DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

Division of Social Services

4000 Financial Responsibility

4001 Family Budget Group

Assume there is no income.

Family budget group is the total number of persons whose needs and income are budgeted together. This will always include the following:

1. Married and civil union couples if they live together and are both eligible for a grant.
2. Couples who do not have legally recognized marriages/civil unions but who live together as husband and wife or spouses and are both eligible for a grant.

   NOTE: In GA, couples will be considered as living together as husband and wife if:

   a. They say they are joined by a civil union or marriage even if the marriage/civil union cannot be verified, or
   b. They are recognized as parties to a civil union, spouses, or husband and wife in the community, or
   c. One partner uses the other's last name, or
   d. They state they intend to marry/join in a civil union, or
   e. They jointly hold resources.
3. Parents and their eligible children.

   Family budget groups will consist of more than one assistance unit when all budget group members are not placed in the same assistance unit. In those instances, the need standard for the family cannot exceed the TANF need standard for the budget group size as specified in Section 4007.2. (See DSSM 3028 for a definition of an assistance unit)

   In households that include a caretaker, the caretaker's children and other children that are the caretaker's responsibility, the caretaker's needs and income and those of his/her children are always budgeted together. The needs and income of any other children in the home will be considered separately. In these situations, the separate budget groups can be combined to form a single family budget group only when the following conditions are met:

   A. Assistance would be denied to any of the recipients by maintaining separate budget groups.
   B. The caretaker understands the implications of combining the budget groups (i.e., lower assistance payments.) and chooses to have his/her needs and income and those of his/her children considered with the needs and income of any other children in the home.

   14 DE Reg. 316 (10/01/10)

   15 DE Reg. 1498 (04/01/12)

4001.1 Examples to Illustrate Rules Regarding Budget Groups.

1. Mr. and Mrs. Brown apply for assistance for themselves, their two (2) children, and Mrs. Brown's niece. Mr. Brown is ill and unable to work. (Refer to A-18-99 for more details)

Mr. and Mrs. Brown are eligible for TANF and are placed in one budget group with their two (2) children. Mrs. Brown's niece is eligible for TANF and is placed in another budget group with Mrs. Brown as payee. The Browns with their children receive an TANF grant for four (4) people. Mrs. Brown's niece receives a TANF grant for one (l) person.

2. Ms. Lord is applying for herself, her child and her niece and nephew who are sister and brother.

Ms. Lord and her child are eligible for TANF and are in one budget group. Ms. Lord's niece and nephew are eligible for TANF and placed in another budget group.

<u>NOTE</u>:When income is included in any of the above situations, it is possible that some of the recipients would be denied by maintaining separate budget groups, but all recipients could remain eligible if the groups are combined. In those situations the budget groups can be combined if the caretaker so chooses.

(Refer to Administrative Notice A-18-99 for more details.)

14 DE Reg. 304 (10/01/10)

4002 Resources

4002.1 Potential Resources

Potential resources are resources that a client has claim to, but that the client does not directly possess. Examples of potential resources include a pending claim for RSDI, UC, or insurance benefits, an inheritance that has not been through probate, or a pending property settlement that is the result of a divorce action.

The following individuals must apply for Unemployment Compensation (UC):

- Individuals whose hours are reduced by their employers; or
- Individuals laid off by their employers.

These individuals must cooperate with the Department of Labor to determine if they are eligible for UC. Usually, the individual must keep two (2) appointments with DOL before their UC claim is processed.

When the Division learns that a client has a potential resource, the worker will establish when the resource will become available and set a control to monitor its availability. The client is required to apply for potential resources and accept them as they become available.

When the potential resource becomes available to the client, DSS will redetermine financial eligibility and make appropriate case changes.

All potential resources and the time of their future availability must be documented in the case record.

Interest or dividends from a potential resource that is not yet available is counted as income.

Accrued vacation and/or sick leave is treated as a potential resource when an applicant or recipient requests a leave of absence from employment for a specific period of time. The eligibility worker must request verification of the availability of payment for accrued leave time and require that the client take steps to receive the payment if it is available. The income when received will be treated as earned income if it is paid as a wage. It will be treated as unearned income if it is paid as a disability benefit through an insurance company.

4002.2 Available Resources

Any income or resource which a client actually has on hand for immediate use is an available resource. Examples are, cash on hand, checking accounts, any form of savings or bank accounts, State and Federal Income Tax Refunds.

Savings:

The special Education and Business Investment Accounts are not counted as available resources unless withdrawals are made for non-approved purposes. See DSSM 4002.5 #14.

A family budget group is not eligible for General Assistance if its available resources exceed $1,000.00.

A family budget group is not eligible for TANF if its available resources exceed $10,000.00.

Available resources must be documented in the case record.

13 DE Reg. 663 (11/01/09)

4002.3 Jointly Held Resources

The entire value of a jointly held resource is attributable to the public assistance applicant or recipient, unless the applicant or recipient can verify that the resource is not accessible to him/her.

<u>EXAMPLE</u>: A car is registered under the names of a husband and wife. If the couple separate and one partner keeps the car, the car is not accessible to the other partner.

This does not apply to bank or other financial accounts in which two names appear on the account, but one is held in trust for another.

4002.4 Resources Held on Behalf of Others

Resources held in the name of a client as the legal guardian, legal representative, next of kin of a minor child (other than his own or adopted child), or as holding power of attorney for another will not be considered as a resource to the client provided that the resource is so listed as to indicate that he is acting on behalf of another person.

4002.5 Excluded Resources

The equity value of real and personal property owned by a family budget group cannot exceed $10,000.00 for TANF cases or $1,000.00 for General Assistance cases. Resources excluded from the resource limitation are:

1. The home which is the usual residence of the family budget group.
2. Automobiles:

   An automobile is defined as any motorized vehicle used:

   A. for transportation via public roadways or
   B. to produce income.

   The automobiles owned by members of a cash assistance household are disregarded
3. One burial plot for each member of the assistance unit.
4. Bona fide funeral agreements (e.g., pre paid burial contracts) up to a total of $1,500.00 for each member of the budget group.

NOTE:If a funeral agreement valued in excess of $1,500.00 includes both prepaid burial expenses and a burial plot, the worker will require that the client provide an itemized statement of the estimated value of the plot and the expenses. The value of the burial plot is an excluded resource and will be considered separately from the value of the prepaid expenses.

5. Basic maintenance items essential for day-to-day living such as clothes, furniture, and other similarly essential items.
6. For a period not to exceed six months, real property that is not used as a residence (see DSSM 4002.6).
7. Tools and equipment necessary to produce income in a self employment enterprise, even if the owner is not engaged in business currently, but plans to continue it at a future date.
8. Federal major disaster and emergency assistance provided to individuals and families and comparable disaster assistance provided by State, local governments, and disaster assistance organizations under P.L. 100 707.

"**Emergency**" means any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.

"**Major Disaster**" means any natural catastrophe...which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance to supplement the efforts of available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

9. Restitution made to United States' citizens and permanent resident aliens of Japanese ancestry who were interned during World War II pursuant to Title I of P.L. 100 383.
10. Restitution made by any Aleut who was relocated by authority of the United States from his or her home village on the Pribilof Islands or the Aleutian Islands during World War II pursuant to Title II of P.L. 100 383.
11. Payments made from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.).
12. All federal income tax refunds, including Earned Income Tax Credits (EITC).

    The refund is disregarded regardless of whether the refund is a result of a refundable credit, over withholding, or both.

    Federal tax refunds received during the previous 12 month period by any case member are disregarded.
13. Cash Value of Life Insurance Policies
14. The designated Education and Business Investment Account (EBIA) is excluded up to the $5,000.00 maximum. In addition to the current resource limit, Delaware's Temporary Assistance For Needy Families Program (TANF" and General Assistance (GA) Program families will be allowed to establish special Education and Business Investment Accounts (EBIA) of up to $5000.00, including interest.

Do not consider funds in such accounts as a resource for TANF, GA or food benefit purposes. Withdrawals from such accounts must be for approved purposes. If funds are withdrawn for non-approved purposes, count the money as a resource in the month received. Approved reasons for withdrawal of funds for self-sufficiency needs include education expenses, employment start-up needs, entrepreneurship, and to purchase a vehicle or home. If staff is unsure if the withdrawal meets an approved purpose, contact the Policy Unit for clarification.

Furthermore, a Saving for Education, Entrepreneurship and Downpayment (SEED) account is considered an EBIA account and is excluded up to the $5000.00 limit.

9 DE Reg. 1374 (03/01/06)

13 DE Reg. 663 (11/01/09)

14 DE Reg. 1366 (06/01/11)

4002.6 Disposal of Real Property

Real property that is not used as a residence is excluded as a resource for a period not to exceed six months if the following conditions are met:

1. The family is making a good faith effort to sell the property. This effort must be documented in the case record. Examples of acceptable documentation include a current newspaper sales advertisement, or a current sales contract with a real estate firm; and
2. The family signs Form 212, an agreement to dispose of the property and to repay the assistance received during the exemption period.

The amount of assistance that must be repaid after the property is sold is determined as follows:

1. Compare the net proceeds of the sale plus the value of other countable resources available at the time the exemption period began to the program resource limit.
2. If the amount is less than $1,000 for GA, or $10,000.00 for TANF, there is no overpayment.
3. If the amount is more than the program resource limit, the amount of the proceeds that is in excess of the resource limit is recovered as an overpayment. Note: The amount recovered cannot exceed the assistance that was received. Any proceeds in excess of the amount to be recovered are considered as an available resource to the family.
4. If the property is not sold within six months, the assistance case must be closed. All the assistance payments are overpayments.
5. If the assistance case is closed for some other reason during the six- month exemption period and the property has not been sold, all payments are overpayments.

NOTE: The exemption period runs for six calendar months. If the assistance case closes and the client reapplies during this period, the exemption will continue for the remainder of the initial six- month period.

13 DE Reg. 663 (11/01/09)

4002.7 Transfer of Resources

Any individual who transfers a resource valued at more than $500 without fair market consideration is ineligible for TANF or GA for two (2) years from the date of the transfer.

4003 Income

Income is any type of money payment that is of gain or benefit to a family. Income is either counted or excluded in the budgeting process.

A family's countable income less disregards is subtracted from the applicable standard of need to determine the amount of the assistance grant.

All countable income must be documented in the case record. (Information obtained through IEVS on UC and RSDI benefits is verified. No other documentation is needed in the case record. See DSSM 2013.5 regarding special processing instructions for applicants claiming RSDI benefits.)

4003.1 Casual and Inconsequential Income

Income which is casual and inconsequential will not be considered as available income. Casual or inconsequential income is defined as income which is under $30 per recipient per calendar quarter, non- recurrent, and usually unpredictable, such as a holiday, birthday, or graduation gift. The income from a gift can be divided among the members of the budget group if the recipient of the gift claims it was intended for all of the group members.

<u>EXAMPLE</u>: Mrs. Jones receives a $150 Christmas gift. The gift is intended to be used for Mrs. Jones and her four (4) children who receive TANF. All of this income can be disregarded since it does not exceed $30 per recipient when divided among the TANF budget group members.

4003.2 Budgeting Income of a Payee Only Parent

All of the income of a parent who lives in the home and who is not a recipient of TANF, GA, or SSI, but whose child receives TANF or GA is attributable to the child and budgeted. Disregards are deducted from the parents' income.

4004 Earned Income

Earned income is the money an individual receives in return for work he/she performs. Earned income entitles the earner, who is a member of an assistance unit, to deductions that are not allowed for unearned income.

4004.1 Sources of Earned Income

1. Wages - Gross earnings paid to the employee before deductions for taxes, FICA, insurance, etc. are counted. Sick pay or vacation pay is considered as a wage as long as it is paid as a wage. If sick pay is paid through an insurance company as disability pay, it is considered unearned income.

NOTE: Earnings paid to employees under contract are averaged over the number of months covered by the contract.

EXAMPLE: A teacher is under contract for a full calendar year, but may choose to collect his pay during the school year. His wages for public assistance purposes are budgeted over the full year.

2. Self-employment – Gross earned income from self-employment is determined by subtracting business expenses (supplies, equipment, etc.) from gross proceeds. The individual's personal expenses (lunch, transportation, income tax, etc.) are not deducted as business expenses but are deducted by using the standard allowance for work connected expenses (See DSSM 4004.2 and 4004.3).

Self-Employment Standard Deduction for Producing Income

The cost for producing income is a standard deduction of the gross income. This standard deduction is a percentage of the gross income determined annually and listed in the Cost-of-Living Adjustment (COLA) notice each October.

The standard deduction is considered the cost to produce income. The gross income test is applied after the standard deduction. The earned income deductions are then applied to the net self-employment income and any other earned income in the household.

The standard deduction applies to all self-employed households with costs to produce income. To receive the standard deduction, the self-employed household must provide and verify it has business costs to produce income. The verifications can include, but are not limited to, tax records, ledgers, business records, receipts, check receipts, and business statements. The self-employed household does not have to verify all its business costs to receive the standard deduction.

Self-employed households not claiming or verifying any costs to produce income will not receive the standard deduction.

The self-employment standard deduction will be reviewed annually to determine if an adjustment in the percentage amount is needed.

9 DE Reg. 564 (10/01/05)

4004.2 Earned Income Disregards in TANF

The following disregards are deducted from gross earned income in the TANF budgeting process. Disregards are applied to each earner's wages. (See Section 4008.)

1. Standard allowance for work connected expenses - $90.00.
2. The $30 plus 1/3 disregard. This disregard allows the deduction of $30 plus 1/3 of the remaining earned income after the standard allowance for work connected expenses is subtracted.

The $30 plus 1/3 disregard is applied to earned income for four (4) consecutive months. If TANF benefits end or employment ends before the fourth month, the earner is eligible for the disregard for four (4) additional months upon reapplication or re-employment.

When a case suspends for one (1) month because the earner received an extra paycheck, the month of suspension does not count as one of the four (4) consecutive months. The count picks up when the case is reinstated.

EXAMPLE:A case is budgeted in May and June with $30 plus 1/3 disregard. In July, the case is suspended because of an extra paycheck. In August, the case is reinstated and the $30 plus 1/3 disregard is again applied. August is the third month of the four (4) consecutive months.

When an earner's wages are so low ($90 or less in the month) that the income is zero before any part of the $30 plus 1/3 disregard can be applied, that month does not count as one of the four (4) consecutive months and the earner is eligible for the disregard for four (4) additional months.

EXAMPLE:A case is budgeted in May and June with the $30 plus 1/3 disregard. In July, the client earns $75. In August, the client earns $120. August is the first month of the four (4) consecutive months of the $30 plus 1/3.

3. The $30 disregard. After the $30 plus 1/3 disregard has been applied for four (4) consecutive months, the 1/3 disregard is removed from the budget. The $30 disregard continues to be deducted from earned income for the eight (8) months. The $30 disregard is not repeated if an individual stops working or TANF benefits end before the completion of the eight (8) months. If benefits end and the client reapplies, the $30 disregard from earned income is continued until the end of the original eight (8) months.

Unlike the $30 plus 1/3 disregard which is dependent upon the client having sufficient earned income and being a TANF recipient, the $30 disregard is for a specific time period. This time period begins when the $30 plus 1/3 disregard ends and is not dependent upon the client having earned income or receiving TANF.

NOTE:When an earner has received the $30 plus 1/3 disregard in four (4) consecutive months and the $30 deduction has been available for eight (8) additional months, neither disregard can be applied to earned income until the individual has not received TANF benefits for twelve (12) months.

4. Dependent care expenses as paid up to $200 per month per dependent child under age two (2) and up to $175 per month per dependent child or incapacitated adult. The dependent child or incapacitated adult must be living in the home and receiving TANF for the earner to receive this deduction.

4004.3 Earned Income Disregards in GA

The following disregards are deducted from gross earned income in the GA budgeting process. Disregards are applied to each earner's wages.

1. Standard allowance for work connected expenses - $50.

14 DE Reg. 304 (10/01/10)

4004.4 Earned Income Disregards - Reducing Employment

Earned income disregards (the standard allowance for work expenses, dependent care costs, "$30.00 & 1/3", and $30.00 disregard) are not deducted from earnings when a recipient quits a job without good cause, or reduces earnings without good cause. The month in which disregards are not deducted counts as one of the four (4) consecutive months if the individual would have been eligible for the "$30.00 & 1/3" disregard.

Good cause for reducing earnings includes circumstances beyond the individual's control such as, but not limited to illness, illness of another family member requiring the wage earner's presence, a household emergency, the unavailability of transportation, or the lack of adequate child care.

Good cause for terminating employment includes those circumstances listed above. It also includes:

1. Discrimination by an employer based on age, race, sex, handicap, religious belief, national origin, or political belief.
2. Work demands or conditions that are unreasonable such as working without being paid on schedule.
3. Acceptance of other employment or enrollment at least half- time in a school, training program or college.
4. Resignations by persons under the age of 60 which are recognized by the employer as retirement.
5. Leaving a job in connection with patterns of employment in which workers move from one employer to another as in migrant farm labor or construction work.

4004.5 Earned Income Tax Credits (EITC)

All EITC payments received by a TANF or GA applicant or recipient are disregarded as income for eligibility and payment purposes. EITC payments are also excluded when determining a family's eligibility under the 185% gross income test.

EITC payments are not defined as earned income in the TANF Program even though advance EITC payments are made by the employer.

See Administrative Notice: A-3-2003

4004.6 Dependent Child Earned Income – TANF and GA

Disregard, without time limits, earnings of dependent children, regardless of student status, in determining the family's eligibility and the amount of the Temporary Assistance for Needy Families or General Assistance benefits. This includes 18 year old students for whom an adult is receiving a grant.

4005 Unearned Income

Unearned income is income received without performing work- related activities. Unearned income is counted as paid without the application of any disregards in both the TANF and GA programs.

Unearned income includes but is not limited to:

RSDI benefits -
Unemployment Compensation
Workman's Compensation
Union benefits
Veteran's benefits
Military Allotments
Annuities
Pensions

NOTE: If the Social Security Administration is recouping money from an individual's RSDI benefit due to an overpayment, count the net RSDI benefit amount that is received not the gross amount.

Unemployment Compensation

Treat unemployment compensation received by an unemployed principal earner as other income and subtract it from the need standard, rather than the payment standard, in determining eligibility for, and the amount of a family's Temporary Assistance for Needy Families benefit.

4005.1 Child Support Payments - TANF

In the TANF Program, the first $50.00 of child support received in a month is disregarded in determining financial eligibility. Child support in excess of $50.00 is counted as unearned income. If a unit is determined financially eligible, child support is disregarded in determining the amount of the grant.

For active cases, child support is collected and retained by the Division of Child Support Enforcement. The first $50.00 of child support that is collected each month by DCSE is paid to the TANF payee as a bonus check. If the amount of support collected is less that $50.00, the bonus check will equal the amount collected.

Pass-through/Disregard checks are paid the month following the month that the DCSE collects support. They are disregarded in determining TANF financial eligibility and grant amounts; however, they are counted as unearned income in the Food Stamp Program.

In the month of application if support is received prior to approval of a TANF grant, the support received minus the $50.00 child support disregard is budgeted as unearned income. Support received after approval of the grant is subject to collection by the DCSE. DCSE cannot accept child support payments unless a Delaware support order is in place. Therefore, we should count the child support money received by the recipient prior to a support order in place as unearned income until such time as DCSE has a support order in place and can accept the payments.

<u>EXAMPLE</u>: A woman applies for TANF for herself and her children on 2/15. She reports that she received a $100.00 support payment on 2/10 and expects to receive an additional $100.00 on 2/24. She is found eligible for TANF on 2/15. In February, $50.00 of child support is included in the TANF budget as unearned income. ($100.00 received prior to approval of the grant - $50.00 disregard = $50.00 budgetable.) The recipient will receive a $50.00 bonus check in March based on the $100.00 payment collected by the DCSE on 2/24.

4005.2 Child Support Payments - GA

In GA, child support is treated as unearned income and counted as paid. In cases where support may be available but is not paid, it is considered a potential resource. The client must take steps to obtain support payments as a condition of eligibility.

4005.3 Step-Parent Income in the TANF Program

In the TANF Program, a step-parent through marriage or civil union who resides with his/her step-children is considered responsible for supporting those children. A portion of the step-parent's income is used to determine the step-children's financial eligibility and the amount of assistance the children receive. To determine the amount of the step-parent's income that is deemed to the assistance unit, follow the steps listed below:

NOTE: The assistance unit must include the step-child, the step-child's natural or adoptive parent, and siblings who are also living in the home and who are otherwise eligible.

1. Determine the step-parent's gross income.
2. Deduct $90.00 from earned income.
3. Deduct the TANF standard of need (See DSSM 4007.2) for the family size that includes the step-parent and those individuals who
   a. live in the step-parent's home
   b. are the step-parent's dependents for income tax purposes
   c. are not members of the TANF assistance unit because of a sanction.

      (These individuals cannot include a person who is removed from the TANF unit because he/she failed without good cause to cooperate with DCSE or the First Step Program and is being sanctioned.)
4. Deduct amounts paid by the step-parent to individuals who are not living in the home, but who are claimed as dependents for income tax purposes.
5. Deduct child support or alimony payments made to individuals not living in the home.

The remainder is unearned income used to determine the assistance unit's financial eligibility and grant amount.

Summary - Total Income

- $90.00 from earned income

- Standard of Need

- Payments to dependents

Countable Income

The resources of a step-parent are not considered in determining the financial eligibility of the assistance unit. Resources held jointly by the step-parent and the step-parent's spouse are considered available in their entirety to both partners. If the spouse is a member of the assistance unit, these resources are considered in determining the unit's eligibility.

Step-parent budgeting is only used to determine the financial eligibility or benefit level of a step-child when the step-child's natural parent resides in the home. Stepparent income is not used to determine financial eligibility or benefit levels when the step-child's natural parent does not reside in the home.

NOTE: If the step-parent is included as a member of the TANF unit, his/her income is budgeted in accordance with rules governing the income of TANF applicants and recipients.

15 DE Reg. 1498 (04/01/12)

4005.4 Income of a Minor Parent's Parent of Legal Guardian in the TANF Program

To determine the financial eligibility of a TANF unit that consists of a dependent child and the child's minor parent (under age 18), the income of the minor parent's parent or legal guardian must be considered if the minor parent and the minor parent's parent or legal guardian live in the same home.

The resources of a minor parent's parent or legal guardian are not considered in determining the financial eligibility of the assistance unit.

A portion of the minor parent's parent income is used in determining the minor parent's eligibility and the amount of assistance for the minor parent and the minor parent's child or children. To determine the portion of the minor parent's income.

Applicants

- Determine the minor parent's income;
- Subtract 100% of the federal poverty level for the family size that includes the minor parent's parent and dependents claimed by the minor parent's parent from the minor parent’s parent income;
- Consider the remaining income unearned income to the minor parent; and
- Add together the minor parent’s income to the deemed income from the minor parent’s parent.

Compare the income to the payment standard for the family size that contains the minor parent and the minor parent's child or children.

Compare the income to the applicable payment standard for the family size of the assistance unit that contains the minor parent and the minor parent's child or children. If the income is less than the payment standard, the case is eligible for benefits. If the income is greater than the payment standard, the case is ineligible for benefits.

Benefit Determination

- Determine the minor parent's income;
- Subtract 200% of the federal poverty level for the family size that includes the minor parent's parent and dependents claimed by the minor parent's parent from the minor parent’s parent income; and
- Consider the remaining income as unearned income to the minor parent.
- Add together the minor parent’s income to the deemed income from the minor parent’s parent.

Compare the income to the applicable standard of need for the family size of the assistance unit that contains the minor parent and the minor parent's child or children.

Recipients

- Determine the minor parent's income;
- Subtract 200% of the federal poverty level for the family size that includes the minor parent's parent and dependents claimed by the minor parent's parent; and
- Consider the remaining income as unearned income to the minor parent.

Compare the income to the applicable standard of need for the family size of the assistance unit that contains the minor parent and the minor parent's child or children.

28 DE Reg. 673 (03/01/25)

4005.5 Income of a Spouse in the GA Program

This policy applies to GA applicants and recipients who are married/party to a civil union and live with their spouse.

To determine GA financial eligibility and grant amounts for unemployable adults where the GA eligible person resides with a spouse who has income but is not also technically eligible for a grant.

1. Determine the spouse's gross unearned income.
2. Determine the spouse's gross earned income.
3. Deduct $50 for work expenses from the spouse's earned income.
4. Add amounts from Step 1 and Step 3 to determine the spouse's countable income.
5. Compare the sum in Step 4 to the GA Standard of Need for two people.
6. If income exceeds the standard, the GA case is financially ineligible.
7. If income is less than the standard, the GA case is financially eligible. To determine the grant amount, subtract the income from the GA Standard of Need for two. The grant equals the difference, if the difference is less than the GA Standard of Need for one person. The grant equals the GA standard if one of the differences is equal to or greater than that amount.

   EXAMPLES:

   1. Spouse of GA eligible has $200 countable income.
      $200 is greater than $166 - Case is ineligible.
   2. Spouse has $130 countable income.
      $130 is less than $166 - Case is eligible.
      $166 minus $130 = $36 = GA grant.
   3. Spouse has $30 countable income.
      $30 is less than $166
      $166 minus $30 = $136
   4. GA grant = $123 (maximum for one person)

15 DE Reg. 1498 (04/01/12)

4006 Excluding Income in TANF and GA Eligibility Determinations

45 CFR 233.20(a)

DSS disregards the types of income listed in this policy when determining financial eligibility and grant amounts for TANF and GA.

1. The value of U.S. Department of Agriculture (USDA) donated foods.

2. The value of Supplement Nutrition Assistance Program (SNAP) food benefits.

3. Foster care payments made to the foster family for foster children residing in the home.

4. Supplemental Security Income (SSI) recipient's income and resources, including the SSI payment.

5. Third-party payments made on behalf of a client.

6. TANF program high school graduation bonus payments.

7. Contributions for shared living expenses by a non-unit member.

8. Any loans that must be repaid.

9. Earnings of a minor student who is in the assistance unit, including 18-year-old students for whom an adult is receiving a grant.

10. Non-recurring lump sum payments.

A. A non-recurring lump sum payment is a resource in the month received unless specifically excluded as a resource by other federal laws or regulations.

11. Incentive payments or reimbursements for training-related expenses from participation in institutional and work experience training or special work projects.

12. Benefits from nutrition programs for the elderly or the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

13. AmeriCorps VISTA program payments.

A. The AmeriCorps VISTA program payment is not excluded if the payment value is equal to or greater than the Fair Labor Standards Act’s current minimum wage for the hours worked. In that case, the income is treated as earned income. Disregards applicable to the category of assistance are deducted from the payment.

14. Temporary part-time U.S. Census Bureau employment income received during the census period.

15. Disaster and emergency assistance provided by federal, state, and local governments and disaster assistance organizations under P.L. 100-707.

16. Earned income tax credits (EITC).

17. All federal tax refunds (TANF only).

18. Assistance from other agencies and organizations provided that no duplication in assistance exists between the other agency and DSS.

A. To assure that non-duplication exists, case workers will determine that the assistance from the other agency is for a different purpose. For example, vocational rehabilitation provides cash allowances to reimburse clients for costs such as transportation related to their participation in a training program.

19. Supportive services payments or reimbursements for out-of-pocket expenses made to foster grandparents, senior health aides, or senior companions, and to persons serving in services corps of

retired executives and active corps of executives, and any other program under Title II and III pursuant to Section 418 under P.L. 93-113.

20. **Need-based home energy assistance.**

21. **Experimental Housing Allowance Program payments made under annual contributions contracts entered into prior to January 1, 1975, under Section 23 of the U.S. Housing Act as amended.**

22. **Benefits paid to eligible households under the Low-Income Home Energy Assistance Act.**

23. **Housing subsidies under Section 8 of the U.S. Housing Act.**

24. **Receipts distributed to members of certain Indian tribes, which are referred to in Section 5 under P.L. 94-114.**

25. **Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act under P.L. 92-203.**

26. **Payments made from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In re Agent Orange Product Liability Litigation, M.D.L. No. 381 (E.D.N.Y. 1984).**

27. **Payments distributed per capita to or held in trust for members of any Indian tribe under P.L. 92-254, P.L. 93-134, or P.L. 94-540.**

28. **Restitution made to United States' citizens and permanent resident aliens of Japanese ancestry who were interned during World War II pursuant to Title I. under P.L. 100-383.**

29. **Restitution made to any Aleut who was relocated by authority of the United States from his or her home village on the Pribilof Islands or the Aleutian Islands during World War II pursuant to Title II under P.L. 100-383.**

30. **Income received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act.**

31. **Financial assistance received from school grants, scholarships, vocational rehabilitation payments, Job Training Partnership Act payments, educational loans, other loans that are expected to be repaid, and other financial assistance received that is intended for books, tuition, or other self-sufficiency expenses (TANF only).**

32. **Grants, loans, and earnings from federally financed college work study to undergraduate students for educational purposes that are made or insured by programs administered by the U.S. Commissions of Education (GA only).**
    - A. For other grants, loans, or unearned income that are contingent upon attending a school, college, university, or course of vocational training, the amount that is available for current living expenses is counted as income for GA. To determine the amount that is available for current living expenses:
        - Subtract the expenses for tuition, books, fees, equipment, special clothing needs, transportation to and from school, and child care necessary to attend school from the amount of the loan, grant, or other benefit;
        - Divide the balance by the number of months the amount available for living expenses is intended to cover to determine the countable monthly income.
    - B. When a student's financial aid package includes both loans and grants that are completely disregarded and those that are countable after expenses are deducted, determine countable income for GA as follows:
        - Compare the expenses to the disregarded loans or grants;

- If the expenses are less than or equal to the disregarded funds, all other grants and loans are budgeted as unearned income.

Related policies:
DSSM section 4005.1

14 DE Reg. 1366 (06/01/11)

23 DE Reg. 308 (10/01/19)

4006.1 Excluded Income - Grants and Loans to Students

Repealed, effective October 11, 2019

23 DE Reg. 308 (10/01/19)

4006.2 Excluded income - grants and loans to students - General Assistance

Repealed, effective October 11, 2019

23 DE Reg. 308 (10/01/19)

4007 Standards of Need/Payment Standard

The Standards of Need that follow include allowances for food, clothing, utilities, personal items, and household supplies.

A family or individual is not eligible to receive assistance if income, after disregards are subtracted, exceeds the applicable standard.

The amount of the assistance grant is determined by subtracting countable income from the applicable standard. Grants are not issued in amounts less than $10.00.

See Current COLA Administrative Notice:

4007.1 Standards of Need/Payment Standard - GA

This policy applies to all General Assistance applicants and recipients.

1. The Payment Standard is equal to the Standard of Need.
2. The Division of Social Services determines the Standard of Need.
3. The Division of Social Services will issue an administrative notice detailing Standard of Need changes at least 30 days prior to an implementation of a Standard of Need change.
4. The Division of Social Services will issue an administrative notice annually detailing the current Standard of Need.

13 DE Reg. 1333 (04/01/10)

14 DE Reg. 304 (10/01/10)

4007.2 Fill the Gap Budgeting - TANF

Fill the Gap revises the Delaware Temporary Assistance for Needy Families program eligibility and benefit calculation process so that families can retain more of their income. By having a standard of need which is greater than the payment standard, a "gap" is created. The difference between the family's income and the need standard is called the deficit. The State pays a percentage of the deficit up to a maximum benefit level or payment standard. This budgeting method will be used when the family has income. The income source could be earned, unearned, or combined.

Three standards will be used in financial eligibility calculations: 185% of the standard of need, the need standard and the payment standard. Use 185% of the standard of need in the gross income test. Use the payment standard in the applicant net income test. Use the standard of need in the recipient net income test.

185% of Standard of Need/ Standard of Need/Payment Standard

The standard of need used is 75% of the Federal Poverty Level. This includes allowances for food, clothes, utilities, personal items, and household supplies.

Current for 10/2002 - 9/30/2003

NUMBER OF PEOPLE IN THE BUDGET	185% OF THE STANDARD OF NEED*	STANDARD OF NEED (75% FPL)**	PAYMENT STANDARD***
1	$1,024	$ 554	$201
2	$1,380	$ 746	$270
3	$1,737	$ 939	$338
4	$2,092	$1,131	$407
5	$2,447	$1,323	$475
6	$2,802	$1,515	$544
7	$3,161	$1,709	$612
8	$3,516	$1,901	$681

* Add $355 per person above eight in the family.

** Add $192 per person above eight in the family.

*** Add $69 per person above eight in the family.

4008 Determining Financial Eligibility and Grant Amounts in TANF

There are two income tests to determine financial eligibility. The first test is a gross income test, and the second is a net income test.

Comparing the family's income to 185% of the applicable standard of need is the gross income test. Both applicants and recipients must pass this income test. The other income test compares the family's income, after applying certain disregards to the applicable standard. This is a net income test. Applicants are defined as families who have not received assistance in at least one of the four months immediately preceding the application. For applicants, the net income is compared to the payment standard. Recipients are defined as families who have received assistance in at least one of the four months preceding the application or are current recipients. For recipients the net income is compared to the standard of need. A family's income must be less than the gross and net income limits to be financially eligible for Delaware's Temporary Assistance for Needy Families. Once eligibility is established, the grant amount is determined.

Gross income is the total of the earned and unearned income. Wages and self-employment income are examples of earned income (DSSM 4004.1). Social Security benefits, child support, and step-parent income are examples of unearned income (DSSM 4005). Check DSSM 4006 for excluded income that is not counted to determine TANF eligibility and benefit amounts.

NOTE:Please refer to the most recent Cost Of Living Adjustment (COLA) Administrative Notice for the up to date Income Eligibility Standards.

4008.1.1 Applicant Eligibility

STEP 1: GROSS INCOME TEST

Compare the gross income to 185% of the applicable Temporary Assistance for Needy Families standard of need. Deny assistance if the income exceeds 185% of the applicable Temporary Assistance for Needy Families standard of need.

STEP 2: APPLICANT NET INCOME TEST

Subtract the earned income deduction ($90.00) and child care expenses from each wage earner's earnings. Add the net earned income to unearned income to determine the net family income. Compare the net income to the payment standard. Deny assistance if the income exceeds the payment standard. If income is less than the payment standard, continue to step 3.

STEP 3: TANF GRANT COMPUTATION

From earned income, subtract the standard work deduction ($90.00), and 30 plus 1/3 disregard (if applicable) from each earner's earned income, and child care. Add the net earned income to unearned income to calculate the family's net income. Subtract the net income from the applicable standard of need; the number calculated is the deficit. Multiply the deficit by 50%; the number calculated is the remainder. The grant is either the remainder or the payment standard whichever is less.

4008.1.2 Recipient Eligibility

STEP 1: GROSS INCOME TEST

Compare the gross income to 185% of the applicable standard of need. Deny assistance if the income exceeds 185% of the applicable standard of need.

STEP 2: RECIPIENT NET INCOME TEST

From earned income subtract the standard work deduction ($90.00), the 30 plus 1/3 disregard (if applicable) from each earner's earned income, and child care. Add the net earned income to unearned income to calculate the family's net income. Deny assistance if the income exceeds the standard of need. If income is less than the standard of need, continue to the next step.

STEP 3: TANF GRANT COMPUTATION

Subtract the net income from the applicable standard of need; the number calculated is the deficit. Multiply the deficit by 50%; the number calculated is the remainder. The grant is either the remainder or the payment standard whichever is less

4008.1.3 Applicant Example #1

STANDARD OF NEED	$939
PAYMENT STANDARD	$338
PENSION	$150
EARNINGS	$400
DEPENDENT CARE	$ 0

Step 1: GROSS INCOME TEST

Pension	$150
Earnings	+$400
Gross Income	$550
$500 < $1,737 (185% of $939)	
Test Result: Passes 185% Income Test	

Step 2: APPLICANT NET INCOME TEST

Net Earned Income	$310 ($400 - $90)
Pension	$150
$460 < $338 Payment Standard	
Test Result: Fails the Application Net Income Test **Deny Assistance to the Family**	

APPLICANT EXAMPLE #2:

STANDARD OF NEED	$939
PAYMENT STANDARD	$338
EARNINGS	$400
DEPENDENT CARE	$ 50

Step 1: GROSS INCOME TEST

Earnings	$400
Gross Income	$400
$400 < $1,737 (185% of $939)	

Earnings	$400
Test Result: Passes 185% Income Test	

Step 2: APPLICANT NET INCOME TEST

Net Earnings	$310 ($400 - $90)
Net Income	$310
$310 < $338 Payment Standard	
Test Result: Passes the Applicant Net Income Test	

Step 3: TANF GRANT COMPUTATION

Work Deductions	
Gross Earnings	$400
Work Deduction	-$90
	$310
$30 Deduction	-$30
	$280
1/3 Deduction	-$94
Net Earnings	$186
Deficit	$600
	x50%
Grant Amount	$300

RECIPIENT EXAMPLE

STANDARD OF NEED	$939
PAYMENT STANDARD	$338
PENSION	$150
EARNINGS	$400
DEPENDENT CARE	$ 0

Step 1: GROSS INCOME TEST

Pension	$150
Earnings	+$400
Gross Income	$550
$500 < $1,737 (185% of $939)	
Test Result: Passes 185% Income Test	

Step 2: RECIPIENT NET INCOME TEST

Work Deductions	
Gross Earnings	$400
Work Deduction	-$90
	$310
$30 Deduction	-$30
	$280
1/3 Deduction	-$94
Net Earnings	$186

Work Deductions	
Pension	$150
Net Earnings	+$186
Net Income	$336
$336 < $939 Standard of Need	
Test Result: Passes Net Income Test	

Step 3: TANF GRANT COMPUTATION

Standard of Need	$939
Net Income	-$336
Deficit	$603
	x50%
Grant Amount	$301

4008.2 Child Support Supplemental Payment

States which used fill the gap budgeting on July 1, 1975, must ensure that families do not experience a net loss of income due to the state retaining child support paid by absent parents. Delaware used fill the gap budgeting on July 1, 1975.

This section details the calculations required to ensure that families do not experience a net loss of income based on the state retaining child support paid by absent parents. The child support supplemental payment is TANF and State funded. It is not the actual child support that is retained by the state. Recipients are eligible for this payment if the TANF case is currently open and current child support (not arrears) was collected in the previous month by DCSE. We will use four terms in this section which have special meaning:

Countable Income - Net income from all sources other than child support plus countable child support.

Countable Child Support - the support collected on the current month's support obligation minus an amount not to exceed the first $50 collected. The first $50 of child support collected is commonly referred to as the "child support disregard amount."

Disposable Income - the sum of the grant and the countable income used in determining the 1975 grant.

Other Net Income - Net income from all sources other than child support.

STEP 1: DETERMINE DISPOSABLE INCOME USING 1975 BENEFIT PROCEDURES

A. Standard of Need
<u>-Countable Income</u>
Deficit

B. Deficit
<u>x 50% of the Deficit</u>
1975 Grant Amount
Capped by payment standard

C. Other Net Income
Countable Child Support
$50.00 Child Support Disregard
+1975 Grant
1975 Disposable Income

STEP 2: DETERMINE DISPOSABLE INCOME USING CURRENT BENEFIT PROCEDURES

A. Standard of Need
-Countable Income
Deficit

B. Deficit
x 50% of the Deficit
Current Grant Amount
Capped by payment standard

C. Other Net Income
Countable Child Support
$50.00 Child Support Disregard
Current Disposable Income

STEP 3: CALCULATE CHILD SUPPORT SUPPLEMENTAL PAYMENT

1975 Disposable Income, Step 1
- Current Disposable Income, Step 2
Child Support supplemental payment

EXAMPLE:

STANDARD OF NEED	$939
TOTAL CHILD SUPPORT	$500
COUNTABLE CHILD SUPPORT	$450
OTHER NET INCOME	$200
COUNTABLE INCOME	$650

$500	Total Child Support
-$50	Child Suppor Disregard
$450	Countable Child Support
-$200	Other Net Income
$650	Countable Income

STEP 1: DETERMINE DISPOSABLE INCOME USING 1975 BENEFIT PROCEDURES

A. $939 Standard of Need
-$650 Countable Income
$289 Deficit

B. $136 Deficit
x .5 50% of the Deficit
$144 1975 Grant

C. $200 Other Net Income

$450	Countable Child Support
$ 50	Child Support Disregard
+$144	1975 Grant
$844	1975 Disposable Income

STEP 2: DETERMINE DISPOSABLE INCOME USING CURRENT BENEFIT PROCEDURES

A.	$939	Standard of Need
	-$200	Other Net Income
	$739	
B.	$739	Deficit
	x .5	50% of the Deficit
	$369	Current Grant or Current Grant will be this number or maximum grant amount (whichever is less).
C.	$200	Other Net Income
	$389	Current Grant
	+$50	Child Support Disregard
	$588	Current Disposable Income

STEP 3: CALCULATE CHILD SUPPORT SUPPLEMENTAL PAYMENT

$844	1975 Disposable Income
-$588	Current Disposable Income
$256	Child Support Supplemental Payment

4009 Determining Financial Eligibility and Grant Amounts in GA

Follow the steps listed below to determine financial eligibility and grant amounts in the GA program. Refer to DSSM 4004.3 for information regarding GA earned income disregards.

1. Subtract $50.00 from earned income.
2. Compare the sum of remaining earned income plus other income to the applicable GA standard. Deny assistance if income exceeds the standard.
3. If income is less than the standard, subtract income from the applicable GA standard to determine the grant amount. Round remainders by dropping the cents.

14 DE Reg. 304 (10/01/10)

4010 Determining Financial Eligibility and Grant Amounts for Pregnant Women in TANF and GA

To determine the financial eligibility of a pregnant woman in the month her child is due, compare her gross income to 185% of the TANF standard of need for one (1) person. If income is less than the standard, determine eligibility and the grant amount as outlined in DSSM 4008.

If the pregnant woman lives with the father of her unborn child, financial eligibility is determined by comparing the sum of the pregnant woman's income and the father's income to the TANF standard of need for three (3) people. This is the number of people who would be included in the TANF unit when the child is born. If income exceeds the standard, the TANF application is denied. If income is less than the standard, only the mother's income is considered in determining the amount of the TANF grant. Her budgetable income is subtracted from the TANF standard of need for one person.

EXAMPLE 1: Mrs. Jones applies for TANF for herself. She is in her ninth month of pregnancy and lives with her husband who is the father of her child. He is employed and earns $1200 per month.

$1200< $1737 (185% of TANF standard of need).

$1200 - $90 (work deduction) = $1110 > $939 (TANF standard of need).

Mrs. Jones is not eligible for a TANF grant.

EXAMPLE 2: Same as Example 1 except Mr. Jones' income is a $200.00/week UC benefit.

$866 (monthly UC) < $1737 (185% of TANF standard of need).

$866 < $939 (TANF standard of need).

Mrs. Jones is eligible for TANF for herself. Since she has no income, she will receive $201, the TANF standard of need for one person.

EXAMPLE 3: Ms. Jones is applying for TANF for herself. She is in her ninth month of pregnancy and lives with the father of her child, Mr. Brown. The couple's income includes Ms. Jones' VA benefit of $50/month and Mr. Brown's UC benefit of $50/week.

$50 (VA) + $216 (UC) = $266 < $1737(185% of TANF Standard of Need).

$266 < $937 (TANF) Standard of Need).

Ms. Jones is eligible for TANF. To determine the amount of her grant, subtract Ms. Jones' income from the TANF Standard of Need for one person. ($201 - $50 = $151)

NOTE: If the pregnant woman's income exceeds the TANF standard for one person, the TANF application is denied.

When the child is born, the child and the father must be added to the TANF unit. The father's income is budgeted at this time. To determine the amount of the supplemental grant:

1. Calculate the amount of the monthly TANF grant for three people.
2. Subtract the amount of the TANF grant paid to the mother from the monthly TANF grant determined in Step 1.
3. Pro-rate the remainder from the effective date of eligibility.

If the father has income, it is possible that the amount of the monthly TANF grant will be less than the grant paid to the mother in her ninth month. If this happens, no supplemental grant is issued, but Medicaid is approved for the father and child. A TANF grant is authorized effective the first of the following month.

A woman who has a verified pregnancy and receives a GA check the month she delivers her child is eligible for TANF that month for herself and her child if she reports the birth to DSS, and she meets all other TANF technical and financial eligibility requirements.

The TANF grant is effective the date of the child's birth if the birth is reported within five (5) days. The TANF grant is effective the date of the report if it is not reported within five (5) days.

If the pregnancy had not been verified, the TANF grant is effective the date the birth is verified.

The TANF grant amount is the difference between the GA grant received by the mother and the TANF grant that would have been issued if the birth had occurred in the ninth month of pregnancy.

NOTE: Procedures for completing supplemental applications for newborns are outlined in DSSM 2000.7.

EXAMPLE:

1. Joan Brown is eight (8) months pregnant and receiving GA benefits. Her pregnancy has been verified. She has no income and received a $123.00 GA grant on 10/1. Her baby is born on 10/2 and she reports the birth to DSS on 10/4.

$201.00	TANF grant that would be issued to a pregnant woman with no income the month she is due.
+ 66.00	Supplemental TANF grant for the child ($270- $201=$69), prorated from 10/2 = $66).
$267.00	Total TANF grant
$267.00	Total TANF grant
- 123.00	GA grant received
$144.00	Supplemental TANF grant

2. The situation is the same as above except the birth is reported on 10/12.

$201.00	TANF grant that would be issued to a pregnant woman with no income the month she is due.
+44.00	Supplemental TANF grant for the child ($270 - $201 = $69), prorated from 10/12 = $44).
$245.00	Total TANF grant
$245.00	Total TANF grant
- 123.00	GA grant received
$122.00	Supplemental TANF grant

In the first example, the supplemental grant for the child is pro-rated from the date of birth because the birth was reported within five (5) days. It is pro-rated from the date of the report in the second example because the birth was not reported within five days.

9 DE Reg. 1076 (01/01/06)

4011 Eligibility of Sponsored Aliens

A "Sponsor" is any person who, or any public or private agency or organization that executed an affidavit(s) of support or similar agreement on behalf of an alien (who is not the child of the sponsor or the sponsor's spouse) as a condition of the alien's entry into the United States.

a) The income and resources of any person who executed an affidavit of support pursuant to Section 213A of the Immigration and Nationality Act as well as the income and resources of the spouse shall be deemed available to the alien until the alien achieves United States citizenship through naturalization; or has worked 40 qualifying quarters of coverage, defined in Title II of the Social Security Act.

The qualifying quarters of coverage creditable after December 31, 1996 can only be counted if the alien did not receive any federal means tested benefit during that quarter.

The income and resources of the sponsor and his/her spouse are to be reviewed at application and redetermination.

b) Monthly income deemed available to the alien from a sponsor not receiving TANF or SSI will be reduced by an amount equal to the sum of:

1. Either 20% of the total of the sponsor's wages, salary, or net earnings from self- employment or $175.00, whichever is less;

2. The cash need standard (See Section 4007.2) for a family of the same size as the sponsor and those other individuals living in the same household as the sponsor who are claimed by him as dependents for purposes of determining his federal personal income tax liability but whose needs are not taken into account in the determination to grant assistance; and

3. Any amounts paid by the sponsor (or his spouse) to individuals not living in the household who are claimed by him as dependents for purposes of determining his federal personal income tax liability; and

4. Any payments of alimony or child support with respect to individuals not living in the sponsor's household.

The amount of resources of a sponsor (and his spouse) which are deemed to be the resources of an alien for any month are determined by reducing the sponsor's resources by $1,500.00 and applying the balance.

In order to qualify for aid, aliens are required to provide to the Division such information and documentation with respect to this sponsor as the Division finds necessary to determine eligibility.

Workers may obtain information about particular affidavits of support by sponsors on request to the Policy and Program Development Unit of the State Office of the Division.

Aliens and sponsors are jointly and severally liable for overpayments during the period of three (3) years after the alien's entry into the United States. Sponsors may be exempt from repayment where they are without fault for providing erroneous information or where good cause for failure to provide information exists.

The State defines "without fault" as: Without negligence, error, or defect of judgment or of conduct. The State defines "good cause" as: Substantial reason. Example: Bankruptcy or catastrophic illness of a sponsor.

c) In any case where a person is a sponsor to two or more aliens who are living in the same home, the income and resources of the sponsor (and his spouse) will be divided into equal shares before deeming the income.

d) Income and resources which are deemed to a sponsored alien shall not be considered in determining the need of other unsponsored members of the alien's family unless the income or resources are actually available.

e) For a period of three years following entry for permanent residence into the United States, any alien who is not exempt under paragraph (g) of this section and has been sponsored by a public or private agency or organization, shall be ineligible for assistance unless DSS determines that the sponsor no longer exists or has become unable to meet the alien's needs, as defined under (f) of this section.

f) DSS will determine whether a public or private agency or organization no longer exists or is unable to meet the alien's needs using the following criteria:

1. Notification from sponsoring agency to DSS that support services are to be terminated or curtailed;
2. Media coverage regarding sponsoring agency shutdown; or
3. Unsuccessful attempts by DSS to reach the sponsoring agency.

The sponsored alien shall provide DSS with any information and documentation necessary for such determination and obtain any cooperation necessary from the sponsor, such as a notice from the sponsoring agency addressing a reduction or dissolution of sponsorship support services.

g) The provisions of this Section do not apply to:

1. Aliens granted political asylum;
2. Cuban and Haitian entrants;
3. Aliens granted temporary parole status by the U.S. Attorney General;
4. Aliens admitted as conditioned entrants prior to April 1, 1980;
5. Refugees admitted after March 31, 1980, under Section 207 (C) of the Immigration and Naturalization Act.
6. Amerasians from Vietnam (NOTE: No affidavits of support are executed on behalf of Amerasians; deeming requirements therefore do not apply to Amerasians just as they do not apply to any other aliens on whose behalf no affidavit of support was executed).
7. The dependent child of the sponsor or sponsor's spouse.