ORANGE COUNTY SOCIAL SERVICES AGENCY

GENERAL RELIEF REGULATIONS MANUAL

EFFECTIVE: November 2012

SECTION 90: RESPONSIBLE RELATIVES

.1 GENERAL INFORMATION

Where a person who is legally responsible under the law for the support of an applicant for relief has undertaken by written agreement including affidavit, stipulation or court order, to provide such support, by direct financial or in-kind contributions, there shall be a rebuttable presumption that such person is in fact able to provide such support and the income of such responsible relative shall be considered available to the applicant insofar as such income exceeds the standards adopted by the Board pursuant to the W & I Code.

A responsible relative who is a recipient of public assistance is not required to contribute to persons for whom he is otherwise legally responsible.

Applicants/recipients are required to take all action necessary, including legal action, to obtain child and/or spousal support. Under California community property laws, a client may be entitled to one-half of an unaided spouse's income and resources. The person may be referred to the District Attorney, Family Support Division, for assistance.

It is required that all legally responsible relatives complete responsible relative forms and provide necessary information in order that eligibility can be established. Refusal of legally responsible relatives to provide necessary information will not result in denial or discontinuance of GR, however, the responsible relative may be referred to the District Attorney, Family Support Division.

When available evidence clearly establishes that the responsible relative lacks resources, no contact with that relative is necessary. Such circumstances may include, but are not limited to, incarceration or hospitalization.

.2 SPONSORED NON-CITIZENS

In adopting standards of aid for purposes of determining eligibility to receive GR, the income and resources of any person and the person's spouse who, as a sponsor of the entry of an individual into the United States, executed an affidavit of support or similar agreement with respect to that individual, shall be deemed to be the income and resources of that individual, for the period specified in California state law W & I Code 17001.7 beginning with the individual's entry into the United States. Any such income shall be treated as unearned income of the GR applicant or recipient.

As a condition of eligibility, the County may require the non-citizen to provide the name and address of the non-citizen’s sponsor and may require the non-citizen or the non-citizen’s sponsor to provide all information regarding the income and assets of the sponsor and the sponsor's spouse necessary to determine eligibility to receive GR pursuant to W & I Code 17001.7(e).

Deeming of the income and resources of the sponsor and the sponsor's spouse shall not be applied when it can be determined that the sponsor has abandoned his or her duty to support the non-citizen. Abandonment shall include but not be limited to abuse, battery, neglect or refusal to support pursuant to W & I Code 17001.7(f).

.3 TIME LIMITATIONS

Responsible relative regulations shall apply to all persons who have undertaken support for an applicant or recipient of GR for that period of time stipulated in the written undertaking or if no period is specified, then the period shall extend without limitation during the indigency of the recipient.

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