

## 22. Stepparents

### 22.1 General Information [EAS 43-105.5]

#### 22.1.1 Stepparent

Regulations concerning income used in the budget computation from a stepparent apply ONLY WHEN:

- The stepparent resides in the same household with the aided children or unaided unborn and the parent of that child(ren), but
- Neither the stepparent nor any of the stepparent's natural or adoptive children are in the AU.

IF THE STEPPARENT ...	THEN ...
Is included in the AU,	The income of the stepparent and all others in the AU is income to the AU for both the grant and eligibility computation.
Is not in the AU,	The stepparent's income is budgeted to the AU, counting the stepparent and any other appropriate persons in the home as non-AU members.



**Note:**

If the unaided step-sibling and/or unaided half-sibling of an eligible child have income, that income is not counted to the AU. Allow the needs of the unaided step-sibling or half-sibling, if the stepparent is contributing to the AU.

**IEVS Information** Persons whose income and/or resources must be included in the eligibility determination must be included in the IEVS match processes, even though they are not receiving benefits for themselves. The stepparents information must be entered in CalWIN

#### 22.1.2 IRCA Parent

Use the stepparent provisions when an ineligible noncitizen parent meets both of the following criteria:

- Is the natural or adoptive parent of an aided child, and
- Is being naturalized under the Immigration Reform and Control Act (IRCA) but does not yet have appropriate noncitizen status to be included in the AU.

**Note:**

There will be very few, if any, noncitizens to whom this is applicable.

In this section, the term stepparent will be used, but it also is extended to IRCA parents who meet the above criteria.

### 22.1.3 Caretaker Relative

The caretaker relative parent cannot choose to be excluded from the AU and then be in the Stepparent Unit. The caretaker relative must be in the AU unless excluded by law or for cause.

**Note:**

If the caretaker relative is excluded for cause, then the needs of that individual are not met as either an AU member or a non-AU member.

### 22.1.4 Registered Domestic Partners (RDPs)

Registered Domestic Partners (RDPs) have the same rights and responsibilities as stepparents of the children of their partners and are to be treated as such for the purpose of determining eligibility and grant amount.

[\[Refer to Registered Domestic Partners \(RDPs\) Chapter 25.1.16 for more information.\]](#)

### 22.1.5 Same-Sex Spouses

Marriages in California between two people of the same sex are valid if the marriage occurred during two time periods. The first time period is between June 16, 2008 through November 4, 2008. The second time period is on or after June 13, 2013 are legal. Same sex spouses have the same rights and responsibilities as stepparents of the children of their partners and are treated as such for the purpose of determining eligibility and grant amount.

[\[Refer to Same-Sex Spouses Chapter 25.1.18 for more information\]](#)

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## 22.2 Stepparent Unit [EAS 44-133.51]

The Stepparent Unit (SPU) may include, in addition to the stepparent any of the following individuals related to the stepparent unless that individual is required to be in the AU:

- The spouse of the stepparent, and
- Any separate children of the stepparent, and
- Any children the stepparent has in common with the spouse.
- Any other persons residing in the home who may be claimed by the stepparent as dependents for federal income tax purposes.

The members of the SPU are considered non-AU members in the budgeting process.

An individual may NOT be included in the SPU if that individual is:

- Included in an AU, or
- Excluded from the AU for cause (e.g. sanctioned or refused to meet a condition of eligibility).

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## 22.3 Computation of Income to the AU [EAS 44-133.54]

### 22.3.1 Income Computation

This chart is used to compute the income budgeted from the stepparent:

	Total Disability-based income of both the stepparent and AU members.
Minus	\$225 Income Disregard
Equals	Net Disability-based Income
	Total Gross Earned Income of both the stepparent and AU members
Minus	Any portion of the \$225 remaining from above or \$112 (whichever is less).
Equals	Net Earned Income
Minus	50% (Earned Income Disregard) from the remainder.
Equals	Net Nonexempt Earned Income
Plus	Any remaining disability-based income after the \$225 was deducted.
Plus	Nonexempt Unearned Income.
Equals	Total Nonexempt Income.
	MAP (plus Special Needs) for the AU and non-AU members.

Minus	Total Nonexempt Income from above.
Equals	Potential grant #1
	MAP (plus Special Needs) for the AU.
	Compare Potential Grant #1 to MAP (plus Special Needs) for the AU. Issue the lesser of the two amounts.

## 22.3.2 Documentation

The EW must document on the **Maintain Case Comments** window of CalWIN with the composition of the AU, the SPU (non-AU members) and the "family" (the total of the above).

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## 22.4 Stepparent Budgeting Examples

### 22.4.1 Situation #1

Married couple, each parent has a separate child, no common children. Continuing CalWORKs for the mother and her child. Mother has no income, other than CalWORKs. Stepfather employed, earns \$800 per month. This is an "Employable" AU of 2 and a non-AU of 2 (a "family" of 4). The budget computation shows:

Gross income of stepparent	\$ 800.00
Less \$112 Income Disregard	- <u>112.00</u>
Equals Net Earned Income	\$ 688.00
Less 50% Earned Income Disregard	\$ 344.00
Net Nonexempt Earned Income	\$ 344.00
Total Nonexempt Income	\$ 344.00
MAP for 4	\$ 762.00
Less Total Nonexempt Income	- <u>344.00</u>
Potential Grant	\$ 418.00
MAP for 2 (AU MAP)	\$ 490.00
Grant Amount (Lesser of Potential Grant and MAP for 2)	\$ 418.00

### 22.4.2 Situation #2

Married couple, mother has two separate children, and there is one common child with no deprivation. Mother has no income other than CalWORKs. Stepfather employed, earns \$625 per month. He also receives \$500 in Temporary Workers Compensation (TWC). This is an "Employable" AU of 3 and non-AU of 2 (a "family of 5). The budget computation shows:.

Disability-based income of stepparent	\$ 500.00
Less \$225 Income Disregard	- <u>225.00</u>
Net Disability-based Income	\$ 275.00
Gross income of stepparent	\$ 625.00
Less any remaining \$225 Income Disregard	- <u>00.00</u>
Net Earned Income	\$ 625.00
Less 50% Earned Income Disregard	\$ <u>312.50</u>
Net Nonexempt Earned Income	\$ 312.50
Plus any remaining disability-based income	+ <u>275.00</u>
Total Nonexempt income	\$ 587.00
MAP for 5	\$ 866.00
Less Total Nonexempt Income	- <u>587.00</u>
Potential Grant	\$ 279.00
MAP for 3 (AU MAP)	\$ 638.00
Grant Amount (Lesser of Potential Grant and MAP for 3)	\$ 279.00

### 22.4.3 Situation #3

Married couple, mother has two separate children and is pregnant with stepfather's child. Stepfather has one separate child. Mother has no income other than CalWORKs. Stepfather employed, earns \$1,399 per month. He pays \$100 in child support. The stepfather's separate child receives \$300 monthly in child support from the absent mother. This is an "Employable" AU of 3, non-AU of 2 and "family" of 5. The budget computation shows:

Gross Earned Income	\$1399.00
Less \$112 Income Disregard	- <u>112.00</u>
Equals Net Earned Income	\$ 1287.00
Less 50% Earned Income Disregard	- <u>643.50</u>

Net Nonexempt Income	\$ 643.00
MAP for 5 (plus Special Needs)	\$ 866.00
Less Total Nonexempt Income	- <u>643.00</u>
Potential Grant	\$ 223.00
MAP for 3 plus Special Needs	\$ 685.00
Grant Amount (Lesser Potential Grant and MAP plus Special Needs for AU)	\$ 223.00



**Note:**

A deduction is not allowed for the court-ordered child support payment.

The income of the separate child is not counted as income to the AU nor as income to the "family".

**22.4.4 Situation #4**

Married couple, mother has five separate children, and there is one common child with no deprivation. Mother is not in the AU as she was sanctioned by Employment Services. The stepfather is employed and earns \$900 per month. He pays \$100 monthly in child support. The mother is also employed. She earns \$600 per month. She pays \$40 monthly for after-school care for each of her children who is in the AU. This is an "Employable" AU of 5, a non-AU of 2 and a "family" of 8. The needs of the mother cannot be met as either an AU or non-AU member, as she is excluded from these units due to a Employment Services sanction. The budget computation shows.

Gross Earned Income of both parent and stepparent	\$ 1500.00
Less \$112 Income Disregard	- <u>112.00</u>
Equals Net Earned Income	\$ 1388.00
Less 50% Earned Income Disregard	- <u>694.00</u>
Total Nonexempt Income	\$ 694.00
MAP for 7	\$1069.00
Less Total Nonexempt Income	- <u>694.00</u>
Potential Grant	\$ 375.00
MAP for 5 (AU MAP)	\$ 866.00

Grant Amount (Lesser of Potential Grant and AU MAP)	\$ 375.00
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**Note:**

A deduction is not allowed for the child support payment or the child care payment.

**22.4.5 Situation #5**

Married couple, mother has five separate children and there is one common child. The mother and her children are on CalWORKs. Mother is disabled and receives \$600 per month from State Disability Insurance (SDI). The stepfather is employed, earns \$1,000 per month. This is an "Unemployable" AU of 6, a non-AU of 2 and a "family" of 8. The budget computation shows.

Disability-based income of mother	\$ 600.00
Less \$225 Income Disregard	- <u>225.00</u>
Net Disability-based Income	\$ 375.00
Gross income of stepparent	\$ 1000.00
Less any remaining \$225 Income Disregard	- <u>00.00</u>
Equals Net Earned Income	\$ 1000.00
Less 50% Earned Income Disregard	\$ <u>500.00</u>
Net Nonexempt Earned Income	\$ 500.00
Plus any remaining Disability-based income	+ <u>375.00</u>
Total Nonexempt Income	\$ 875.00
MAP for 8	\$1164.00
Less Total Nonexempt Income	- <u>875.00</u>
Potential Grant	\$ 289.00
MAP for 6 (AU MAP)	\$ 972.00
Grant Amount (Lesser of Potential Grant and AU MAP)	\$ 289.00

**22.4.6 Situation #6**

Married couple, mother has two separate children, and there are two common children with no deprivation. The mother receives \$450 per month in Unemployment Insurance. The stepfather is employed and earns \$850 per month. He pays all the rent and utilities directly to the providers.

Regardless of the individual family arrangements (i.e. who pays which bill, etc.) we only count the stepparent’s income as determined by the formula. There is no income in-kind. This is an “Employable” AU of 3, a non-AU of 3 and a “family” of 6. The budget computation shows.

Gross income of stepparent	\$ 850.00
Less \$112 Income Disregard	- <u>225.00</u>
Equals Net Earned Income	\$ 738.00
Less 50% Earned Income Disregard	- <u>369.00</u>
Net Nonexempt Earned Income	\$ 369.00
Plus Unearned Income	+ <u>450.00</u>
Total Nonexempt Income	\$ 819.00
MAP for 6	\$ 972.00
Less Total Nonexempt Income	- <u>819.00</u>
Potential Grant	\$ 153.00
MAP for 3 (AU MAP)	\$ 638.00
Grant Amount (Lesser of Potential Grant and AU MAP)	\$ 153.00

### 22.4.7 Situation #7

Applicant applies for herself and her two children. Also living in the home is the stepparent and his separate child. The stepparent earns \$800 per month from employment. The mother receives \$300 per month in State Disability Insurance (SDI). This is an “Unemployable” AU of 3, a non-AU of 2 and a “family” of 5. The applicant eligibility shows.

**APPLICANT GROSS INCOME TEST**

Earned Income	\$ 800.00
Less \$90 Earned Income Disregard	- <u>90.00</u>
Equals	\$ 710.00
Plus Disability-based Income	+ <u>300.00</u>
Total Net Nonexempt Income	\$ 1,010.00
MBSAC for 5	\$ 1,341.00

Family passes "Applicant" Test. The "Recipient" Test is then determined.

**RECIPIENT NET INCOME TEST AND BUDGET COMPUTATION**

Disability-based Income	\$ 300.00
Less \$225 Income Disregard	- <u>225.00</u>
Net disability-based income	\$ 75.00
Gross Earned Income	\$ 800.00
Less 50% Earned Income Disregard	- <u>400.00</u>
Net Nonexempt Earned Income	\$ 400.00
Plus remaining disability-based income	+ <u>75.00</u>
Total Nonexempt income	\$ 475.00
MAP for 5 (UNEMPLOYABLE AU MAP)	\$ 966.00
Less Net Income	- <u>475.00</u>
Potential Grant	\$ 491.00
MAP for 3 (UNEMPLOYABLE AU MAP)	\$ 714.00
Grant Amount (Lesser of Potential Grant and MAP for 3)	\$ 491.00

### 22.4.8 Situation #8

The Assistance Unit (AU) consists of five members (mom, her three children and a RDP/Same-sex spouse). the mom has earned income of \$200/month. The RDP/same-sex spouse has earned income of \$475/month and chooses to be included in the AU.

Total Earned Income for the family (\$200 + \$475)	\$ 675.00
Less \$112 Income Disregard	- <u>112.00</u>
Equals Net Earned Income	\$ 563.00
Less 50% Earned Income Disregard	- <u>281.50</u>
Net Nonexempt Earned Income	\$ 281.00
MAP for 5 (Non-Exempt)	\$ 866.00
Less Total Nonexempt Income	- <u>281.00</u>
Potential Grant	\$ 585.00

**22.4.9 Situation #9**

The Assistance Unit (AU) consists of five members (mom, her three children and a RDP/Same-sex spouse). The mom has earned income of \$200/month. The RDP/same-sex spouse has earned income of \$475/month and chooses NOT to be included in the AU.

Total Earned Income for the family (\$200 + \$475)	\$ 675.00
Less \$112 Income Disregard	- <u>112.00</u>
Equals Net Earned Income	\$ 563.00
Less 50% Earned Income Disregard	- <u>281.50</u>
Net Nonexempt Earned Income	\$ 281.00
MAP for 5 (Non-Exempt AU)	\$ 866.00
Less Total Nonexempt Income	- <u>281.00</u>
Potential Grant	\$ 585.00
MAP for 4 (Non-Exempt AU)	\$ 762.00
Actual Grant Amount (Lesser of potential grant amount or AU MAP)	\$ 585.00