

**County of San Diego, Health and Human Services Agency (HHSA)
Cash Assistance Program for Immigrants (CAPI) Program Guide**

Deemed Income

Number

99-103.6

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Revision Date:

August 1, 2019

A. Background:

Deemed income is the amount of another person's income that is considered to belong to the customer in determining the CAPI payment amount. It does not matter if the other person actually makes the money available to the applicant/recipient.

Purpose:

This section is revised for the sunset review. No Program rules have changed.

B. Policy:

Income will be deemed from an:

- Ineligible spouse who is living in the same household as the customer
- Ineligible parent who is living in the same household as the minor customer*
- Sponsor of a non-citizen, regardless of where the sponsor is living.

*Note: Deeming from an ineligible parent to a child stops on the first of the month following the month in which the child attains age 18.

1. Sponsor Deeming Rules:

Deeming from a sponsor may occur regardless of whether the sponsor lives in the same household as the customer. The sponsor's income also includes the sponsor's spouse's income if the sponsor and the spouse live in the same household. Apply deeming from a disabled sponsor (see form SOC 454, CAPI Sponsor do Alien Deeming Worksheet). The sponsor's income is not subject to any deeming exclusions, although the sponsor does get an allocation. See Desk Aid 99-105.1A for the sponsor's allocation for use on the SOC 454.

2. Length of Sponsor Deeming:

Sponsor to alien deeming rules differ depending on which affidavit the sponsor signed, except for Extended CAPI recipients. The new Affidavit (I-864) is one that complies with the legal requirements of Public Law 104-193 and became effective December 19, 1987. It is possible that some immigrants may have entered the U.S. for a period after that date under the old Affidavit (I-134).

See the table in 99-101.3.B.3 to determine when sponsor deeming ends.

3. Indigence Exception:

Sponsor deeming may be suspended for 12 consecutive months if the sponsor signed the new Affidavit and the indigence exception applies. See 99-101.3 for information on this exception.

4. Deeming from an Ineligible Spouse or Parent:

Deeming from an ineligible spouse or parent occurs only when the deemor is living in the same household with the customer.

All income from an ineligible spouse or parent is subject to the same exclusions that apply to the recipient, plus:

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- Any public assistance payments, except SSI/SSP that the ineligible spouse receives
- Any income which was counted or excluded by a public assistance program in figuring the benefit amount
- Income used to comply with the terms of court-ordered support
- ISM
- IHSS paid to the ineligible spouse or parent(s) for providing chore, attendant, or homemaker services to the customer.

5. Deeming Allowance:

See Desk Aid 99-105.1A for the allowance for ineligible children in deeming situations. Enter this allowance, when appropriate, on the Income Eligibility Worksheet, SOC 452, line B.2.a, when determining a CAPI benefit amount for a case involving deeming income from an ineligible spouse. If the ineligible spouse's income is less than the amount listed above, deeming does not apply and the CAPI payment will be based on the individual's own income under Column A of the SOC 452.

C. Procedure:

Count deemed income as stated in the policies above.

Other Program Impacts:

None.

References:

MPP 49-035.7 and 49-037
ACLs 98-82, 99-56, 00-67, 01-61, and 02-63
ACIN 68-05

Sunset Date:

This policy will be reviewed for continuance by 08/31/2022

Approval for Release:



Rick Wanne, Director
Eligibility Operations