapter: **Treatment of Income** **Program:**
TFA

Subject:
Deemed Income

8560.15 A. General Principles

1. In addition to the income received by a member of the assistance unit, the Department deems some income received by people who are not members of the assistance unit as available to the assistance unit in certain situations.
2. If the individual is a recipient of TFA, AABD, SSI, General Assistance or SAGA, none of his or her income is deemed to a separate TFA unit (Cross Reference: 8540.25).
3. Income from a recipient of federal, state, or local foster care maintenance payments or adoption assistance payments is not deemed to a TFA assistance unit.
4. Different methods of deeming are used for different groups and based on different factors as described in this subject. The following is a list of the different groups:
 - a. parents, stepparents and spouses of dependent children;
 - b. sponsors of non-citizens who entered the U.S. on or after August 22, 1996;
 - c. spouses of non-parent caretaker relatives;
 - d. disqualified parents of dependent children;
 - e. spouses of pregnant women and ineligible non-citizens.

B. Parents, Step-Parents, and Spouses of Dependent Children

1. The Department uses this method to deem income of the following individuals who live with the assistance unit, but are not members of the assistance unit:
 - a. the parents of a minor parent, including the parents of a minor pregnant woman; and

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Chapter: **Treatment of Income** **Program: TFA**

Subject:
Deemed Income

8560.15 B. Parents, Stepparents, and Spouses of Dependent Children (continued)

- b. a step-parent of a dependent child in the assistance unit including a spouse of a pregnant woman who will be the step-parent when the child is born; and
 - c. a spouse of a dependent child in the assistance unit.
2. The amount of income deemed from these individuals is calculated in the following manner:
- a. Income that would be excluded from assistance unit members are excluded from the income of this group.
 - b. Self-employment earnings are adjusted to a gross earned amount by subtracting the applicable self-employment expenses. (cross reference: 8560.10)
 - c. The adjusted gross earnings plus countable unearned income are compared to the Federal Poverty Level for the individual and all others who could be claimed as legal tax dependents who are not part of the cash assistance unit.
 - d. Income in excess of the Federal Poverty Level is deemed to the assistance unit both for the purpose of determining eligibility and the purpose of calculating benefits.
- C. Sponsors of Non-Citizens Who Entered the U.S. on or after August 22, 1996 and Executed the Revised Affidavit of Support (I-864) or the Contract Between Sponsor and Household Member (I-864A)
1. The Department deems the income of non-citizen's sponsor and the sponsor's spouse, if the spouse signed the Revised Affidavit or the Contract Between Sponsor and Household Member, to the non-citizen under the following circumstances:
- a. the sponsor and the sponsor's spouse are not members of the same assistance unit as the non-citizen; and

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8560.15 C. Sponsors of Non-Citizens Who Entered the U.S. on or after August 22, 1996 and Executed the Revised Affidavit of Support (I-864) or the Contract Between Sponsor and Household Member (I-864A)
(continued)

- b. the sponsor and the sponsor's spouse have executed a Revised Affidavit of Support (I-864) or the Contract Between Sponsor and Household Member (I-864A) pursuant to 8 U. S.C. 1183a (a) (section 423 of the Personal Responsibility and Work Opportunity Act of 1996, amending Title II of the Immigration and Nationality Act by adding section 213A), on behalf of the non-citizen; and
- c. the sponsor is an individual rather than an institution; and
- d. the non-citizen must have a sponsor under USCIS rules; and
- e. none of the exceptions set forth in Paragraph E.1 of this section are applicable.

2. The Department deems income in accordance with Paragraph C.1 of this section, whether or not the sponsor lives with the non-citizen.

3. The Department deems the income in accordance with Paragraph C.1 of this section until one of the following events occurs:

- a. the non-citizen becomes a citizen of United States; or
- b. the non-citizen works 40 qualifying quarters, as defined under Title II of the Social Security Act; or

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8560.15 C. Sponsor's of Non-Citizens Entering the U.S. on or after August 22, 1996 and Subsequent to the Implementation of the Revised Affidavit of Support (I-864) or the Contract Between Sponsor and Household Member (I-864A)
(continued)

c. the non-citizen is credited for having worked 40 qualifying if, beginning January 1, 1997, the qualifying quarters were worked when the non-citizen did not receive any federal means-tested public benefit, and either:

- (1) the qualifying quarters were worked by a parent of such non-citizen while the non-citizen was under 18 years of age; or
- (2) the qualifying quarters were worked by a spouse of such non-citizen during the couple's marriage and the non-citizen remains married to such spouse or such spouse is deceased; or

d. the sponsor or the non-citizen dies.

D. Computation of the Amount of Deemed Income

The amount of income deemed from a sponsor and the sponsor's spouse is calculated in the following manner:

1. Income which is excluded from consideration for assistance unit members is excluded from the sponsor's income;
2. self-employment earnings are adjusted by subtracting the applicable self-employment expenses;
3. the gross monthly earned income amount is reduced by 20% to allow for personal work expenses;

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8560.15 D. Computation of the Amount of Deemed Income (continued)

4. the remaining earnings plus gross unearned income is totaled and reduced by the Supplemental Nutrition Assistance Program Gross Income Limit as determined by the family size of the sponsor and any other person who is claimed or could be claimed by the sponsor or sponsor's spouse as a dependent for federal income tax purposes;
5. this amount is prorated for the non-citizen if the sponsor is also sponsoring other non-citizens; and
6. this amount is deemed to the assistance unit as unearned income to determine the non-citizen's eligibility.
7. In addition to the amount deemed, any amount in excess of the deemed amount which is paid by the sponsor to each non-citizen is also counted as unearned income.

E. Exceptions to Deeming

The Department does not deem income of the non-citizen's sponsor and the sponsor's spouse to the non-citizen under the following circumstances:

1. Indigence

- a. The non-citizen may be considered indigent and exempt from the deeming requirement if the following criteria are met:

- (1) the non-citizen does not have enough money to buy food and maintain a place to live without assistance from the Department based on:

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8560.15 E. Exceptions to Deeming (continued)

- (a) the total of the non-citizen's income and income-in-kind is less than the Supplemental Nutrition Assistance Program Gross Income Limit for his or her household size; or
 - (b) the non-citizen is living in an institution or in rated housing; and
 - (c) the non-citizen is applying for or receiving benefits under any Medicaid Home and Community Based waiver program; and
- (2) the non-citizen's sponsor is not providing both free room and free board to the non-citizen; and
- (3) the non-citizen lives apart from the sponsor, except as outlined in section 8560.15 E.1.a.(1)(c).
- b. If a non-citizen meets the criteria in Paragraph E.1.a, the non-citizen shall indicate, in writing, whether he or she wants the Department to apply the indigence exception to the non-citizen's application for benefits.
- (1) If the non-citizen does not want the Department to apply the indigence exception, the income of the sponsor shall be deemed to the non-citizen.

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8560.15 E. Exceptions to Deeming (continued)

- (2) If the non-citizen wants the Department to apply the indigence exception, the Department shall not deem the sponsor's income to the non-citizen. The Department shall notify the United States Attorney General of the name and address of the non-citizen and the name and address of the sponsor.

2. Battery or Extreme Cruelty

- a. If the non-citizen, the non-citizen's child or the parent of the non-citizen child has been battered or subjected to extreme cruelty in the United States, the non-citizen is exempt from the deeming requirement, if the following conditions are met:
 - (1) the Department determines that the battery or extreme cruelty has a substantial connection to the need for assistance from the Department; and
 - (2) the individual responsible for the battery or extreme cruelty was residing in the same household or assistance unit as the individual subjected to the battery or extreme cruelty, at the time that the battery or extreme cruelty occurred and these individuals no longer reside together; and
 - (3) the non-citizen has been battered or subjected to extreme cruelty by his or her spouse or parent, or by a member of the spouse's or parent's family residing in the same household as the non-citizen and the spouse or parent consented to or acquiesced in such battery or extreme cruelty; or

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8560.15 E. Exceptions to Deeming (continued)

- (4) the non-citizen's child has been battered or subjected to extreme cruelty by the non-citizen's spouse or parent (without the non-citizen's active participation) or by a member of the non-citizen spouse's or parent's family residing in the same household as the non-citizen when the spouse or parent consented to or acquiesced in the battery or extreme cruelty and the non-citizen did not actively participate in the battery or extreme cruelty; or
 - (5) the non-citizen is a child whose parent, who resides in the same household as the non-citizen child, has been battered or subjected to extreme cruelty by that parent's spouse or by a member of the spouse's family residing in the same household as the parent and the spouse consented to or acquiesced in such battery or extreme cruelty.
- b. After the initial 12-month period, the exception to deeming shall be extended if the non-citizen establishes to the Department that:
- (1) the battery or extreme cruelty referenced in Paragraph E.2.a has been recognized in an order of a judge or in a prior determination by the USCIS; and
 - (2) such battery or extreme cruelty has a substantial connection to the need for which the non-citizen has applied.
- c. A substantial connection, as referenced in Paragraphs E.2.a.(1) and E.2.b.(2), is met, if the non-citizen needs benefits for any of the following reasons:

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8560.15 E. Exceptions to Deeming (continued)

- (1) to become self-sufficient; or
- (2) to escape and ensure safety from the abuser; or
- (3) due to separation and loss of financial support from the abuser; or
- (4) due to the non-citizen's job loss; or
- (5) benefits are needed due to becoming disabled due to abuse and needing medical attention or mental health counseling; or
- (6) to alleviate nutritional risk or need resulting from abuse or following the separation; or
- (7) to replace medical coverage that existed when living with the abuser; or
- (8) the applicant's ability to care for his or her children has been negatively affected; or
- (9) for medical care during a pregnancy that resulted from the abuser's sexual assault or abuse or medical care for any resulting children; or
- (10) other circumstances exist, due to the battery or extreme cruelty, that result in the continued need for departmental assistance.

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8560.15 E. Exceptions to Deeming (continued)

3. Good Cause

The Department recognizes that, due to extenuating circumstances, there may be good cause for the non-citizen to be unable to provide accurate and complete information to the Department concerning the sponsor's assets. For the purpose of this section, except in situations where the non-citizen and the sponsor live together, if the non-citizen establishes that any one of the following circumstances exists, the Department will not deem the income of the sponsor to the non-citizen.

- a. despite good-faith efforts by the non-citizen to obtain accurate and complete information from the sponsor, the sponsor refuses or repeatedly fails to provide information to the non-citizen concerning the sponsor's income; or
- b. the non-citizen has a physical or mental illness or disability that limits his or her ability to provide accurate and complete information to the Department; or
- c. the current whereabouts of the sponsor is unknown; or
- d. there are exceptional circumstances that prevent the non-citizen from obtaining information from the sponsor, as approved by the Commissioner or the Commissioner's designee.

F. Spouses of Non-Parent Caretaker Relatives

- 1. The Department uses this method to determine the amount of income deemed from spouses of non-parent caretaker relatives (NPCR) under the following circumstances:

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8560.015 F. Spouses of Non-Parent Caretaker Relatives (continued)

- a. the non-parent caretaker relative requests assistance on his or her own behalf; and
 - b. the spouse lives with the assistance unit.
2. The amount of income deemed from the spouse is calculated as follows:
- a. Income that would be excluded from consideration for an assistance unit member is excluded from the income of the spouse of the non-parent caretaker relative.
 - b. The earned income of the caretaker relative's spouse is reduced by the expenses of self-employment, if applicable (Cross reference: 8560.10).
 - c. \$90 is deducted from gross earned income for personal expenses.
 - d. The remaining earnings are added to the spouse's unearned income.
 - e. An amount is subtracted equivalent to the Standard of Need that corresponds to the following:
 - (1) spouse of non-parent caretaker relative; and
 - (2) all others living in the spouse's home who meet the following criteria:
 - (a) they do not have their needs considered in the determination of eligibility for TFA; and

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Chapter: **Treatment of Income** **Program: TFA**

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8560.15 F. Spouses of Non-Parent Caretaker Relatives (continued)

- (b) they have not been disqualified from receiving TFA; and
- (c) they are or could be claimed by the spouse as legal tax dependent disregard.
- f. The remaining total is further reduced by alimony and child support payments made by the spouse.
- g. Any remaining income is deemed to determine eligibility and to calculate benefits of the assistance unit, if the non-parent caretaker relative is added to the assistance unit.

G. Disqualified Parents of Dependent Children

- 1. The Department uses this method to determine the amount of income deemed from parents of a dependent child when the parent lives with the child but the parent is disqualified from receiving TFA benefits on his or her own behalf for any of the following reasons:
 - a. fraudulently collecting assistance from two or more states at the same time (Cross Reference: 8540.50); or
 - b. failing to disclose a Social Security number (Cross Reference: 8540.60); or
 - c. refusing to assign interest in a decedent estate or the proceeds of a cause of action (Cross Reference: 8585.10); or
 - d. refusing to pursue [inaccessible] potential assets (Cross Reference: [8550.15] 8550.10); or

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Deemed Income

8560.15 G. Disqualified Parents of Dependent Children (continued)

- e. delaying or failing to report a child's absence from the home (Cross Reference: 8540.30); or
 - f. committing an intentional recipient error in the TFA program (Cross Reference: 8580.70); or
 - g. being a convicted drug felon, a fleeing felon or a parole or probation violator (Cross Reference: 8540.20).
2. This method does not apply to parents who are ineligible due to not meeting the citizen requirements as described at 8540.40. Income from parents who are ineligible non-citizens are treated in accordance with method described in sub-section H, below.
3. The income of the disqualified parent is deemed to the assistance unit for purposes of determining eligibility and calculating benefits. This amount of income deemed to the assistance unit from these individuals is determined as follows:
- a. Income that would be excluded for unit members is also excluded from the disqualified person's income;
 - b. Unearned income is considered to be totally available without any disregards;
 - c. Earned income is considered available subject only to a deduction for any applicable self-employment expenses which are allowed in accordance with provisions of 8560.10.

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Chapter: **Treatment of Income** **Program:** **TFA**

Subject:
Deemed Income

8560.15 H. Spouses of Pregnant Women and Ineligible Non-Citizens

1. Spouses of Pregnant Women

- a. The Department uses this method to determine the amount of income to deem from a spouse living with a pregnant woman with no children receiving assistance when the spouse is the father of the unborn child, but evidence can be presented and a determination will be made if the applicant has successfully rebutted the presumption of legitimacy.
- b. This method is not used when the spouse is not the father of the unborn child. In that case, the method for deeming from a stepparent, as described in sub-section B of this section, is used.
- c. These spouses are members of the needs group for determining the assistance unit's eligibility

2. Parents Who are Ineligible Non-Citizens

This method is also used to determine the amount of income to deem from a parent of a dependent child when the parent is ineligible for assistance because he or she does not meet the citizenship requirements (Cross Reference: 8540.40).

3. Deeming Method

- a. The amount deemed in determining the assistance unit's eligibility is calculated as follows:
 - (1) income that would be excluded from consideration for assistance unit members is excluded from the spouse's income;

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8560.15 H. Spouses of Pregnant Women and Ineligible Non-Citizens (continued)

- (2) earned income is reduced by:
 - (a) self-employment expenses, if any; and
 - (b) a deduction for personal employment expenses; and
 - (c) a deduction of day care expenses;
 - (3) the remaining earned income is added to all unearned income;
 - (4) the total of the combined earned and unearned income are deemed as being available to the assistance unit for the purpose of determining the unit's eligibility for assistance.
- b. The amount of income deemed in calculating benefits is determined in the following manner:
- (1) from the total of net earned and unearned income, an amount is subtracted equivalent to the Standard Of Need that corresponds to the following:
 - (a) the individual from whom the income is deemed; and
 - (b) all others living in the assistance unit's home who do not have their needs considered in the determination of eligibility for TFA; and have not been disqualified from receiving TFA; and are or could be claimed by the individual as legal tax dependents:

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8560.15 H. Spouses of Pregnant Women and Ineligible Non-Citizens (continued)

- (2) the remaining total of the income is further reduced by actual payments for alimony and child support made by the individual.
- (3) the income which remains is deemed to calculate benefits for the assistance unit.

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Date: **Transmittal: UP-xx-x** **8570.55**

Section: **Jobs First** **Type:**
POLICY

Chapter: **Benefit Issuance** **Program:**
TFA

Subject:
Replacement of Benefits Misused By a Protective Payee

8570.55 A. What Constitutes Misuse

Benefits have been misused by the protective payee if:

1. benefits issued on behalf of the assistance unit have been withheld or used by the payee for a purpose other than to meet the financial obligations of the assistance unit; and
2. the benefits are not [accessible] available to the assistance unit; and
3. the payee acted without the knowledge and approval of the assistance unit.

B. Investigating and Documenting the Allegation

1. Allegations of misuse of benefits by a protective payee must be documented in a sworn statement.
2. The Department conducts an investigation into the alleged misuse of benefits.
3. The protective payee is given the opportunity to refute the allegation or to make available the benefits in question.

C. Authorization of Replacement Benefits

1. Replacement benefits are authorized if:
 - a. the protective payee fails to produce evidence that refutes the allegation of misuse; and
 - b. evidence gathered during the investigation supports the allegation of misuse; and
 - c. it is determined that the protective payee acted without the knowledge and approval of the assistance unit in spending money in ways other than on behalf of the assistance unit.
2. Replacement benefits are issued directly to the assistance unit or to a newly appointed protective payee.

D. Limitations

Replacement benefits are authorized only for that portion of the cash payment that is misspent or is [inaccessible] unavailable.