



MEMORANDUM
HEALTH AND HUMAN SERVICES
HUMAN SERVICES
County of Placer

TO: The Honorable Board of Supervisors

FROM: Jeffrey S. Brown, M.P.H., M.S.W., Director of Health and Human Services
Edward N. Bonner, Sheriff-Coroner-Marshal

DATE: September 27, 2016

SUBJECT: Adopt Revised General Relief polices including coordination of Coroner and Public Administrator indigent burials.

ACTION REQUESTED

1. Adopt the revised Placer County General Relief Program Policy Manual to replace all prior general relief program polices, manuals, and resolutions.
2. Adopt the new Placer County Indigent Cremation and Low-Income Cremation Assistance Program, Policy and Program Requirements

BACKGROUND

The purpose of the Placer County General Relief Program is to provide assistance to residents of Placer County who meet the eligibility criteria and whose basic needs are not otherwise met, who are not eligible for any other public assistance program, and who are actively seeking employment or are unemployable. Placer County is mandated under State law, Welfare and Institutions Code Section 17000 et. seq., to provide such services. This mandate is unfunded and all costs to provide General Relief are borne by the County using County General Funds.

Enrollment in Placer County's General Relief Program has averaged at around 500 persons during the last fiscal year. Eligibility is determined by the established Board policy around specific requirements. Current requirements include:

1. Eligibility: applicants must apply for all other coverage available to them.
2. Age: 18 or over except in some instances like emancipated minors.
3. Residency: Placer County residents and U.S. citizen or Legal Permanent Resident.
4. Property limits: Maximum of \$50 in cash or checking and savings; life or burial insurance not to exceed \$500 and a vehicle not to exceed \$1500.
5. Income level: Income and any nonexempt property cannot exceed maximum aid levels. Net income is deducted from the grant amounts.

The General Relief Program policy was last updated in 1996. The Human Services Division is recommending revisions to the General Relief policy that will keep the County in compliance with changes in state law, to align certain standards with other state social service programs creating a program that is easier to administer, add penalties for the commission of fraud, and to better document current practices.

Cremation assistance is covered in the current General Relief policy. The current policy specifies that burials are provided for indigents but there isn't a clear definition of the eligibility factors for that program. Additionally, cremation assistance and responsibility for cremation and burial in Placer County can fall to one of three offices under state law- the County Public Administrator, the Sheriff's Coroner, and the County General Relief Program through the HHS Human Services division. To facilitate better coordinated handling between these three offices, representatives from all three offices jointly recommend taking cremation assistance out of the General Relief Policy and adopting the proposed Placer County Indigent Cremation and Low-Income Cremation Assistance Policies and Program Requirements.

Both policies have been shared with Legal Services of Northern California in their final forms.

DISCUSSION - GENERAL RELIEF POLICY CHANGES

To follow are the primary recommended revisions to the current General Relief policy, and the rationale for the recommendation.

1. Eligibility

The process in the current policy for review of grant amounts is being changed to provide the Board of Supervisors more flexibility in making those determinations if an increase is needed considering specified indicators.

Currently there is a provision for payment to cover special needs under certain rare circumstances. This would be increased from \$30 to \$40.

2. Property Limits

Personal property is expected to be used to meet basic needs. Currently, any liquid resources (cash, checking or savings) of \$50 over the individual's income level renders the applicant ineligible for General Relief aid. The revised policy increases that limit to \$75.

Currently, life or burial insurance in excess of \$500 renders an applicant ineligible to receive General Relief aid. The revised policy increases that limit to \$1000.

Currently, a vehicle with cash value in excess of \$1,500 renders an applicant ineligible for General Relief aid. As is consistent with other state social service programs, the revised General Relief policy provides that one vehicle is exempt from consideration of property values. This allows the applicant to have transportation to and from work or medical appointments.

3. Fraud Penalties

The current policy does not specify what penalties would be imposed for commission of fraud. This revised policy would align the General Relief policy with the current penalties imposed for fraud in the State CalFresh program. Persons who commit fraud:

- will lose General Relief benefits for 12 months for the first offense and be required to repay all benefits overpaid; and
- will lose General Relief benefits for 24 months for the second offense and be required to repay all benefits overpaid; and
- will lose General Relief benefits permanently for the third offense and be required to repay all benefits overpaid; and
- may be subject to criminal prosecution and jail time

4. Cremation Assistance

The current policy specifies that burials are provided for indigents but there isn't a clear definition of the eligibility factors for that program. Cremation Assistance is being taken out of the General Relief policy and a new policy and process is being proposed.

DISCUSSION - INDIGENT BURIAL

There are approximately five cases per year where the decedent is low-income but whose income or other resources are slightly above the General Relief resources and property level eligibility requirements. These cases are typically dealt with under the jurisdiction of the Placer County Public Administrator or come within the jurisdiction of the Coroner's Office. These cases often have insufficient liquid resources to cover cremation costs. The proposed Placer County Indigent Cremation and Low-Income Cremation Assistance Program, Policy and Program Requirements would cover not only indigent burials under the General Relief Program, but would also provide for a process and resources to move these Public Administrator and Coroner cases

to cremation while providing authority to recover the cremation costs through appropriate personal resources.

FISCAL IMPACT

General Relief Policy. While the policy recommendations increase some property limits, it is anticipated that there will be minimal impact to the numbers of individuals enrolled in the program and the cost of their care. Enrollment in General Relief has averaged at around 500 persons during the last fiscal year and is down almost 25% from June 2015.

Cremation Assistance. These revised policies are not expected to increase total cremations significantly. In addition, the number of cremations has been lower than in past years, resulting in less than the budgeted amounts. The current contract for cremations with Hooper and Weaver is for \$65,000 annually. Cremations billed against the contracts have been declining. Past calendar year expenditures were:

2016 (to date): \$ 17,223.06.
2015: \$36,678.75
2014: \$39,400.50
2013: \$76,006.

ATTACHMENTS

- Attachment A: Proposed Placer County General Relief Program Policy Manual
- Attachment B: Placer County Indigent Cremation and Low-Income Cremation Assistance Program, Policy and Program Requirements



General Relief

Program Policy Manual

Adopted by the Board of Supervisors on -----

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A. GENERAL PROVISIONS AND DEFINITIONS

The purpose of the Placer County General Relief Program is to provide assistance to residents of Placer County who meet the eligibility criteria and whose basic needs are not otherwise met, who are not eligible for any other public assistance program, and who are actively seeking employment or are unemployable in accordance with Welfare and Institutions Code (“**W&I**”) section 17000 and this Policy.

The Board of Supervisors has the authority to establish policies under which the General Relief program is administered, and any changes or exceptions may be made only upon its authorization.

The Placer County Department of Health and Human Services, Human Services Division (“**Human Services Division**”) shall administer the General Relief program. Processing of all applications shall be conducted in accordance with the Welfare and Institutions Code section 17000 of the State of California and in accordance with the principles and procedures set forth in this Policy.

Definitions. The following definitions are applicable to this Policy.

Applicant - An individual who is applying for benefits through the Placer County General Relief Program.

Family - For purposes of this Policy, a family is defined as a parent and/or a spouse and minor children residing together in the same household. Parents do not need to be married to be aided on the same case.

General Relief Household - Is the same as the definition of “family” above.

Recipient - An individual who is receiving benefits through the Placer County General Relief Program.

B. ADMINISTRATION OF GENERAL RELIEF

It is the County’s responsibility to:

1. Administer General Relief promptly and humanely without discrimination on account of race, color, national origin, religion, political affiliation, sex, sexual orientation, marital status, or disability.
2. Administer aid so as to encourage self-respect, self-reliance, and self-support.

3. Pay General Relief aid by Electronic Fund Transfer (“EFT”) within the first three days of each month for which the applicant/recipient is eligible. Aid may be made payable only to the recipient or their designated substitute payee and recipient jointly. Board and care and room and board will be paid on a reimbursement basis by vendor payment.
4. Use vendor payments for protective service situations, immediate need situations, when requested by the applicant/recipient, or when otherwise determined by the County to be the appropriate payment method for a particular situation.
5. Determine the eligibility of all applicants/recipients for General Relief in accord with the provisions set forth in this policy.
6. Notify all individuals of the existence of the General Relief program by posting a description of the program, the method of applying, and the right of appeal in the lobby of each Human Services Division office.
7. Inform all appropriate staff of the General Relief policy and issue all policy changes in writing to staff to assure, to the extent possible, uniform application of policy to all applicants and recipients.
8. Provide a Timely Notice (see, Hearing and Due Process section V.6, for further definition) to the applicant/recipient in writing at least 10 days prior to taking an adverse action, such as a decrease or termination of benefits, giving the specific reason and statutory basis for such action and to include a statement explaining the applicant/recipient appeal rights on all Notices of Action. An exception of the requirement to provide 10 days’ notice is when a decrease occurs to all recipients due to a change in the Maximum General Relief Benefit Amount specified in the Determination of Need, section T.
9. Provide Adequate Notice of changes to benefits (see, Hearings and Due Process section V for further definition) which may be less than 10 days when a household’s monthly General Relief grant is changed but not reduced or terminated.
10. Maintain an appeal process by which the applicant/recipient can have any action of the Human Services Division reviewed.

C. APPLICANT RESPONSIBILITY

1. The applicant/recipient is responsible for:
 - a. Completing all forms in the application or redetermination process.
 - b. Making available all information or verification necessary to establish eligibility.

- c. Reporting, within five days of the occurrence, any of the following changes:
 - i. The receipt of income from any source.
 - ii. Changes in employment status
 - iii. Any increase or decrease in income.
 - iv. The transfer or sale of real estate or personal property.
 - v. Change of address.
 - vi. Change in the household composition.
 - vii. Enrolling in School/Completing School or vocational training.
- d. Registering with the Employment Development Department as a condition of eligibility, if employable.
- e. Providing Social Security Number ("**SSN**") or cooperate in securing such numbers by:
 - i. Applying directly to a local office of Social Security Administration.
 - ii. Furnishing the SSN verification to the Human Services Division when approved.
 - iii. Applying for all aid that may be available through the U. S. Social Security Administration, e.g., Unemployment Insurance Benefits ("**UIB**"), Supplemental Security Income ("**SSI**"), State Supplemental Payment ("**SSP**") and Social Security.
- f. Notifying the Human Services Division of Needed Assistance. If the applicant/recipient is incapable of meeting their responsibilities because of a physical or mental disability, the Human Services Division Eligibility Specialist will assist the applicant/recipient.
- g. Applying for other assistance programs. Persons who would be otherwise eligible to assistance under another county, state or federal categorical aid or assistance program (such as, CalWORKs, Cash Assistance Program for Immigrants, etc.), upon application for General Relief must apply for those programs and do not have the option of receiving General Relief instead.

D. APPLICANT RIGHTS

1. To apply for General Relief aid

- a. Any person has the right to apply and be allowed to complete an application for General Relief.
- b. To have eligibility determined promptly after providing all required information and documents. A determination of eligibility shall be made within 30 days from the date of the application except as otherwise provided in this Policy.
- c. To be notified in writing of all reasons for the denial of the application for General Relief.
- d. To be notified in writing ten (10) days prior to any decrease or discontinuance in aid.

- e. To have, upon request, a conference with a Human Services Division Eligibility Supervisor to discuss or clarify disputes involving discrimination, complaints, or eligibility requirements or any proposed denial, discontinuance or decrease in benefit amount.
- f. To request a General Relief Fair Hearing, as set forth in this Policy, to obtain a full and impartial review of any proposed denial, discontinuance or decrease of aid.
- g. To have an interview conducted in the applicant/recipient's native language, with an interpreter provided by the Human Services Division, if necessary.

2. Right to a Fair Hearing

- a. If an applicant/recipient is dissatisfied with any action taken by the Human Services Division in regard to their eligibility, amount of grant, or method of payment, they may request a hearing within ninety (90) days of the date on the Notice of Action (“NOA”).

3. Right to Confidentiality

- a. Every applicant/recipient who receives aid or service from the Human Services Division has the right to have the information maintained in his/her case record kept confidential (refer to Welfare and Institutions Code Section 17006)
- b. Other than as provided by law, NO INFORMATION CAN BE GIVEN TO AN INDIVIDUAL OR GROUP WITHOUT A WRITTEN RELEASE OF INFORMATION FROM THE applicant/recipient specifically identifying the type of information to be given. If the applicant/recipient is present, the release of information can be made verbally. If positive identification of the applicant/recipient can be made from information available in the case record, release can be given verbally on the phone if the information is to be provided as part of the same telephone call.

E. APPLICATION PROCESS

- 1. The individual wishing to apply for General Relief must provide all information and any forms necessary to complete an application determining eligibility.
- 2. A face-to-face interview with the applicant and not merely the applicant's representative is required to process all applications.

F. CONDITIONS OF ELIGIBILITY

1. Age

- a. General Relief will be allowed only to those persons who qualify otherwise and are at least 18 years of age, or meet the following exceptions:
 - i. Emancipated minors with court approval are eligible to apply for General Relief.
 - ii. Minors pending placement in a foster home may be eligible to General Relief.
 - iii. Childless, legally married couples under the age of 18 may be eligible for General Relief.
 - iv. Childless individuals under 18 years of age, legally married but currently separated, and/or divorced may be eligible for General Relief.

2. Citizenship/Immigration

- a. U.S. Citizenship is not a requirement for General Relief. However, if not a U.S. citizen, the applicant(s) must have Legal Permanent Resident (“LPR”) Status. General Relief will not be approved for non-citizens who do not have LPR Status.
- b. Only U.S. citizens and individuals lawfully admitted for permanent residence or permanently in the United States under color of law will be eligible for General Relief. Verifying LPR status:
 - i. The Human Services Division must view the LPR registration card. If the document contains an “A” number, Human Services Division must attempt to verify the non-citizen’s status through the Systematic Alien Verification for Entitlements (“SAVE”) Program or its successor program.
 - ii. If there is a question regarding the validity of the LPR document, or if no document is provided, individuals will be given local U.S. Citizenship and Immigration Services (“USCIS”) contact information and will be responsible to clarify their status. General Relief will not be granted until LPR status is officially clarified.
- c. Sponsors must make their income and property available to the applicant/recipient. As used in this Policy the term “Sponsor” means a person who has filed an Affidavit of Support under the United States Immigration and Nationality Act, and includes an individual who has completed an Affidavit of Support Contract with a Sponsor.

- i. The sponsored non-citizen will be responsible for the following:
 - a) Obtaining the cooperation of their Sponsor(s).
 - b) Providing the Human Services Division, at the time of application/renewal, with any information and documentation necessary to calculate the income and resources of the non-citizen's Sponsor.
 - c) A copy of any and all filed Affidavits of Support and Affidavits of Support Contract with a Sponsor.
- ii. All Sponsors of a LPR will be required to sign a written Repayment Agreement for the time period during which the Sponsor is legally responsible to provide for the financial support of the LPR.
- iii. The Human Services Division may request the district attorney or county counsel to maintain a legal action against the Sponsor to recover for the County the aid provided to the non-citizen for time periods during which the Sponsor is legally responsible for the financial support of the non-citizen.

3. Students

- a. Students who provide evidence that they intend to seek full-time employment are eligible for General Relief, if all other eligibility conditions are met.
- b. Students who are engaged in a training plan approved by the Human Services Division are eligible for General Relief, if all other eligibility conditions are met.

4. Residence

- a. Compliance with the residency requirements set forth in Sections 17000 and 17100 through 17105 of the Welfare and Institutions Code is required as a condition of eligibility for General Relief.
- b. No aid shall be paid until residence is verified, nor unless the applicant has established a legal residence within Placer County at a permanent fixed location with a mailing address. However, homeless individuals are not required to acquire a mailing address.
- c. Residence is based on a physical presence and intent to remain. There is a fifteen (15) day county residency requirement.

- i. Discussion of the “physical presence” factor in residence requirement:
 - a) An individual sent to a second county for the purpose of receiving medical care or treatment for substance abuse remains the responsibility of the sending county.
 - b) An individual who comes to Placer County of his own volition to receive medical care or treatment for substance abuse but who maintains a home in another county, or who considers another county to be his residence and intends to return there, retains residence in that county.
 - c) Individuals described above will be referred to their county of residence to apply for General Relief.
 - d) Care will be taken to thoroughly explore place of residence on individuals in drug and alcohol abuse facilities.
- ii. Verification of Residence
 - a) Evidence showing address, or
 - b) Applicant’s sworn statement
 - c) Homeless individuals may verify their physical presence through a sworn statement or a collateral contact, which is some other individual who can identify the applicant and provide facts of residence.
- iii. Non-Placer County Residents
 - a) Non-residents are not eligible for General Relief from Placer County.
 - b) The Human Services Division may provide transportation and maintenance to nonresidents in route to a place out of the county where the individual is otherwise eligible for General Relief. Transportation under this section shall be provided by the least expensive means available.

5. Employability

- a. Employability as a factor by itself shall not exclude any individual that is otherwise eligible from securing General Relief. However, applicants shall be classified as either employable or unemployable as eligibility requirements are different for each group.
- b. Applicants/recipients shall be classified as either Employable or Unemployable. Applicants/ recipients are presumed to be employable unless they are:

- i. Physically or mentally disabled.
 - ii. Under 18 years of age or 60 years of age or over and lack the skills to be competitive in the employment market.
- c. Employable Applicants shall:
- i. Register for employment services with the California State Employment Development Department (“**EDD**”), the Golden Sierra Job Training Agency or its successor agency, another government affiliated employment agency acceptable to the Human Services Division, or Employment Services offered by the Human Services Division;
 - ii. Be available for employment;
 - iii. Accept available employment unless refusal is based on Good Cause;
 - a) Cooperate with and carry out any specific vocational plan developed by the Human Services Division, or the State Department of Rehabilitation.
 - b) Have a limitation of three (3) months of General Relief benefits in a twelve (12) month period for employable individuals who are offered job skills/training sessions. It is assumed that individuals are offered job skills/training sessions as part of registration with EDD, Golden Sierra Job Training Agency, or Human Services Division Employment Services.
- d. Unemployable Applicants claiming disability shall:
- i. Submit a medical or psychological evaluation within ten (10) days of claim of disability; acceptable verification will be signed by a chiropractor, licensed therapist or medical doctor;
 - ii. Enter into and cooperate in appropriate treatment and therapy programs designed to reduce, eliminate or compensate for the disabling condition;
 - iii. Apply for SSI/SSP and/or Cash Assistance Program for Immigrants (CAPI) if a disabling condition is likely to exist for a year or longer;
 - iv. Authorize the County of Placer to receive reimbursement of General Relief from retroactive SSI/SSP aid;
 - v. Pursue and comply with the procedures under the State SSI/SSP program for successful qualification for aid under that program.

- vi. Apply for and pursue a claim for any other appropriate benefit program available to the individual and pursue and comply with the procedures for successful qualification under such benefit program.

6. Sanctions

- a. An individual who has terminated employment without Good Cause shall be ineligible for General Relief for one month from the date of termination of employment.
- b. Placer County will honor other counties' sanctions and periods of ineligibility at time of application if the applicant was receiving General Relief from that other county.
- c. The General Relief household shall be ineligible for six (6) months following the effective date of discontinuance of General Relief benefits, when the General Relief household recipient is employable and has received three (3) months of General Relief benefits and:
 - i. Fails or refuses to accept a bona fide offer of employment without Good Cause.
 - ii. Quits employment or work relief without Good Cause.
 - iii. Fails to appear for interviews with an employer.

7. Good Cause Determination

Good Cause exists for refusing or quitting employment when:

- a. The offer of employment was from an employer who does not:
 - i. Possess an appropriate license to engage in his business
 - ii. Withhold or hold in trust the employee contributions required by the California Unemployment Insurance Code, Section 2601 et seq. regarding unemployment and disability compensation
 - iii. Transmit all such employee contributions to the California Department of Social Services as required by Section 986 of the California Unemployment Insurance Code
 - iv. Carry either workers' compensation insurance or possess a certificate of self-insurance as required by California Labor Code Section 3201 et seq.

- b. The employment or training violated applicable health and safety laws and regulations.
- c. The wage offered for the employment or training was less than the applicable state or federal minimum wage.
- d. The acceptance of employment would preclude completion of a job training or educational program.
- e. The training or job was unavailable due directly to a bona fide strike or lockout.
- f. The employment or training was in excess of the individual's mental or physical capacity.
- g. The individual was ill or required to care for an ill member of the immediate family and no other care arrangements were feasible.
- h. The individual is responsible for the care of a minor child and no other childcare arrangements were feasible.
- i. The individual was without a means of getting to or from the place of employment or training on a regular basis.
- j. An individual was prevented from participation or reporting due to securing employment which has the potential of becoming full time employment.
- k. An individual was participating in a county approved educational or training program.
- l. An individual was prevented from participating or reporting due to physical or mental incapacity.
- m. An individual was ill or required to care for an ill member of the immediate family and no other care arrangements were feasible.
- n. An individual was without transportation due to circumstances beyond his/her controls and was without other means of transportation.

G. EVALUATION OF HARDSHIP / DIRECTOR'S EXCEPTIONS

1. A Human Services Division Eligibility Specialist must evaluate the applicant or family circumstances to determine if an extreme hardship exists. An extreme hardship exists when all of the following elements are present: (a) an applicant or family does not qualify for any state, federal, or other county aid program, (b) the applicant or family has no other income, resources or means of support, (c)

the applicant or family does not otherwise qualify for General Relief benefits under this Policy, and (d) there is an identifiable situation or circumstance, other than the those set forth in 'a' through 'c' above, which necessitates a hardship exception under the circumstances.

2. The Director or Assistant Director of Placer County Human Services Division, or if they are unavailable then the Program Manager, may grant exceptions to the requirements contained in this Policy Manual to alleviate extreme hardship in emergency or unusual situations based on a written request by the Human Services Division Eligibility Specialist. A record of such exceptions, including a specific identification of the Policy requirement being waived and the basis for granting the exception, shall be maintained by the Human Services Division. The Director's Exception is only valid for one three month period and may be reapproved for one additional three month period upon a written recommendation by the Human Services Division Eligibility Specialist. Thereafter, a new Director's Exception may be granted to the applicant based on a new application for General Relief Benefits submitted by the applicant (see, Application Process, section E) and a new Hardship Evaluation as set forth in section G.1.
3. If a state of emergency or declaration of disaster is declared by the Placer County Board of Supervisors, the Governor of the State of California, or by Presidential Declaration due to a major disaster occurring in the County of Placer, the Director of the Human Services Division or designee may make any necessary exceptions to this policy as appropriate to assist residents who are adversely affected by the crisis or disaster and who are in need of urgent humanitarian assistance. Any exceptions to this Policy made under this paragraph shall be reported to the Board of Supervisors at a board meeting as soon as is reasonably possible.

H. LIENS

1. An applicant for General Relief shall be required to sign a lien on real property. For applicants who are approved to receive aid, the lien will be recorded at the appropriate county Recorder's Office.
2. The lien on Real Property shall not be exercised until:
 - a. There is a property transaction
 - b. The recipient comes into funds
 - c. The recipient dies, providing there is no dependent parent, spouse or child using the property as a home at the time of the recipient's death.

I. INCOME

In order to determine eligibility for General Relief an applicant's income is taken into consideration.

1. Income Definitions. Income generally is any earned or unearned income, benefit in cash or an in-kind receipt of certain goods or services, which is currently available to the applicant or is received as a result of current or past labor or services, business activities, interests in real or personal property, or as a contribution from persons, organizations or assistance agencies.

a. **Earned Income:**

Income which is received in return for work performed by an individual, including self-employment. Net income is gross income minus mandatory, payroll deductions.

b. **Unearned Income:**

Examples include: UIB, Disability Insurance benefits ("**DIB**"), Workers' Compensation benefits, assistance programs based on need, Refugee Cash Assistance ("**RCA**"), contributions by relatives or friends, pensions, earned income credits, income tax refunds, and interest earned from personal property, e.g., bank accounts.

The portion of school grants used to support an individual's daily needs; housing, food, clothing, will be counted as unearned income.

c. **Income In-Kind:**

Income In-Kind is income received in the form of services or living expenses, such as rent, food, and clothing. When the total item of need listed in the Maximum General Relief Benefit Amount Table (see, section T, Determination of Need) in categories such as housing, or utilities for example are received free by an individual, they shall be considered income in-kind and deducted from the Maximum General Relief Benefit Amount.

2. Treatment of Income. To be considered in determining the General Relief benefit, income must in fact be currently available to the applicant/ recipient in meeting their needs. The income of all individuals applying for or receiving General Relief will be considered in determining the amount of the General Relief benefit.

a. **Responsible Relatives:**

The income of natural or adoptive parents will be considered available to meet the needs of minor children (under 18) living in their home. Each spouse is responsible for the support of the other spouse living in the home.

b. Sponsors:

Sponsors of a Legal Permanent Resident who is receiving General Relief are responsible for the support of the LPR for the time period set forth under federal immigration law. The income of the Sponsor will be considered in determining eligibility as long as the Sponsor is legally responsible for the support of the applicant/ recipient.

3. **Application of other Available Income.** Applicant/ recipients must apply for and accept any other income that might possibly be available to him/her including but not limited to: Retirement, Survivors and Disability Insurance (“RSDI”), UIB, DIB, Veterans Aid, SSI/SSP, Workers’ Compensation or Railroad Retirement.

4. **Verification of Income**

- a. All income received must be verified through the following;
- i. Paycheck stubs
 - ii. Letter from employer (use Human Services Division form)
 - iii. UIB, DIB, Workman’s Compensation, RSDI- certificate of award or denial
- b. Verification of Veteran’s Benefits, (use State form CW 5 or its successor form)
- c. Shared Housing Statement (use Human Services Division form)
- d. Self-employment income (use tax return, profit and loss statement or sworn statement)

5. **Lump Sum Payments.** Lump sum income is any income received which is not recurring regular income. Lump sum income is usually nonrecurring in regard to amount and/or source. Lump sum income includes, but is not limited to, the following: retroactive social insurance payments, state and federal income tax refunds, bonuses, income from free-lance work, inheritance, gifts, awards, and grants.

6. **Income Reports.** Individuals receiving General Relief are required to submit monthly income/status reports. Reports are due by the 5th day of the report month.

J. OVERPAYMENTS

1. All overpayments will be adjusted from the ongoing General Relief payments in accordance with the Human Services Division’s procedures for adjusting repayment of overpayments in the California CalFresh or its successor program.
2. Overpayments involving potential applicant or recipient fraud will be referred to the appropriate law enforcement agency, which will include the Placer County’s Welfare Fraud Investigation unit.
3. An overpayment shall not be assessed for the last month of aid when the applicant/ recipient is ineligible due to employment income.

K. FRAUD

1. Fraud is when it is determined that an individual, within their competence; knowingly failed to report or misrepresented facts, with the apparent intent to defraud. This includes individuals who:
 - a. Knowingly and with intent to deceive, made false statements or representation to obtain aid, to obtain a continuance or increase of aid, or to avoid a reduction in aid.
 - b. Knowingly and with the intent to deceive, failed to disclose a fact which if disclosed, would have resulted in the denial of, or the reduction, or discontinuance of aid.
 - c. Accept aid knowing he/she was not entitled to it, or accepted any amount of aid knowing it was greater than the amount to which he/she was entitled.
 - d. For the purpose of obtaining, continuing, or avoiding a reduction or denial of aid, made statements which he/she knew were not true.
 - e. Persons who commit fraud:
 - i. will lose General Relief benefits for 12 months for the first offense and be required to repay all benefits overpaid; and
 - ii. will lose General Relief benefits for 24 months for the second offense and be required to repay all benefits overpaid; and
 - iii. will lose General Relief benefits permanently for the third offense and be required to repay all benefits overpaid; and
 - iv. may be subject to criminal prosecution and jail time

L. FRAUD PREVENTION

Individuals must comply with fraud prevention requirements consistent with the CalWORKs requirements as specified in California Welfare and Institutions Code Section 10830 or its successor provision.

M. UNDERPAYMENTS

Supplemental payments will be issued to correct administratively caused underpayments occurring within the previous twelve months.

N. DELAYED PAYMENTS

Whenever the eligibility status, amount of grant, or whereabouts of a recipient is in question, warrants will be placed in suspense for a period not to exceed one calendar month while necessary information is obtained.

O. PROPERTY

In order to determine eligibility for General Relief the value of an applicant/ recipient's property is taken into consideration.

1. Definitions

a. **Real Property:**

Real property is generally land and improvements; immovable property attached to land such as but not limited to: buildings, mines, patented or unpatented oil, mineral rights, timber rights, contracts of sale.

b. **Personal Property:**

Personal property consists of possessions or interests which might be easily transported or stored such as: cash, savings, securities, checking and savings accounts, notes, mortgages, uncollected judgments, deeds of trust, jewelry, musical instruments, power tools, recreational equipment, boats, antiques, recreational vehicles, and motor vehicles, cash surrender value of insurance policies.

2. Property Excluded in Property Limits

- a. Real property owned and occupied as the home in which the applicant/ recipient lives will not be considered in determining eligibility for General Relief.
- b. An applicant/ recipient's real property held in trust which a court has ruled cannot be utilized for the support of the individual will not be considered in determining eligibility for General Relief.
- c. The following real property held by Native Americans who are applying for or receiving General Relief will not be considered in determining eligibility for General Relief:
 - i. A Native American's interest in land held in trust by the U.S. Government
 - ii. Real property payments made to a Native American for past land acquisitions by judgment of the Indian Claims Commission or the Court of Claims will not be considered if all of the following conditions exist: the

individual has an official written verification such as an award letter or a signed statement from the U.S. Bureau of Indian Affairs; and the property is separately identifiable.

3. Property Limits

a. Real Property:

An individual applying for General Relief aid will be ineligible if they possess an interest in real property other than the home in which they live.

b. Personal Property:

No General Relief aid shall be granted or paid for any person who has not exhausted all assets and resources available to such person except for those personal properties listed next:

i. Applicant/ recipient need not exhaust up to seventy-five (\$75.00) dollars maintained in a savings or checking account or as cash on hand. Cash assets over \$75.00 shall be offset against the current benefit amount.

ii. The following personal possessions need not be exhausted:

- a) Wedding and engagement rings
- b) Heirlooms
- c) Clothing
- d) Household furnishings and items to equip and maintain a household for the applicant/ recipient.

iii. Tools, trade equipment, and fixtures used in the applicant/ recipient's regular trade or work need not be exhausted up to a total value of \$300.00.

iv. Life and burial insurance policies or funds placed in trust for the provision of interment or for funeral expenses up to \$1,000.00 cash value per family.

v. An interment plot for use by members of the applicant/ recipient's family.

vi. One motor vehicle is exempt regardless of value. The net value of all other vehicles is personal property.

- a) The net value of a motor vehicle is determined by using the Kelley Blue Book market value less encumbrances of record.
- b) If an applicant/ recipient or the Human Services Division believes that the method described "a" does not result in an accurate evaluation of the motor vehicle, an appraised value may be substituted or the market value contained in a publication similar to the Kelley Blue Book may be substituted where both the applicant/ recipient and the Human

Services Division agree that the other publication is generally accepted as a reliable indicator of car value.

4. Utilization of Property

- a. Real property other than an applicant/ recipient's primary home must be utilized to provide for the needs of the applicant/ recipient.
- b. Utilization is defined as rental or sale or bona fide attempts to rent or sell the property at fair market value.
- c. Applicant/ recipients will be allowed three months from the beginning date of aid in which to make and initiate a plan for utilization of property.
- d. An applicant/ recipient who refuses to consider development of or develop a plan for utilization of property becomes ineligible immediately, subject to any applicable notice requirements contained in this Policy.
- e. If other means of utilization prove unfeasible, sale of property may be required. Sale is considered to be an adequate plan of utilization if the property is listed or advertised for sale at an amount consistent with current fair market value and the terms of sale are consistent with the requirement of reasonable contribution toward current needs.

5. Transfer of Property

- a. A transfer of real property to qualify for General Relief or to avoid utilization renders the applicant/ recipient ineligible. The California Department of Social Services Eligibility Assistance Standards ("**EAS**") Manual, Regulation 42-221 or its successor regulation is incorporated by this reference.
- b. A transfer of personal property to qualify for General Relief renders the applicant/ recipient ineligible. EAS Manual Regulation 42-221 or its successor regulation is incorporated by this reference.
- c. The transfer of property without compensation consistent with current fair market value renders the applicant/ recipient ineligible for General Relief.
- d. The Period of Ineligibility ("**POI**") is that period during which the amount of property in excess of the Maximum Allowable General Relief Benefit Amount at the time of transfer would have supported the applicant/ recipient and, if applicable, his or her spouse or registered domestic partner or family. The POI shall be calculated in accordance with EAS 42-221 or its successor provision using the Maximum Allowable General Relief Benefit Amount as opposed to the Minimum Basic Standard of Care ("**MBSAC**") as specified in that regulation.

P. SPECIAL NEEDS

When the Human Services Division determines that no other resource is available, those special needs listed below may be allowed resulting in a benefit amount in addition to the regular General Relief benefit amount. These special need benefits must be approved by a Human Services Division Eligibility Supervisor, Program Manager, the Assistant Director or the Director.

1. **Transportation:**
Vendor or cash payments may be issued for employment and medical related transportation. The total special need payment shall not exceed \$40.00 a month.
2. **Medical Care:**
Vendor payments may be issued for medical care including special diets if not otherwise available or covered through private insurance, Medi-Cal, or the Placer County Medical Care Services Program (“**MCSP**”). The total special need payment shall not exceed \$40.00 a month.
3. **Special Housing Need:**
A vendor or cash payment may be issued for housing assistance not more than once yearly in addition to the regular benefit payment. The amount of this housing assistance may be an amount up to, but not in excess of, twice the regular monthly benefit payment received.
4. **Other:**
Vendor or cash payments may be issued for any other special need personal items deemed necessary, for example clothing, hot plate, sleeping bag, etc. The total special need payment shall not exceed \$40.00 a month.

Q. EMERGENCY ASSISTANCE

1. Emergency assistance of up to two weeks of the General Relief benefit amount shall be granted to applicants who have complied with the Conditions of Eligibility section of this policy and who have apparent eligibility for the benefit.
2. During this period of emergency assistance, the Human Services Division shall investigate the facts material to the determination of eligibility for the General Relief program. If good cause exists that said investigation cannot be completed within two weeks, emergency assistance may be extended for one more two week period.

R. INTERIM ASSISTANCE

1. Interim assistance under this Policy is regulated and defined in the EAS Manual, Regulation 46-337 or its successor regulation, which is incorporated herein by this reference.
2. The Human Services Division, working in conjunction with the Adult System of Care, may provide interim assistance for basic needs including housing and other expenses for applicant/ recipients who have applied for Supplemental Security Income ("**SSI**") and who have a reasonable expectation of being approved for SSI.
3. Where interim assistance is otherwise appropriate, it will only be provided after the applicant/ recipient or his/her designated representative has signed the "Individual Authorization" form authorizing reimbursement from the SSI/SSP "Initial Payment". All reimbursements from SSI/SSP will be returned to the General Relief Program.

S. MEDICAL CARE

1. All General Relief applicants and recipients must apply for health care coverage through the Medi-Cal program.
2. When eligibility to Medi-Cal or other health care coverage does not exist, the applicant should apply to the Placer County Medical Care Services Program ("**MCSP**") for assistance. All medical services provided by the County should be provided through the MCSP and not General Relief.

T. DETERMINATION OF NEED

1. A person or family is determined to be needy for purposes of General Relief if income and property is less than the need standard set by the Board of Supervisors. Grants of financial assistance are intended to cover the costs of food, shelter, personal needs and other living expenses of those persons who are determined to be eligible for General Relief.
2. For each eligible household member who qualifies for aid under the General Relief program, the maximum monthly amount of aid to which such persons are entitled is as follows:

**Table: Maximum General Relief Benefit Amount
Per Eligible Household Member**

Person	Housing	Utilities	Food	Incidental personal items	Benefit Amount
1	137	31	77	15	260
2	189	33	169	28	419
3	210	38	220	50	518
4	229	39	275	71	614
5	233	39	336	93	701
6	235	40	398	116	789
7	238	40	448	140	866
8	241	41	498	160	940
9	244	41	546	188	1019
10	246	41	599	207	1093

3. The Maximum General Relief Benefit Amounts listed in this Policy are adopted in accordance with Welfare and Institutions Code Section 17000.5 and any adjustments to these amounts must be approved by action of the Board of Supervisors.
4. The monthly Maximum General Relief Benefit Amount payable to an applicant shall be the maximum General Relief amount, less any income (as defined in section I, Income) available to the individual at the time of application, and less the fair market value of any nonexempt personal property available to the individual at the time of application; prorated as of the date of application or eligibility whichever is later.
5. Factoring rent costs retroactively to the first of the month in which the application is made may be authorized by the Human Services Division Eligibility Specialist to prevent eviction from existing housing.
6. The monthly benefit amount payable to a recipient shall be the Maximum General Relief Benefit Amount, less any income (as defined in section I, Income) received from sources other than General Relief available to the individual at the

time of payment or which will be available to the individual during the month for which aid is paid, and less the fair market value of any nonexempt personal property available to the individual at the time of payment.

7. Applicant/ recipients who share a household with one or more other adults shall receive a monthly benefit not to exceed the individual's prorated share of the amount of benefit allowed for that size household in the Maximum General Relief Benefit Amount table. An individual who shares a household with one or more adults, who are recipients of Supplemental Security Income, CalWORKs, or any other federal or state cash aid program, shall be considered a single person household for purposes of determining the individual's grant level. An individual shall not be considered as sharing a household with other adults if the individual has entered into a landlord/tenant arrangement with the other adults.

U. CREMATION ASSISTANCE FOR INDIGENT PERSONS

Benefits for cremation of indigent persons will be provided for, if at all, in accordance with a separate program policy authorized by the Placer County Board of Supervisors pursuant to Welfare and Institutions Code section 17009.

V. HEARINGS AND DUE PROCESS

1. County Hearing Responsibility-General

A "county hearing" is a form of administrative hearing whereby an applicant/recipient, otherwise known as a "claimant", is dissatisfied with a decision, action or inaction by the Human Services Division under this Policy, may obtain an impartial review of an agency action. Since the right to request a county hearing belongs to the claimant, the following regulations will be interpreted in a manner, which protects the claimant's right to a hearing. The responsibility for providing a full and impartial hearing to the claimant rests with the Human Services Division. The Human Services Division will:

- a. Investigate the action and assist the applicant/recipient prior to the hearing;
- b. Inform the applicant/recipient of their right to have an authorized representative;
- c. Provide the applicant/recipient with a written Human Services Division position statement prior to the hearing;
- d. Present the Human Services Division position during the hearing;
- e. Arrange for the attendance at the hearing of any Health and Human Services Department employee requested by the applicant/recipient or his legal

representative and to allow the applicant/recipient the right of cross-examination;

- f. Provide an impartial hearing officer from the supervisor level or above;
- g. Provide for recording of the hearing, and in case of judicial review, to provide transcripts to the recipient or applicant, if requested.
- h. Provide a written decision, within 60 days, to the claimant, which includes a reference to the legal statutes on which the decision is based.

2. Right to a County Hearing

A county hearing is available to a claimant who is dissatisfied with a Human Services Division action and requests a hearing in the manner set forth below. "County action" shall include all actions or inaction concerning the claimant's application for or receipt of aid under this Policy.

- a. A request for a county hearing may be either written or oral. A written request must be filed at any Human Services Division office.
- b. An oral request must be filed in person or by telephone at any county Human Services Division office.
- c. A request for hearing may be made in any form. If an interpreter will be necessary, the claimant should so indicate on the hearing request. The fair hearing process is explained on the front of the General Relief Notice of Actions ("**NOA**").

3. Time Limits

The request for a county hearing must be filed within 90 days after the date of action with which the claimant is dissatisfied.

- a. The date of the action will be the date on which the notice of the action was mailed or personally delivered to the applicant/recipient
- b. Where no notice of action was served, the date of the action or inaction shall be considered to be the date the action was discovered. The date of discovery is the date the claimant knew, or should have known, of the action.
- c. Where a request for a hearing concerns the current benefit amount, the request must be filed within 90 days, but the review will extend back to the first of the month in which the first of the 90-day period occurred.

- d. The hearing will be scheduled within thirty (30) days of the date the hearing request was received.

4. Filing Date

Unless the evidence indicates otherwise, the filing date of the applicant/recipient's written request for a county hearing shall be determined as follows:

- a. A request received by mail at one of the Placer Human Services Division offices, the postmark date on the envelope will be used as the filing date.
- b. A hand delivered request to a Placer County Human Services Division office, shall use the date -stamped "received" on the request for hearing.
- c. If the date cannot be determined by the methods described above, two days before a request was stamped "received" by the Human Services Division, will be used as the filing date.

5. Authorized Representative

The applicant/recipient may authorize a representative to represent him/her at the hearing by signing a written statement to that effect or by stating at the hearing that the person is so authorized. The authorization may be limited in scope or duration by the applicant/recipient and may be revoked at any time.

- a. If the applicant/recipient has not authorized the representative in writing and is not present at the hearing, the person may be recognized as the authorized representative if, at the hearing, the representative swears or affirms under penalty of perjury that the applicant/recipient has so authorized him/her to act as the applicant/recipient's authorized representative, and the hearing officer further determines the person is so authorized. The hearing officer may make the determination by contacting a collateral source (i.e., the applicant/recipient). In all such cases, a written authorization must be submitted after the hearing.
- b. Whenever the applicant/recipient is represented by an authorized representative, the authorized representative shall be furnished a copy of all notices and decisions concerning the county hearing which are provided to the applicant/recipient.
- c. After a person or organization has been authorized to represent the applicant/recipient, the county Human Services Division, after notification of the authorization, shall simultaneously send copies to the authorized

representative of any subsequent correspondence that it has with the applicant/recipient regarding the county hearing.

6. Adequate Notice

The term Adequate Notice is as defined in the State of California, Department of Social Services, Confidentiality, Fraud, Civil Rights and State Hearings Division Manual of Policies and Procedures (**MPP**) section 22-001(a)(1), or its successor provision, and provides for a written notice informing the claimant of the action the Human Services Division intends to take, the reasons for the intended action, the specific regulations supporting such action, an explanation of the claimant's right to request a county hearing, and if appropriate, the circumstances under which aid will be continued if a hearing is requested. When appropriate, the notice shall also inform the claimant regarding what information or action, if any is needed to reestablish eligibility or determine a correct amount of aid. The notice shall be prepared in clear, nontechnical language and shall be mailed to the claimant.

7. Timely Notice

The term Timely Notice is as defined in MPP section 22-001(t)(1), or its successor provision, and provides that Timely Notice is a written notice that is mailed to the person affected at least 10 days before the effective date of the action. Except as provided below, in all instances where the Human Services Division action would result in discontinuance, termination, or decrease of aid, the Human Services Division shall mail Timely and Adequate Notice to the persons affected.

The ten (10) day notice minimum is not required in the following instances, although the Human Services Division shall send Adequate Notice no later than the effective date of the action:

- a. The Human Services Division has factual information confirming the death of the person affected.
- b. The Human Services Division receives a clear written statement signed by the person affected that:
 - i. A recipient no longer wishes aid, or,
 - ii. Gives information which requires discontinuance or reduction of aid, and the person indicated, in writing, that he/she understands that this must be the consequence of supplying such information.

- c. The whereabouts of the person affected has been accepted for aid in a different jurisdiction, and that fact has been established by the Human Services Division.
- d. The County Human Services Division determines, based on reliable information that the household has moved out of the county.
- e. A special allowance granted for a specific period is terminated, and the recipient has been informed in writing at the time of initiation that the allowance shall automatically terminate at the end of the specified period.

8. Aid Paid Pending a Hearing

The applicant/recipient shall continue receiving aid, in the amount paid prior to the proposed action, when the applicant/recipient files a request for a county hearing within ten (10) days from the date that notice was mailed. Aid shall be continued until the written decision is rendered.

- a. Nothing in this section shall prohibit the Human Services Division from instituting any appropriate changes in the applicant/recipient's grant while a county hearing is pending, provided that the basis of the proposed action is different from the action upon which the applicant/recipient is receiving aid pending. However, all such actions are otherwise subject to the provisions of this section.
- b. In situations in which the ten (10) days minimum notice is not required (see, subsection 7 above), Aid Paid Pending is not applicable.
- c. Aid Paid Pending will cease when:
 - i. The applicant/recipient withdraws or abandons the request for a county hearing.
 - ii. If the withdrawal is conditional, the Human Services Division shall provide aid pending retroactively and prospectively if the request for a hearing is subsequently reinstated, provided that the applicant/recipient has complied with conditions set forth in the agreement accompanying the conditional withdrawal.
 - iii. The hearing officer determines that the issue involved in such hearing is one of law or change and not one of incorrect application of law.
 - iv. If the request for hearing involves multiple issues, the hearing officer shall determine that as to certain issues aid pending is appropriate, while as to other issues, aid pending is not appropriate. In such cases, aid may be reduced to the extent aid pending is not appropriate.

- v. The applicant/recipient voluntarily and knowingly, in writing, waived the continuation of aid. The Human Services Division representative may explain to the applicant/recipient the right to waive aid pending. However, a request for such waiver is prohibited.
- vi. The applicant/recipient requests a postponement of the hearing for a reason that does not constitute good cause.
- vii. The hearing has been rescheduled after the applicant/recipient or authorized representative failed to appear for a reason that does not constitute good cause.

9. Preliminary Hearing Review

Upon receipt of a request for hearing or notice that a recipient has filed a request for a county hearing, the Human Services Division shall:

- a. Within two (2) working days determine whether the claimant is entitled to aid pending hearing. If the claimant is so entitled immediately authorized payment. In no event shall the Human Services Division delay action until an aid paid pending determination is made at the hearing, if aid paid pending the hearing is not appropriate, the Human Services Division may continue with its proposed action.
- b. Each case for which a county hearing request has been filed shall be assigned to a Human Services Division representative who shall assume the major responsibility for preparing the case in accordance with the requirements of this section and/or presenting it at the hearing. The Human Services Division representative shall not have had immediate prior involvement with the case.

10. Preparation for the County Hearing

Prior to the hearing, the Human Services Division representative shall:

- a. Determine the issues by the hearing request. If the request for the hearing does not clearly set forth the claimant's basis for appeal, the Human Services Division representative shall immediately contact the claimant for clarification.
- b. After determining the issues, the Human Services Division representative shall review the applicable statutes, regulations and policies in light of the evidence, which exists in the case record. In conducting this initial review, the Human Services Division representative shall contact the eligibility worker and other county personnel as appropriate.

- c. After conducting the initial review, the Human Services Division representative shall make a determination concerning the appropriateness of the Human Services Division action.
- d. If the Human Services Division representative concludes that the Human Services Division action was incorrect, the Human Services Division representative shall contact the claimant and attempt to resolve the case without a hearing. The Human Services Division representative shall have the authority to make such a decision.
- e. If the Human Services Division representative determines that the county action was correct, the Human Services Division representative shall contact the claimant and:
 - i. Inquire if the claimant plans to attend the hearing;
 - ii. Determine if there are any further contentions which the claimant will attempt to raise at the hearing; and
 - iii. Provide any and all information, which can be of assistance to the claimant in preparing for the hearing. This includes revealing to the claimant any and all evidence, which might be favorable to the claimant's case. The Human Services Division representative may explain to the claimant the right to withdraw the request for hearing; however, the Human Services Division representative is prohibited from soliciting a request for such a withdrawal.
- f. The Human Services Division representative shall determine if an interpreter will be necessary at the hearing or if a home hearing will be necessary.
- g. Prior to each hearing the Human Services Division representative shall prepare a written position statement. The position statement shall summarize the facts of the case and set forth the regulatory justification for the county's action including citation to provisions of this Policy. If the issue concerns the amount of aid, grant adjustment or a demand for repayment, the Human Services Division representative must include in the position statement a complete final budget computation, month by month, for the period in issue. The county shall include as attachments to the position statement copies of documentary evidence and a list of witnesses, which the county intends to use during the hearing. The documents shall be itemized on the last page of the position statement and attached as exhibits.
- h. While preparing for the hearing, the Human Services Division representative shall determine if the presence of the Human Services

Division eligibility specialist or other county witnesses would be helpful for the resolution of this issue.

11. Hearing – General Rules and Procedures

- a. The rights of the claimant and the county at the Hearing shall include:
 - i. The right to examine parties and witnesses
 - ii. The right to conduct such cross-examination as may be required for a full disclosure of the facts
 - iii. The right to introduce exhibits
 - iv. The right to examine all documents prior to and during the hearing
 - v. The right to question opposing witnesses and parties on any matter relevant to the issues even though that matter was not covered in the direct examination
 - vi. The right to make oral or written argument
 - vii. The right to rebut the evidence
- b. Attendance at the hearing shall be limited to those directly concerned. The hearing officer shall exclude unauthorized persons from the hearing unless the claimant agrees to their presence, and the hearing officer determines that their presence will not be adverse to the hearing. Appearance by claimant (in person or by the authorized representative) is required at the hearing. The hearing officer may exclude a witness during the testimony of other witnesses; however, both the Human Services Division and claimant have the right to have a representative present throughout the hearing. The hearing officer shall have the authority to exclude persons who are disruptive of the hearing.
- c. At the hearing, the Human Services Division representative shall assume full responsibility for presentation of the Human Services Division's case. Such presentation shall include:
 - i. Summarizing the written position statement
 - ii. Presenting the testimony of county witnesses
 - iii. Cross-examining the testimony of the claimant and the claimant's witnesses
 - iv. Responding to any questions from the claimant or hearing officer concerning the case
 - v. Having the case record available at the hearing. The Human Services Division representative shall have authority at the hearing to make binding agreements and stipulations on behalf of the Human Services Division.

- d. An interpreter shall be provided by the county if, prior to the hearing, a party requests an interpreter or if at the hearing, the hearing officer determines that an interpreter is necessary.
- e. The hearing shall be conducted in an impartial manner. All testimony shall be submitted under oath, affirmation, or penalty of perjury.
- f. The proceedings at the hearing shall be reported by tape recorder or otherwise perpetuated by mechanical, electronic, or other means capable of reproduction or transcription.
- g. The issues at the hearing shall be limited to those issues, which are reasonably related to the request for hearing, or other issues identified by either the county or claimant, to which they have jointly agreed, prior to or at the county hearing, to discuss.

12. When Notice is an Issue:

- a. If the claimant contends that he or she did not receive Adequate Notice, this issue must be resolved by the hearing officer at the hearing.
- b. If the hearing officer determines that Adequate Notice was provided, the claimant must agree to discuss the substantive issue or issues or the case will be dismissed.
- c. If the hearing officer determines that Adequate Notice was not provided, the case will be postponed unless the claimant waives the Adequate Notice requirement and agrees to discuss the substantive issue or issues at the hearing. If the notice was not Adequate and involved termination or reduction of aid, aid shall be reinstated retroactively.

13. Communications Concerning the Hearings

- a. All documents submitted by either the claimant or the county must be made available to both parties. Copies of all such documents must be provided to the claimant free of charge.
- b. Merits of a pending county hearing shall not be discussed between the hearing officer and a party outside the presence of the other party.

14. Compliance with County Hearing Decisions

- a. Immediately upon receipt of a decision signed by the Human Services Division Director, the Human Services Division shall initiate action to comply with such decision.

W. RECORD MAINTENANCE AND RETENTION

1. Case Record Maintenance

The Human Services Division shall maintain a case record for every recipient. The Human Services Division shall also maintain a record on those applicants whose requests for assistance were denied; such record shall include the name and address of applicant and reason(s) for denials.

2. Case Record Destruction

Case records shall be retained and may be destroyed pursuant to the applicable Placer County records retention and destruction schedule.



Placer County

Health and Human Services Department

**PLACER COUNTY
INDIGENT CREMATION PROGRAM
AND
LOW INCOME CREMATION ASSISTANCE PROGRAM**

Policy and Program Requirements

Adopted by the Board of Supervisors on -----

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COUNTY OF PLACER
INDIGENT CREMATION PROGRAM
AND
LOW INCOME CREMATION ASSISTANCE PROGRAM

I. County Responsibility

- A. In a Coroner's case where no person takes charge of the body, or a non-coroner's case where no one else responsible for the person can be found (as defined in Health and Safety Code Section 7100), the Coroner has the responsibility to inter the deceased under Government Code section 27460 and Health and Safety Code section 7104. The Placer County Public Administrator has responsibility to inter a deceased under certain circumstances as set forth under state law. Historically, the Placer County Health and Human Services Department, Human Services Division has been responsible for payment to an undertaker where the County is legally liable under Placer County Code section 4.04.090.
- B. To meet the intertwining responsibilities of the County Coroner, the Public Administrator and the Human Services Division, the Indigent Cremation and Low Income Cremation Assistance Programs are created by this Policy. Placer County Human Services is authorized to be the primary administrator of the County Indigent Cremation and Low Income Cremation Assistance Program (**Programs**). The Programs are governed by all applicable laws and regulations, local ordinances, and actions of the Board of Supervisors including funding decisions as contained in the adopted County Budget.
- C. Placer County Human Services is authorized to enter into agreements to carry out the administration of the Programs utilizing standard County procurement and contracting processes.
- D. Placer County Human Services, in consultation with the Coroner's office, has sole discretion to determine the method of disposition of the indigent or low income deceased, as that discretion may otherwise be narrowed at law.
- E. In no case is the county liable for any expenses that are not preauthorized by Placer County Human Services.

II. General Provisions

- A. The Indigent Cremation Program provides cremation services to those who meet the eligibility criteria set forth in the Placer County General Relief Policy.
- B. The Low Income Cremation Assistance Program provides cremation services to low income Placer County residents that do not qualify for an Indigent Cremation.
- C. Eligibility for the Programs is governed by all applicable laws and regulations, local ordinances, and actions of the Board of Supervisors.
- D. The county shall not provide for subsidization of privately arranged funerals and /or interments.
- E. A decedent who has a prepaid disposition plan/insurance policy which exceeds the amount currently authorized by the Indigent Cremation or Low Income Cremation Assistance Program is not eligible for assistance.
- F. A decedent's estate and/or responsible relatives may not contract for disposition, interment, funeral, and/or gravesite services unless authorized by Placer County Human Services in writing and may not contract in an amount greater than the amount authorized by Human Services.

III. Responsible Relatives

- A. California law (Health and Safety Code Section 7100) places the responsibility for the funeral expenses upon the decedent's estate or relatives in the following order:
 - 1. An agent under a power of attorney for health care who has the right and duty of disposition.
 - 2. The surviving spouse or registered domestic partner.
 - 3. The surviving adult child or children.
 - 4. The surviving competent parent or parents.
 - 5. The surviving competent adult sibling or siblings.
 - 6. The surviving competent adult person or persons in the next degree of kindred.
- B. Placer County Human Services will determine if the spouse and/or parent of a minor child is unable to assume the expenses of the decedent's disposition and qualifies for the Indigent Cremation or Low Income Cremation Assistance Program.

- C. If it is determined that no responsible relative exists and the deceased does not qualify for an Indigent Cremation the county may assume liability for the expenses of the cremation through the Low Income Cremation Assistance Program.

IV. Eligibility Criteria

- A. **Indigent Cremation** (managed by Placer County Human Services)
 - 1. The decedent must be a Placer County resident, except when the deceased is a Coroner's Case as defined in Health and Safety Code Section 7104.
 - 2. The decedent must be a United States citizen.
 - 3. Indigent Cremation assistance will be provided for decedents who are receiving SSI benefits.
 - 4. Indigent Cremation assistance will be provided for decedents who are receiving Placer County General Relief benefits.
 - 5. Other individuals may qualify if determined they are otherwise income eligible under the Placer County General Relief Policy and do not exceed SSI income and resources limits.
 - 6. Surviving spouse of the Deceased must meet Placer County General Relief Policy eligibility requirements for approval of indigent cremation assistance.
 - 7. Surviving parents of a deceased minor child must meet Placer County General Relief Policy eligibility requirements for approval of Indigent Cremation.
 - 8. An applicant for Indigent Cremation services shall be required to sign a lien on any real property owned by the deceased and/or surviving relative. The lien will be recorded at the County Recorder's office. The lien will be lifted when total repayment is received.
 - 9. The applicant is ineligible for Indigent Cremation if the nonexempt property resources of the applicant equals or exceeds the property limits outlined in the Property section of the Placer County General Relief Policy.
 - 10. Should liquid resources be inaccessible by family without the need of a death certificate, an Indigent Cremation may be approved when the responsible relative enters into a written agreement with Human Services Division to reimburse Placer County for the cost of cremation when funds become available.

B. Low Income Cremation Assistance Program (managed by the Placer County Public Administrator)

1. The decedent must be a Placer County resident, except when the deceased is a Coroner's case as defined in Health and Safety Code Section 7104 and a resident of another county.
2. The decedent must be ineligible for indigent cremation.
3. The decedent must have less than \$1,000.00 in liquid resources.
NOTE: When next of kin are unknown and assets exist, but are not sufficient for an "estate", Placer County Human Services may fund cremation assistance and the Public Administrator will act under the authority of Probate Code 7660 to secure known assets to reimburse Placer County Human Services for the costs of the low income cremation.

If assets are located that meets or exceeds the definition of an "Estate", the Public Administrator will proceed with arranging disposition and estate administration. If necessary to expedite disposition, the Public Administrator may authorize a low income cremation to be funded by Placer County Human Services. The cost of the low income cremation will be reimbursed to Human Services during the administration of the estate.

V. Disposition of Veterans

- A. A veteran is defined as in Government Code, Section 18540.4 which in part states a "veteran" is a person honorably discharged from the armed forces of the United States.
- B. If the deceased veteran is not eligible for full Veterans' burial benefits or Placer County's Indigent Burial and meets the eligibility criteria for Low Income Assistance Cremation, the county through Placer County Human Services will provide cremation assistance only when the surviving spouse, relatives or estate of the deceased have signed the necessary documents for reimbursement to Placer County Human Services from the Veterans' burial benefits or related program benefits.

VI. Application Process

- A. Applications for Indigent Cremation shall be made to Placer County Human Services immediately following the individual's death.
- B. Applications for Low Income Cremation Assistance shall be made to the Placer County Public Administrator immediately following the death or denial of Indigent Cremation.

- C. Applications shall be completed by the responsible relatives in successive order as indicated in Section III, A, above.
- D. Responsible relatives shall be required to complete an application for benefits on behalf of the decedent and/or the estate of the deceased.
NOTE: Relatives/heirs applying for the Low Income Cremation Assistance Program will be required to sign a "Declination to Act", authorizing the Placer County Public Administrator the authority to access all financial accounts belonging to the deceased on behalf of the estate. Liquid assets exceeding the cost of cremation will be returned to the rightful heir(s).
- E. The responsible relative shall be required to provide all requested verification/documents and signed forms in a timely manner. Failure to provide requested information shall result in a denial of the application.
- F. If no known relatives can be located, the Public Administrator will assume responsibility for determining the decedent's eligibility for Low Income Cremation Assistance. If the Public Administrator determines the deceased has no estate then the Coroner will assume responsibility for an Indigent Cremation.
- G. The County of Placer assumes financial liability only for those cases that have been determined by Placer County Human Services to be eligible for Indigent Cremation or Low Income Cremation Assistance. These Programs do not create benefits of right to any applicant, deceased or deceased's family.

VII. Low Income County Resident Who Dies in Another County

- A. If an eligible Placer County resident dies in another county, funds will be authorized, as appropriate, for disposition at the indigent rate of the county in which the death occurred or the cost of return transport of the deceased to Placer County and disposition at Placer County rates, whichever is less.

VIII. Payment Procedure

- A. Authorization for payment of Indigent Cremation or Low Income Cremation Assistance funds for disposition of the deceased shall be given in writing to the vendor providing the cremation services.
- B. Placer County Human Services will provide the vendor with necessary documents to proceed with disposition.
- C. Vendor will provide Placer County Human Services with an invoice. The case will be assigned to the appropriate staff to process payment.

IX. Reimbursement and Collection

- A. If death benefits due to the decedent from any source identified in this policy or if any assets, benefits, and/or resources are later discovered or appear, all such death benefits, assets, and resources shall be claimed by Placer County Human Services, on behalf of Placer County, to offset the cost of disposition advanced under the Programs.

- B. In the case of a veteran, if is no surviving spouse, Placer County Human Services will make application for Veterans' death benefits. In the event Veterans' death benefit payments are made directly to the vendor providing the disposition, the vendor shall remit such death benefits directly to Placer County Human Services, with a copy of the Veterans' benefit check.