

Allocation and Deeming

Revised ~~July 1, 2021~~ [December 18, 2023](#)

Purpose:

This section includes cash assistance, medical assistance, and Basic Food rules and procedures for allocating the income of ineligible or non-AU members to an AU, allocating the income of AU members to non-members, and deeming a sponsor's income to AUs with a sponsored immigrant.

[WAC 388-450-0095](#) Allocating income--General.

- [Clarifying Information and Worker Responsibilities](#)

[WAC 388-450-0100](#) Allocating income--Definitions.

[WAC 388-450-0105](#) Allocating the income of a financially responsible person included in the assistance unit.

- [Clarifying Information and Worker Responsibilities](#)

[WAC 388-450-0106](#) How does the department count my income if someone in my family cannot get assistance because of their alien status?

- [Clarifying Information](#)

[WAC 388-450-0112](#) Does the department allocate the income of an ABD cash client to legal dependents?

- [Clarifying Information and Worker Responsibilities](#)

[WAC 388-450-0113](#) Does the department allocate income of a housing and essential needs (HEN) referral recipient to legal dependents?

- [Clarifying Information and Worker Responsibilities](#)

[WAC 388-450-0115](#) Does the department allocate the income of a financially responsible person who is excluded from the assistance unit?

- [Clarifying Information and Worker Responsibilities](#)

[WAC 388-450-0116](#) How does the department count my income if I cannot get assistance because I am an alien?

- [Clarifying Information and Worker Responsibilities](#)

[WAC 388-450-0120](#) Does the department allocate the income of financially responsible parents to a pregnant or parenting minor?

- [Clarifying Information](#)

[WAC 388-450-0130](#) Does the department allocate the income of a nonapplying spouse to a caretaker relative?

- [Worker Responsibilities](#)

[WAC 388-450-0137](#) Does the department allocate income of an ineligible spouse to an ABD cash client?

[WAC 388-450-0138](#) Does the department allocate income of an ineligible spouse to a housing and essential needs (HEN) referral recipient?

[WAC 388-450-0140](#) How does the income of an ineligible assistance unit member affect my eligibility and benefits for Basic Food?

- [Clarifying Information](#)

[WAC 388-450-0145](#) Income of a person who is not a member of a food assistance unit.

- [Clarifying Information and Worker Responsibilities](#)

[WAC 388-450-0155](#) How does being a sponsored immigrant affect my eligibility for cash and food assistance programs?

- [Clarifying Information and Worker Responsibilities](#)

[WAC 388-450-0156](#) When am I exempt from deeming?

- [Clarifying Information](#)

WAC 388-450-0160 How does the department decide how much of my sponsor's income to count against my benefits?

- [Worker Responsibilities](#)
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Due to implementation of the Affordable Care Act - ACA, medical WAC's and clarifying information can now be found in the [Apple Health \(Medicaid\) Manual](#).

Clarifying Information - [WAC 388-450-0095](#)

1. Unmarried persons are not legally or financially responsible for each other.
2. A stepparent's responsibility for support ceases when death or divorce has terminated the marriage.

Worker Responsibilities - [WAC 388-450-0095](#)

1. Determine if there is income possessed by someone outside the assistance unit that must be allocated to meet the needs of the assistance unit.
 2. Determine if there is income possessed by someone included in the assistance unit that must be allocated to meet the needs of someone outside the assistance unit.
 3. Refer to the appropriate section listed below for specific allocation rules and worker responsibilities.
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Clarifying Information - [WAC 388-450-0105](#)

1. See [WAC 388-450-0106](#) for rules about allocating income of members who are excluded because of alien status.
- ~~2. For the definition of a financially responsible person for medical assistance programs. See [WAC 182-506-0010](#).~~ Do not allow a payment standard deduction for disqualified assistance unit members.

Worker Responsibilities - [WAC 388-450-0105](#)

1. To determine an assistance unit's eligibility and benefit amount, allocate the income of a financially responsible person included in the assistance unit to meet the needs of legal dependents living either in or out of the home.

2. Determine the countable earned income by deducting the applicable work incentive or work expense and any applicable dependent care deduction for employment related child care expenses, as specified in [WAC 388-450-0170](#), from the financially responsible person's gross earned income.
3. Combine the financially responsible person's countable earned income and countable unearned income.
4. Subtract the appropriate payment standard for an assistance unit based on the number of ineligible assistance unit members. Do not include persons excluded from the assistance unit due to disqualification.
5. To meet the needs of each legal dependent not living in the home, deduct the lesser of the department's one-person need standard or the actual amount paid for court or administratively ordered support.
6. Subtract the remaining income from the assistance unit's applicable payment standard.

EXAMPLE:

A mother-parent and one of her children receive TANF cash benefits. The mother-parent is employed and pays \$275 court-ordered support for a child not living in her home. The mother-parent has two other children who are not included in the assistance unit as they are probation violators. The mother-parent receives \$~~1,500~~1,800 gross income each month from her employment.

- $\$1,500\text{--}1,800$ (Gross earned income) \div 2 (Work incentive) = $\$750\text{--}900$ (Countable earned income) - $\$385\text{--}570$ (2014 ~~two~~2-person payment ~~std~~standard - 2 ineligible children) = $\$365\text{--}330$ - \$275 (Paid support for child living outside the home) = **$\$90\text{--}55$ Countable Income**
- $\$385\text{--}570$ (2014 ~~two~~2-person payment ~~std~~for TANF) - $\$90\text{--}55$ (Countable income) = **$\$295\text{--}515$ Grant amount**

In this example, the mother's-parent's ~~earned and unearned~~ income exceeds the payment standard for herself and her eligible 2 person household child and would render the assistance unit ineligible for cash benefits. However, as the mother-parent has three dependent children ~~she is~~they are financially responsible for, her income is reduced to allocate for their needs, allowing her and her child the household to be eligible for benefits.

A husband and wife married couple apply for TANF for themselves and their two children. The husband receives unemployment compensation (UC) of \$800 each month of which DCS garnishes \$275 for a child living outside the assistance unit.

- $\$800$ (Gross UC) - $\$275$ (DCS garnishment) = $\$525$ (Countable UC)
- $\$562\text{--}833$ (2014 ~~four~~4-person payment ~~std~~standard) - $\$525$ (Countable UC) = $\$37\text{--}308$ (Grant Amount)

In this example, the husband's gross UC exceeds the payment standard. However, the husband has one dependent he is financially responsible for which allows the assistance unit to be eligible for TANF.

EXAMPLE:

Using the same household composition from ~~Following~~ the previous example, except the wife's gross earned income is \$800 per month and the ineligible husband earns ~~\$600-700~~ gross income per month.

Ineligible Husband

- ~~\$600-700~~(Gross earned income) - \$90 (Work Expense) = ~~\$510-610~~ (Countable earned income) - ~~\$385-570~~ (2014 ~~two~~2-person ~~pmt std~~payment standard) = ~~\$125-40~~ (available to the assistance unit)

Wife

- \$800 (Gross earned income) ÷ 2 (Work incentive) = \$400 (Countable earned income) + ~~\$125-40~~ (Available from husband's income) = ~~\$525-440~~ - \$200 (Paid support for child living outside the home) = **\$325-240 Countable income.**
- ~~\$478-706~~ (2014 ~~three~~3-person ~~pmt std~~payment standard) - ~~\$325-240~~ (Countable income) = **\$153-466 Grant Amount**

In this example, the ineligible husband's countable earned and unearned income exceeds the payment standard for himself and child, ~~m.~~ ~~As such,~~ ~~aking~~ -the difference ~~(\$40)~~ is available to the assistance unit and added to the assistance unit's countable earned and unearned income.

EXAMPLE:

Following the previous example, except the parents are not married.

An employed mother and two children are receiving TANF cash benefits. She pays \$200 child support each month for a child living outside the home. The father of the two TANF children resides in the home also. He is employed and not included in the assistance unit because he is a ~~drug-related~~ ~~fleeing~~ felon. The father also has his daughter residing in the home, she is a probation violator.

Ineligible Father

- ~~\$600-700~~ (Gross earned income) - \$90 (Work expense) = ~~\$510-610~~ (Countable earned income) - ~~\$385-570~~ (2014 ~~two~~2-person ~~pmt std~~payment standard) = ~~\$125-40~~ (Available to assistance unit)

Mother

- \$800 (Gross earned income) ÷ 2 (Work incentive) = \$ 400 (Countable earned income) + ~~\$125-40~~ (Available from husband's income) = ~~\$ 525-440~~ - \$200 (Paid support for child living outside the home) = **\$325-240 Countable income**
- ~~\$478-706~~ (2014 ~~three~~3-person ~~pmt std~~payment standard) - ~~\$325-240~~ (Countable income) = **\$153-466 Grant Amount**

In this example, the ineligible father's countable earned and unearned income exceeds the payment standard for himself and his ineligible child. As such, the difference is available to meet the needs of his eligible TANF children and added to the assistance unit's net income.

Clarifying Information - [WAC 388-450-0106](#)

1. If an immigrant was sponsored into the United States, use [WAC 388-450-0155](#), [WAC 388-450-0156](#), and [WAC 388-450-0160](#) to see how much of the sponsor's income we count.

EXAMPLE:

A legal [alien-immigrant](#) mother and one U.S. citizen child receive TANF cash benefits. The mother is employed and pays \$200 court-ordered support for a child not living in the home. ~~m~~Mother has two other children who are excluded from the assistance unit because of their [alien-immigrant](#) status. The mother receives \$1,000 gross earned income each month from her employment.

- $\$562-833$ (2014 ~~four~~4-person ~~pmt std~~payment standard) - $\$385-570$ (2014 ~~two~~2-person ~~pmt std~~payment standard) = **$\$177-263$ Difference between 2 & 4 person ~~pmt std~~payment standard**
- $\$1,000$ (Gross earned income) \div 2 (Work incentive) = $\$500$ (Countable earned income) - $\$177-263$ (Difference between 2 and 4 person ~~pmt std~~payment standard) = $\$323-237$ - $\$200$ (Paid support for child living outside the home) = **$\$123-37$ Countable income**
- $\$385-570$ (2014 ~~two~~2-person ~~pmt std~~payment standard) - $\$123-37$ (Countable income) = **$\$262-533$ Grant Amount**

~~The family has also applied for medical assistance for the two excluded undocumented alien children with an emergent condition; refer the client to [WashingtonHealthPlanFinder](#) to apply for medical benefits.~~

EXAMPLE:

An employed mother and her two children receive TANF cash benefits. The mother pays \$200 support each month for a child living outside the home. Her husband is excluded from the AU because of his [alien-immigrant](#) status. One of their children is also excluded from the AU because of her [alien-immigrant](#) status. Mother receives \$1,100 gross income from her employment.

- $\$648-959$ (2014 ~~five~~5-person ~~pmt std~~payment standard) - $\$478-706$ (2014 ~~three~~3-person ~~pmt std~~payment standard) = **$\$170-253$ Difference between 3 ~~and~~ 5 person ~~pmt std~~payment standard**
- $\$1,100$ (Wife's gross earned income) \div 2 (Work incentive) = $\$550$ (Wife's countable earned income) - $\$170-253$ (Difference between 3 ~~and~~ 5 person payment ~~std~~standard) = $\$380-297$ - $\$200$ (Paid support for child living outside the home) = **$\$180-97$ Countable Income**

- $\$478,706$ (2014 three3-person pmt std) - $\$180,97$ (Countable income) = $\$298,609$ **Grant Amount**

The family has also requested medical assistance for the undocumented alien father and child excluded because of alien status. The child is pregnant. **Refer the client to WashingtonHealthPlanFinder to apply for medical benefits.**

The father reapplies the following month after receiving injuries in an automobile accident. The father remains TANF-related. **Refer the client to WashingtonHealthPlanFinder to apply for medical benefits.**

EXAMPLE:

An employed mother and her two children are receiving TANF cash benefits. The father of the two TANF children also resides in the home. He is not included in the AU because of his **alien immigrantion** status. The mother also has a 17-year old son who lives in the home but is not included in the AU because he is a probation violator. The mother receives \$1,400 gross earned income each month.

- $\$562,833$ (2014 four4-person pmt std payment standard) - $\$478,706$ (2014 three3-person pmt std payment standard) = $\$84,127$ **Difference between 3 and 4 person pmt std payment standard**
- $\$1,400$ (Wife's gross earned income) \div 2 (Work incentive) = $\$700$ (Wife's countable income) - $\$84,127$ (Difference between 3 & 4 person pmt std payment standard) = $\$616,573$ - $\$305,450$ (2014 one1-person pmt std payment standard - for son's needs who is a probation violator) = $\$311,123$ **Countable Income**
- $\$478,706$ (2014 three3-person pmt std payment standard) - $\$311,123$ (Countable income) = $\$167,583$ **Grant Amount**

The family also wants medical for the undocumented father and the 17-year old son. The son is not an excluded person for TANF-related medical. The father does not have an emergency medical condition.

Refer the client to WashingtonHealthPlanFinder to apply for medical benefits.

EXAMPLE:

For Cash Only

A recently married woman and her child receive TANF cash benefits. The new husband is an undocumented immigrant. The woman has earnings of \$1,200 per month. The husband earns \$300 per month. Calculate the woman's cash income per [WAC 388-450-0106](#). Calculate the husband's cash income per [WAC 388-450-0116](#). Combine the calculated totals for the countable income.

For Basic Food Only

The same **client household** also receives Basic Food benefits. Count all her income and a prorated share of the undocumented **alien's-immigrant's** income. Divide his earnings by the number of people in the AU, subtract the 20% disregard, and the total is his countable income.

- \$ 300 (Husband's Gross earned income) ÷ 3 People in household = \$80 each
- \$ 160 (Countable earned income from husband deemed to Mom and child as unearned)
- \$1,200 (Mom's earnings) - 20% (Subtract the 20% earned income disregard) = \$ 960 (Total countable earnings) + \$160 deemed from husband = \$1,120

Clarifying Information - [WAC 388-450-0112](#)

For treatment of income of a non-applying spouse, see [WAC 388-450-0137](#).

Worker Responsibilities - [WAC 388-450-0112](#)

1. To determine an ABD/~~HEN-referral~~ client's net countable earned income, apply rules in [WAC 388-450-0177](#).
2. Combine the countable earned income with the countable unearned income.
3. When an ABD/~~HEN-referral~~ client is in a medical institution, alcohol or drug treatment center, congregate care facility, or adult family home has income, deduct the payment standard applicable for the non-applying spouse and legal dependents living in the home.

NOTE:

This deduction **only** occurs when a ABD/~~HEN-referral~~ client is in a medical institution, alcohol or drug treatment center, congregate care facility, or adult family home.

4. Deduct the lesser of the department's one-person need standard or the actual amount paid for court or administratively ordered support, to meet the needs of each legal dependent not living in the home.
5. Subtract the remaining income from the ABD/HEN referral client's applicable payment standard.

ABD/~~HEN-Referral~~ Client in Alternate Living Situation

1. Deduct from the income of an ABD/HEN referral client in a medical institution, alcohol or drug treatment center, congregate care facility, or family home, the appropriate payment standard for the non-applying spouse and legal dependents living in the home.
2. Deduct from the remaining income of the previous step the amount that meets the needs of the ABD/HEN referral client living in the alternate living situation.
3. The remainder is applied to the client's participation toward cost of care.

[Clarifying Information - WAC 388-450-0113](#)

[For treatment of income of a non-applying spouse, see WAC 388-450-0138.](#)

Worker Responsibilities - WAC 388-450-0113

1. To determine a HEN Referral client's net countable earned income, apply rules in WAC 388-450-0178.
2. Combine the countable earned income with the countable unearned income.
3. When an HEN Referral client is in a medical institution, alcohol or drug treatment center, congregate care facility, or adult family home has income, deduct the HEN Referral income limit applicable for the non-applying spouse and legal dependents living in the home.

NOTE:

This deduction **only** occurs when a HEN Referral client is in a medical institution, alcohol or drug treatment center, congregate care facility, or adult family home.

4. Deduct the lesser of the department's one-person need standard or the actual amount paid for court or administratively ordered support, to meet the needs of each legal dependent not living in the home.
5. Compare the remaining income to the HEN referral client's applicable income limit.

HEN Referral Client in Alternate Living Situation

1. Deduct from the income of a HEN referral client in a medical institution, alcohol or drug treatment center, congregate care facility, or family home, the appropriate HEN Referral income limit for the non-applying spouse and legal dependents living in the home.
2. Deduct from the remaining income of the previous step the amount that meets the needs of the HEN referral client living in the alternate living situation.
3. The remainder is applied to the client's participation toward cost of care.

Clarifying Information - WAC 388-450-0115

1. See WAC 388-450-0116 for rules on allocating the income of a financially responsible person excluded from the assistance unit **because of their alien-immigrant status**.
2. Do not allow the 50% work incentive for a financially responsible person excluded from the assistance unit.
- ~~3. This rule also applies to TANF/SFA related medical programs, as specified in WAC 182-503-0510 (2). The rules of this section also apply to the RMA program.~~

4. ~~For the definition of a financially responsible person for medical assistance programs, see WAC 182-506-0010.~~

5.3. Do not allow a payment standard deduction for disqualified assistance unit members.

Worker Responsibilities - WAC 388-450-0115

1. To determine an assistance unit's eligibility and benefit amount, allocate the income of a financially responsible person who is excluded from the assistance unit to meet the needs of legal dependents living in the home and outside the home.
2. Determine the countable earned income by deducting the \$90 work expense and any applicable dependent care deduction for employment related child care expenses, as specified in WAC 388-450-0170, from the gross earned income of the employed financially responsible person who is excluded from the assistance unit.
3. Combine the countable earned income and countable unearned income of the excluded financially responsible person.
4. Subtract the appropriate payment standard for an assistance unit based on the number of ineligible assistance unit members. Do not include persons excluded from the assistance unit due to disqualification.
5. To meet the needs of each legal dependent not living in the home, deduct the lesser of the department's one-person need standard or the actual amount paid for court or administratively ordered support.
6. Consider the remaining income as available to meet the needs of the assistance unit members.

EXAMPLE:

A mother and one child receive TANF cash benefits. The mother pays a court ordered support payment of \$160 each month for a child living outside the home. The mother's husband, and father of the TANF child, reside in the home with his 19-year old child, for whom he is financially responsible. The husband is excluded from the assistance unit as he is a fleeing felon. He receives \$1,000 per month from employment. He also pays \$100 per month support for a dependent child living outside the home.

Ineligible Husband

- ~~\$890~~ 1,000 (Husband's gross earned income) - \$90 (Work expense) = ~~\$800~~ 910 (Countable earned income) - ~~\$385~~ 570 (2014 ~~two~~ 2-person ~~pmt std~~ payment standard for ineligible husband and his ineligible child) = ~~\$415~~ 340 - \$100 (Husband's paid support for his child living outside the home) = ~~\$315~~ 240 (Amount to be allocated to the assistance unit)

Eligible Wife

- ~~\$315~~ 240 (Available income from her husband) - \$160 (Wife's paid support for her child living outside the home) = **\$155 Countable Income**

- $\$385,570$ (2014 two-person pmt std payment standard) - $\$155,80$ (Countable income) = **$\$230,490$ Grant Amount**

Clarifying Information - [WAC 388-450-0116](#)

1. If an immigrant was sponsored into the United States, use [WAC 388-450-0155](#), [WAC 388-450-0156](#), and [WAC 388-450-0160](#) to see how much of the sponsor's income we count.

EXAMPLE:

A TANF AU consists of a citizen mother and two children. Also in the household is the undocumented father. He is employed and receives \$700 earnings.

- $\$562,833$ (2014 four-person pmt std payment standard) - $\$478,706$ (2014 three-person pmt std payment standard) = **$\$84,127$ Difference between 3 & 4 person pmt std payment standard**
- $\$700$ (Husband's gross earned income) \div 2 (Work Incentive) = $\$350$ (Husband's countable earned income) - $\$84,127$ (Difference between 3 & 4 person pmt std) = **$\$266,223$ Countable Income**
- $\$478,706$ (2014 three-person pmt std payment standard) - $\$266,223$ (Countable income) = **$\$212,483$ Grant Amount**

EXAMPLE:

A TANF AU consists of a mother who was legally admitted under [the Immigration Reform and Control Act \(IRCA\)](#) and her citizen child. The child's father was legally admitted under IRCA and employed receiving \$700 earnings. He is also a fleeing felon. The couple's undocumented child also resides in the home. This child is pregnant.

- $\$478,706$ (2014 three-person pmt std payment standard) - $\$385,570$ (2014 two-person pmt std payment standard) = **$\$93,136$ Difference between 3 & 4 person pmt std payment standard**
- $\$700$ (Husband's gross earned income) - $\$90$ (Work expense) = $\$610$ (Husband's countable earned income) - $\$93,136$ (Difference between 3 & 4 pmt std payment standard) = $\$517,474$ - $\$305,450$ (Husband's needs) = **$\$212,24$ Countable Income**
- $\$385,570$ (2014 two-person pmt std payment standard) - $\$212,24$ (Countable income) = **$\$173,546$ Grant amount**

In this situation, the father is allowed a one-person payment standard for his needs because he is a legal [alien immigrant](#). The couple's undocumented child is allowed only the difference between the payment standard which would include the child if she were a citizen and the payment standard for eligible citizen assistance unit members.

Refer the client to [WashingtonHealthPlanFinder](#) to apply for medical benefits.

EXAMPLE:

A household consists of a needy mother and father who were legally admitted under IRCA, their undocumented minor child and her U.S. citizen child. The undocumented minor child is employed and receives \$700 earned income. The minor parent was recently hospitalized for an emergent condition.

If the minor parent is the primary caretaker of her child, the minor parent would receive a grant for her child after allocating her income:

- $\$385,570$ (2014 two~~2~~-person ~~pmt std~~payment standard) - $\$305,450$ (2014 one~~1~~-person ~~pmt std~~payment standard) = $\$80,120$ **Difference between 1 & 2 person ~~pmt std~~payment standard**
- $\$700$ (Minor parent's gross earned income) \div 2 (Work incentive) = $\$350$ (Minor parent's countable earned income) - $\$80,120$ (Difference between 1 & 2 person ~~pmt std~~payment standard) = $\$270,230$ **Countable Income**
- $\$305,450$ (2014 one~~1~~-person ~~pmt std~~payment standard) - $\$270,230$ (Countable income) = $\$35,220$ **Grant amount**

In this situation, the parents of the minor parent are not eligible for cash assistance as they do not have an eligible child in the home.

If, however, major mom was determined to be the primary caretaker relative of her grandchild, major mom and the grandchild would be eligible for TANF.

- $\$478,706$ (2014 three~~3~~-person pmt std) - $\$385,570$ (2014 two~~2~~-person ~~pmt std~~payment standard) = $\$93,136$ **Difference between 2 & 3 person ~~pmt std~~payment standard**
- $\$700$ (Minor parent's gross earned income) \div 2 (Work incentive) = $\$350$ Minor parent's countable earned income) - $\$93,136$ (Difference between 2 & 3 person ~~pmt std~~*payment standard) = $\$257,214$ **Countable Income**
- $\$385,570$ (2014 two~~2~~-person ~~pmt std~~payment standard) - $\$257,214$ (Countable income) = $\$128,326$ **Grant Amount**

Refer the client to [WashingtonHealthPlanFinder](#) to apply for medical benefits.

Clarifying Information - [WAC 388-450-0120](#)

For situations involving a pregnant minor or minor parent living with his or her parent, the mandatory assistance unit requirement is not affected by marriage, military service or court-ordered emancipation of the pregnant minor or minor parent; see [WAC 388-408-0015](#).

Worker Responsibilities - WAC 388-450-0120

1. Deduct a \$90 work expense from each parent or stepparent's gross earned income.
2. Combine the net countable earned income for each parent with the parent and stepparent's gross countable unearned income.
3. Deduct the appropriate need standard for an assistance unit which contains the non-applying parent and stepparent and any other individuals who:
 1. Are living in the home who is not excluded from the assistance unit due to disqualification; and
 2. Are legal dependents of the non-applying parent or stepparent.
4. Deduct the lesser of the department's one-person need standard or the actual amount paid for court or administratively ordered support, to meet the need of each legal dependent not living in the home.
5. Deduct spousal maintenance payments made to meet the needs of individuals not living in the home.
6. The remaining income is available to meet the needs of the pregnant or parenting minor and children of the parenting minor.
7. Subtract the remaining income from the pregnant or parenting minor's appropriate payment standard.

EXAMPLE:

A household consists of an unmarried parenting minor, her child, the minor's mother and father, and the minor's sister. The unmarried parenting minor is requesting assistance for herself and her child. The minor's father is employed full-time. His gross monthly income is \$2,6206,000. Her mother is also employed and receives \$950-1,500 gross income each month. The family has no other income.

The minor's father pays \$500600 a month court-ordered support for the support of a daughter not living in the home. Her mother also pays \$300-200 a month for the support of a 14-year-old son living with his uncle.

- \$3,5707,500 - [Parent's monthly gross income (\$2,6206,000 + \$9501,500)] - \$180 (\$90 work expense for each employed parent) = **\$3,3907,320 Parent's net income**
- \$2,4026,396 (Three ~~3~~ person need standard – mother, father, minor's sister) + \$500-600 (Father's court ordered support) + \$300-200 (Mother's court ordered support) = **\$3,2027,096 Total of need standard and outside support**
- \$3,3907,320 (Parent's net income) - \$3,2027,096 (Need standard and outside support) = **\$188-224 Available income to minor and child**
- \$528-570 (2021 ~~two~~ 2-person grant standard – minor and child) - \$188-224 (Available income to minor and child) = **\$340-346 Minor's two-person grant amount**

Worker Responsibilities - [WAC 388-450-0130](#)

1. When residing together, allocate the income of a non-applying spouse to meet the needs of the applying spouse who requests inclusion in the assistance unit as a needy caretaker relative of specified degree (e.g., a grandparent applying with a grandchild or an aunt applying with a niece/nephew).
2. Determine the community income of both caretaker relatives, as specified in [WAC 388-450-0005](#).
3. Subtract a one-person payment standard from the couple's community income.
4. Subtract the remaining income from the assistance unit's applicable payment standard to determine the grant amount.

EXAMPLE:

Aunt applies for assistance for her nephew and herself as a needy caretaker relative of specified degree. The aunt's husband also resides in the home. Their income consists of his retirement pension of \$600 per month. Determine eligibility as follows:

- \$600 (Total community income) - ~~\$305-450~~ (2014 ~~one~~1-person ~~pmt~~ payment standard) = **\$295-150 Countable Income**
- ~~\$385-570~~ (2014 ~~two~~2-person ~~pmt~~ payment standard) - ~~\$295-150~~ (Countable income) = **\$90-420 Grant Amount**

In this situation, it would be to the household's advantage to deny assistance to the needy caretaker relative as the child alone would be eligible for a grant amount of ~~\$305-450~~.

NOTE:

If the allocated income of the non-applying spouse decreases the payment standard to less than the payment standard without the needy relative, advise the needy relative of the option to receive cash benefits for the eligible child(ren) only.

Clarifying Information - [WAC 388-450-0140](#)

1. How to count an ineligible AU member's income and resources

NOTE:

If a client is ineligible under conditions in both (a.) and (b.), count their income and / or resources at the full amount (a.), not the prorated amount (b.).

1. Count **all** the income and resources for ineligible members disqualified for:
 1. An Intentional Program Violation (IPV);

2. Failing to comply with a work program under chapter [388-444 WAC](#);
 3. Fleeing a felony charge or conviction; or
 4. Violating a condition of probation or parole.
- b. Count **a prorated share** of the income and **all** of the resources for AU members who are ineligible because they:
1. Are ineligible ABAWDS under [WAC 388-444-0030](#);
 2. Are undocumented [aliensimmigrants](#);
 3. Are [aliens-immigrants](#) who were determined ineligible under welfare reform;
 4. Failed to declare their citizenship or [alien-immigrant](#) status on the application
 5. Failed to sign the application; or
 6. Refused to get or provide a Social Security number.
- c. Disregard the ineligible member's income if their student status is the only reason they are ineligible.

How an ineligible member affects the SUA:

We allow the full SUA for the Basic Food AU.

Clarifying Information - [WAC 388-450-0145](#)

Non-members are persons in a residence who:

1. Are not related or otherwise required to be part of the assistance unit. See [ASSISTANCE UNITS](#); and
2. Do not purchase and prepare meals together.

Worker Responsibilities - [WAC 388-450-0145](#)

1. Income of assistance unit non-members:
 1. Verify the source and amount of the income.
 2. Use the rules in [WAC 388-450-0145](#) to attribute income to the non-member.
 3. Budget the remaining income for the assistance unit.
2. Expenses of assistance unit non-members:
 1. Obtain a statement from the assistance unit that declares how household expenses are shared.

2. Clearly document that non-members:
 1. Share expenses; or
 2. Make cash payments to the assistance unit for the non-member's share of expenses; or
 3. Make payments to a third party (vendor payments); or
 4. Have no obligation for household expenses.
- c. If shared household expenses cannot be separated:
 1. Divide the total expenses of the residence by the total number of household members including the non-assistance unit member;
 2. Multiply the answer by the number of non-members to determine their prorated share; and
 3. Do not allow the non-member's prorated share as a household expense.

Income of an ineligible student for Basic Food: Income received by an ineligible student is not available to an assistance unit as follows:

- . Earned income of an ineligible student is not available to the other eligible members of the Basic Food AU unless the ineligible student makes it available; and
- a. Income received by the ineligible student on behalf of others is not available to the AU unless the ineligible student makes it available. Such income includes, but is not limited to:
 1. Veterans' Administration (VA) educational benefits; and
 2. Other benefits received where the amount depends on the number of dependents.

Clarifying Information - [WAC 388-450-0155](#)

1. **An Affidavit of Support** is a form completed by the sponsor of a prospective immigrant as evidence that the immigrant is not likely to become a "public charge", i.e. primarily dependent on public assistance.
2. **Old affidavits of support:** [United States Citizenship and Immigration Services \(USCIS\)](#) previously used an I-134 affidavit of support for people who sponsored a family member. We **only** deem a sponsor's income to a sponsored immigrant if the sponsor completed the I-864 or I-864A.
3. **When the USCIS requires an affidavit of support:** The USCIS requires a US citizen to complete an affidavit of support in order to bring a relative into the US as an immigrant. USCIS also requires the affidavit when an immigrant enters the US on an employment-

related immigration petition. The USCIS has detailed information on-line about who must have the affidavit

at: <https://www.uscis.gov/sites/default/files/document/guides/F3en.pdf>

4. **A sponsor's liability:** A sponsor may be responsible to repay benefits the department pays for a sponsored immigrant. The process for this is not set at this time. A sponsor is not liable to repay benefits for a period when:
 1. The sponsor is a member of the sponsored immigrant's AU; or
 2. The sponsored immigrant starts to receive benefits after they become a US citizen or have 40 qualifying quarters of work.
5. **When a sponsored AU member withholds sponsor information:** Sponsored AU members may choose to withhold information about their sponsor. However, they become ineligible AU members as a result.

Worker Responsibilities - [WAC 388-450-0155](#)

1. Check to see if the client is exempt from deeming under [WAC 388-450-0156](#).
2. If the client **isn't exempt**, help them get the information they need to deem the sponsor's income:
 1. Get as much information as possible about the client's sponsor including name, last known address, phone number; and
 2. Attempt to contact the sponsor and get the information you need; or
 3. If you can't get more current information, use the affidavit of support to decide the sponsor's income and resources. Get a copy of the affidavit from the client, the client's sponsor, USCIS, or the Attorney General.
 4. If you can't get a copy of the affidavit of support, try to get another form of verification. Don't delay benefits if you can verify the information from another source.
3. If the sponsored immigrant is unwilling or unable to provide their sponsor's information, determine eligibility and benefits for the rest of the unsponsored AU members. Don't include the needs of the sponsored immigrant, but include the immigrant's actual income and resources.

NOTE:

Lack of verification of income and resources from a sponsor does not affect eligibility for the unsponsored household member. Do not delay, deny, or terminate benefits to unsponsored AU members based on lack of sponsor verification.

Clarifying Information - [WAC 388-450-0156](#)

1. **SSA qualifying work quarters:** SSA decides how much income someone must earn in order to earn a qualifying quarter of work. See [WAC 388-424-0008](#) for information on how to decide if someone has 40 qualifying quarters of work.

If an immigrant has 40 qualifying quarters of work using the spouse's work quarters, the immigrant keeps the exemption even if the immigrant divorces the spouse at a later date.

~~2. **Children and pregnant women are exempt from sponsor deeming for medical benefits:**~~

- ~~3.2. **Children are exempt from deeming for Basic Food:** For Basic Food, we do not deem a sponsor's income or resources to children in the sponsored immigrant's household even if the child is a sponsored immigrant or a U.S. citizen. When the child turns age 18, we must deem the sponsor's income unless the child is exempt for some other reason. See example of deeming of sponsor's income under [WAC 388-450-0160](#) when there are exempt children in the sponsored immigrant's household.~~

- ~~4.3. **Deeming is time-limited for state-funded benefits:** For state funded benefits, we only deem a sponsor's income to the immigrant for five years from the date the sponsor signed the affidavit of support. For federal benefits, we continue deeming a sponsor's income and resources until the immigrant is exempt from deeming under [WAC 388-450-0156](#).~~

- ~~5.4. **Using in-kind income:** We do not deem in-kind income to the client. We add the sponsored immigrant's in-kind and other income **outside of ACES** and compare against 130% of the FPL to decide if the client is exempt from the deeming process. The United States Department of Health and Human Services (HHS) publishes the [federal poverty level guidelines](#).~~

- ~~6.5. **Value of in-kind income:** We use the amount someone would normally pay for items or services (the market rate) as the value of free rent, commodities, goods, or services when we look at a client's in-kind income to decide if they are exempt from the deeming process.~~

- ~~7.6. **Alien Emergency Medical:** If a non-citizen isn't eligible for other medical benefits, that person may be eligible for AEM. We don't deem a sponsor's income or resources for AEM. See [WAC 182-507-0110](#).~~

- ~~8.7. **Special Immigrants:** Immigrants from Iraq or Afghanistan who were granted Special Immigrant status under section 101 (a)(27) of the INA are not required to have a sponsor, and therefore, not subject to deeming rules.~~

- ~~9.8. **Renewing Indigence Exemptions:** While indigence exemptions expire at the end of 12 months, they may be renewed for additional 12-month periods if the eligibility criteria are met.~~

- ~~10.9. **Reporting Indigence Exemptions:** The requirement to report indigence exemptions to the U.S. Attorney General described in [WAC 388-450-0156](#) (7) applies only to recipients of federal benefits and is only done after giving them the opportunity to opt out and decline the exemption. Sponsored immigrants must be told the consequences of opting out of the deeming exemption to avoid indigence reporting. Although recipients of~~

state benefits are also eligible for the exemption, they will not be reported. See Worker Responsibilities #5 for instructions.

~~11.10.~~ **Sponsored Immigrants Prior to 12/19/97:** For the purpose of income deeming, a sponsored immigrant is defined as an immigrant for whom a person (the sponsor) has signed an affidavit of support (Form I-864 or I-864A) on behalf of the immigrant pursuant to section 213A of the INA. These forms were not used prior to 12/19/97, so legal permanent residents with this status on or prior to 12/19/97 are exempt from deeming.

Worker Responsibilities - [WAC 388-450-0156](#)

1. **When a sponsor abandons an immigrant:**

1. If the sponsor abandoned the client, look to see if the client meets the exemption for having income at or below 130% of the FPL and explain to the client about the requirement to notify the U.S. Attorney General if they decide to use the indigence exemption.
2. If the client meets this exemption, the department must notify the U.S. Attorney General only after giving the client the opportunity to opt out and decline the exemption. See [Notifying U.S. Attorney General](#).

2. **Deciding if a sponsor is permanently incapacitated:**

Unless it is questionable, accept the client's statement that the sponsor is permanently incapacitated. If you think the sponsor may not be incapacitated, request a note from the sponsor's doctor.

3. **When a sponsored immigrant gets long-term care services:** See [WAC 182-513-1325](#), [WAC 182-513-1340](#), and [WAC 182-513-1350](#) for information on how to treat income and resources for a client who gets long-term care services.

4. **Deciding if the AU has more than 130% of FPL:**

1. Start with the AU's earned and unearned income;
2. Add any cash or in-kind benefits the client receives from any source.
3. The result is the client's total cash and in-kind income.
4. Multiply the current FPL based on the client's AU size by 1.3.
5. Compare the total cash and in-kind income to 130% of FPL.
6. If the client's total income is at or below 130% of FPL, exempt the client from deeming for 12 months. See [Notifying the U.S. Attorney General](#).

EXAMPLE:

A sponsored-immigrant family of four applies for benefits. The family gets ~~\$250~~ ~~300~~ a month from their sponsor and stays in an apartment furnished by the sponsor's church.

The apartment has been rented for ~~\$600-800~~ a month. The husband earns ~~\$450-4,000~~ a month and the wife earns ~~\$200-400~~ monthly.

7. ~~\$450-4,000~~ (Husbands income) + ~~\$200-400~~ (Wife's income) + ~~\$250-300~~ (Monthly income from sponsor) + ~~\$600-800~~ (In-kind income - free rent from church) = **\$1500 5,500 Total cash and in-kind income**
8. ~~\$1509-30,000~~ (2002 Monthly FPL for a family of four) X 1.3 (130%) = **\$1961-39,000** (130% of FPL to decide on exemption)

In this example, the client's cash and in-kind income of ~~\$1500-5,500~~ is less than ~~\$1961-39,000~~. The client is exempt from the deeming process for twelve months. This exemption can be renewed if the client's income remains at or under 130% of the monthly FPL.

The client is **not** exempt from the deeming process if their cash and in-kind income are **more** than 130% of the FPL. Calculate how much of the sponsor's income to deem under WAC 388-450-0160.

EXAMPLE:

A sponsored immigrant family of two applies for benefits. The sponsor does not give them money, but they give the clients \$300 worth of food and household items each month. The immigrant earns \$1200 monthly from their job.

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9. ~~\$1200~~ (Immigrant's income) + ~~\$300~~ (In-kind income from sponsor) = **\$1500 Total cash and in-kind income**
10. ~~\$995~~ (2002 Monthly FPL for two people) x 1.3 (130%) = **\$1294** (130% of FPL to decide on exemption)

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In this example, the client's cash and in-kind income of ~~\$1500~~ is more than ~~\$1294~~. The client is **not** exempt from the deeming process. Calculate how much of the sponsor's income to deem under WAC 388-450-0160.

NOTE:

A client is not automatically eligible for benefits by being exempt from deeming.

5. Notifying the U.S. Attorney General:

1. When you approve federal benefits for a client who is exempt from deeming for having income at or below 130% of the FPL, CSD headquarters staff must notify the U.S. Attorney General (USAG). Before you communicate with CSD headquarters staff, explain to the client:
 1. the purpose of the 130% FPL household income determination;
 2. that they have the right to "opt out" of the deeming exemption; and
 3. that the consequence of not giving their consent to the USAG notification is the department counting a part of their sponsor(s)' income toward the budget used to decide their eligibility and benefit level.
- b. If the client gives their consent to the USAG notification take the following steps:
 1. Complete the Indigence Exemption report form in Barcode (under Forms in the client's ECR) adding the following information:
 - Name(s) of the sponsored immigrant(s) who have been approved for federal benefits and their Client ID numbers;
 - Name of sponsor; if there is more than one sponsor, it is only necessary to enter the primary sponsor
 - Which federal programs the immigrant is eligible for and start date of each.
 2. Submit the report to CSD headquarters staff via Barcode
 3. Document in ACES narration that the client is exempt from deeming and that you referred the case to CSD headquarters staff to notify the USAG.
 4. Set a user-generated tickler in Barcode for an Indigence Exemption Review with a ready date of 12 months from date of exemption.

NOTE:

Don't refer a client if they are exempt for any reason other than having income under 130% of FPL (e.g., the client was sponsored by an organization.) Don't refer a client who is receiving only state benefits.

Worker Responsibilities - [WAC 388-450-0160](#)

Calculate the amount of income to deem for cash assistance, [medical programs](#), or Basic Food as follows:

1. Total the sponsor's countable earned income (and the earned income of the spouse if appropriate). Subtract 20% from this amount.
2. Total the sponsor's countable unearned income (and the unearned income of the spouse if appropriate) and add this to the result above.
 - **For cash assistance:** Subtract the **need standard** based on the number of people in the sponsor's AU ([WAC 388-478-0015](#));
 - **For Basic Food:** Subtract the **maximum gross monthly income** based on the number of people in the sponsor's AU ([WAC 388-478-0060](#));
3. If the sponsor completed an [I-864](#) or [I-864A](#) for more than one person:
 - For Basic Food, divide the countable income by the number of immigrants that are sponsored by the sponsor and any U.S. citizen children in the immigrant's household under the age of 18;
 - ~~For SSI related medical, follow instructions listed under [WAC 182-512-0795](#);~~
 - For cash, divide the countable income by the number of immigrants that are sponsored by the sponsor;
 - Multiply by the number of non-exempt immigrants they sponsored that are in this AU.
4. Document the calculation you just completed.

EXAMPLE:

The client is a single sponsored immigrant. The client's sponsor and their spouse have combined earned income of ~~\$2300~~8,000 and \$231 unearned income each month. The sponsor, their spouse, and 12-year old son live in the sponsor's home. The sponsor has signed an I-864 for one other immigrant.

Cash Assistance

- ~~\$2300~~8,000 earnings - ~~\$460~~1,600 (20%) = ~~\$1840~~6,400 + \$231 (Unearned income) = ~~\$2071~~6,631 (Combined earned and unearned income)
- ~~\$2071~~6,631 (Combined earned and unearned income) - ~~1763~~\$6,396 (Need standard for 3 people) = ~~\$308~~235 (Income deemed from the sponsor) / 2 (# of immigrants for whom sponsor signed I-864) = **~~\$154~~118 Income we deem to the client for cash assistance**

Basic Food

- ~~\$2071~~6,631 - ~~\$1984~~2,495 (Maximum gross monthly income for 3) = ~~\$874~~1,136 Income deemed from the sponsor / 2 (# of immigrants for whom sponsor signed I-864)
- **~~\$44~~2,068 Income we deem to the client for Basic Food**

EXAMPLE:

The client is a single pregnant sponsored immigrant with no income. The client's sponsor and the spouse have combined earned income of ~~\$2800~~6,800 each month. They have no unearned

income. The sponsor and the spouse live alone. The sponsor hasn't signed any other affidavit of support.

Cash Assistance

- $\$2800 - 6,800$ earnings - $\$560 - 1,360$ (20%) = $\$2240 - 5,440$ - ~~1428~~ $\$5,290$ Need standard for 2 people = **$\$812 - 150$ (Income we deem to the client for cash assistance)**

Basic Food

- $\$2800 - 6,800$ earnings - $\$560 - 1,360$ (20%) = $\$2240 - 5,440$ - ~~1579~~ $\$1,984$ (Maximum gross monthly income for 2 people) = **$\$661 - 3,456$ (Income we deem to the client for Basic Food)**

NOTE:

Because the deemed income is under 185% of the FPL, the pregnant woman is eligible for pregnancy medical benefits.

EXAMPLE:

Example with exempt children in the household: A Basic Food household consists of one sponsored adult, one sponsored child, and **one U.S. citizen child**. After applying the allowable disregards and deductions to the sponsor's income, \$900 of the sponsor's income is deemed to the household.

For Basic Food: Divide the deemed income by the number of sponsored immigrants and all children in the Basic Food household, and count only the portion for the sponsored adult. - $\$900 \div 3$ (1 adult, 2 children) = \$300 $\$300 \times 1$ sponsored adult = \$300 (amount budgeted against the BF household)

ACES Procedures

- See Interview - (DEEM) Allocations / Deeming Screen
- See Income Eligibility and Budgeting - Special Income Situations - Income Allocation Cash - Financially Responsible Person Not Included in AU Because of Alien-Immigrant Status