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Cross References

This chapter cited in 55 Pa. Code § 141.71 (relating to policy); 55 Pa. Code § 141.51 (relating to policy); 55 Pa. Code § 141.81 (relating to eligibility policy for Medically Needy Only); 55 Pa. Code § 142.23 (relating to requirements); 55 Pa. Code § 151.44 (relating to procedures); 55 Pa. Code § 168.74 (relating to determining weekly child care co-payment for the employed TANF budget group); 55 Pa. Code § 171.21 (relating to policy); 55 Pa. Code § 171.81 (relating to policy); 55 Pa. Code § 257.24 (relating to procedures); and 55 Pa. Code § 601.82 (relating to gross income defined).

INCOME PROVISIONS FOR TANF/GA**§ 183.1. [Reserved].****Source**

The provisions of this § 183.1 adopted August 4, 1977, effective August 5, 1977, 7 Pa.B. 2180; reserved August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921. Immediately preceding text appears at serial page (128230).

Notes of Decisions

It was appropriate for the CAO to turn down applicant's Medical Assistance application when her husband refused to substantiate information about his income; the burden of proving eligibility for assistance rests with the applicant. *Stanley v. Department of Public Welfare*, 535 A.2d 674 (Pa. Cmwlth. 1987).

§ 183.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Actual income—Income which is received in the budget month.

Budget group—One or more related or unrelated individuals who occupy a common residence or would occupy a common residence if they were not

homeless and whose needs and eligibility are considered together in determining eligibility for cash assistance under one category of assistance.

Budget month—The calendar month from which actual income and circumstances are used to determine eligibility and the amount of the monthly assistance payment. The term is referred to as the reporting period on the Monthly Reporting Form.

Deemed income—Income which is considered available regardless of whether actually received.

Earned income—Cash or income-in-kind received by the client in return for services rendered.

Full-time employment—Employment which averages at least 30 hours per week in a calendar month.

Gross income—Total earned income, excluding earned income tax credit (EITC), before allowable deductions such as work and personal expenses, and total unearned income before allowable deductions.

LRR—Legally Responsible Relative—A spouse, or the natural or adoptive parent of a TANF dependent child, of a GA unemancipated child 18 years of age or younger or of a GA minor parent. The term does not include a putative father.

Life threatening emergency—A natural disaster, such as a flood, tornado, earthquake or an occurrence, such as a home or apartment fire, a serious illness or injury of a member of the budget group, a utility shut-off, eviction or other unforeseen events which cause a major loss of resources needed to sustain life or health.

Minor parent—A TANF-eligible person under 18 years of age who has never been married and is the natural parent of a dependent child living with the minor parent, or is pregnant or a GA-eligible person 16 or 17 years of age who has never been married and is the natural parent of a dependent child living with the minor parent, or is pregnant.

Monthly assistance payment—The amount of money issued monthly that is based on the family size allowance plus, if applicable, a special need allowance, reduced by the net income of the budget group.

Nonrecurring income—Income that the client receives, usually in a single payment, that is not expected to continue. The term includes lump sum income.

Parent—The natural or adoptive father or mother of one of the following:

- (i) A TANF dependent child.
- (ii) A TANF minor parent.
- (iii) An unemancipated child 18 years of age or younger who is eligible for GA, including a minor parent subject to § 141.21(p) and (q) (relating to policy).

Part-time employment—Employment which averages less than 30 hours per week in a calendar month.

Payment month—The fiscal month for which the assistance payment is made.

Prospective budgeting—The computation of the monthly assistance payment based on the best estimate of income and circumstances which will exist in the calendar month in which the monthly assistance payment is made.

Prospective determination—The determination of eligibility based on the best estimate of income and circumstances which will exist in the calendar month in which the assistance payment is made.

Recurring income—Income that is expected to continue, regardless of whether this income is received on a regular or irregular basis.

Reporting period—The calendar month for which the client reports income and other circumstances.

Retrospective budgeting—The computation of the amount of the assistance payment issued in the payment month based on actual income and circumstances which existed in the budget month. The budget month precedes the payment month by approximately 2 months.

Sponsor—An individual who, or an organization which, executed an affidavit of support on behalf of an alien as a condition of the alien's entry into the United States.

Spouse—A person who is married to another by legal ceremony or by common-law.

Stepparent—A person who is married by legal ceremony or by common-law to the parent of a child.

TANF minor parent—A minor 17 years of age or younger, whose own natural or adoptive child is eligible for TANF as a dependent child.

Unearned income—Cash or contributions received by an individual for which the individual does not render a service.

Authority

The provisions of this § 183.2 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)); amended under sections 201 and 403(b) of the Public Welfare Code (62 P. S. §§ 201 and 403(b)).

Source

The provisions of this § 183.2 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921; amended April 20, 1990, effective immediately and retroactively applicable to October 1, 1989, 20 Pa.B. 2156; amended April 12, 1991, effective May 1, 1991, 21 Pa.B. 1557; amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3699; amended March 19, 1993, effective upon publication and applies retroactively to March 7, 1992, 23 Pa.B. 1315; amended August 14, 1998, effective immediately and apply retroactively to March 3, 1997, 28 Pa.B. 3939; amended July 28, 2000, the provisions under Act 35 effective retroactive to June 17, 1996, 30 Pa.B. 3779. Immediately preceding text appears at serial pages (252585) to (252586) and (253921).

VERIFICATION**§ 183.5. Income verification.**

The applicant or recipient is required, as a condition of eligibility, to cooperate in providing necessary information and verification regarding the income and expenses of the budget group. Verification is required for earned and unearned income and for allowable deductions, such as work and personal expenses, of each member of the budget group whenever financial eligibility is determined. Verification consists of documentation specified by the Department and includes, but is not limited to, paystubs, pay envelopes, a written statement by the employer or other documentary proof of the individual's business income and work and personal expenses, award letters and copies of benefit checks. An applicant or recipient may not be denied assistance for lack of verification if the applicant or recipient has cooperated in the verification attempt under §§ 125.21 and 133.23 (relating to policy; and requirements).

Authority

The provisions of this § 183.5 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.5 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921.

Cross References

This section cited in 55 Pa. Code § 108.7 (relating to requirements subject to waiver).

INCOME**§ 183.11. Budget group income.**

Gross income whether earned or unearned is taken into account when determining eligibility of the budget group and the amount of the monthly assistance payment as specified by the requirements of this chapter.

Authority

The provisions of this § 183.11 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.11 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921.

§ 183.12. Prospective eligibility.

Eligibility for assistance for payment months is determined prospectively by using the best estimate of income and circumstances of the budget group during the calendar month in which the assistance payment is made. If the budget group is determined to be ineligible, no assistance payment is made for the payment month.

Authority

The provisions of this § 183.12 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.12 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921.

§ 183.13. Potential sources.

(a) An applicant/recipient shall cooperate in determining if there are potential sources of income that can be made available, such as benefits under RSDI, RR, Unemployment Compensation, Workers Compensation, State or county retirement and disability plans.

(b) A recipient of TANF, Extended TANF or GA who fails, without good cause, to cooperate in establishing and maintaining eligibility for SSI, RSDI, TANF, Extended TANF or other Federal programs is ineligible for cash assistance until the recipient complies. For Extended TANF and GA, if the recipient has received 60 months of TANF, the recipient's family is also ineligible until the recipient complies.

(c) An applicant for TANF, Extended TANF or GA who fails, without good cause, to cooperate in establishing eligibility for Federal programs is ineligible for cash assistance as follows:

(1) For TANF or Extended TANF, the applicant is ineligible until the applicant complies.

(2) For GA, the applicant is ineligible for a minimum of 60 days and thereafter, until the applicant complies.

(3) For Extended TANF, the applicant and the applicant's family are also ineligible until the applicant complies.

(4) For GA, if the applicant has received 60 months of TANF, the applicant and the applicant's family are ineligible for a minimum of 60 days and thereafter until the applicant complies.

(d) An individual who is eligible for TANF or Extended TANF and SSI may choose to receive a benefit from one of these programs. The individual may not receive SSI and TANF or Extended TANF simultaneously.

Authority

The provisions of this § 183.13 issued under sections 402(a)(7)(A)(iii) and (B) and 408(a)(7)(A) and (C) of the Social Security Act (42 U.S.C.A. §§ 602(a)(7)(A)(iii) and (B) and 608(a)(7)(A) and (C)); 45 CFR 264.1(c); sections 201(1), 401(a), 403(b), 432, and 432.21(a) of the Public Welfare Code (62 P. S. §§ 201(1), 401(a), 403(b), 432 and 432.21(a)); and the act of May 16, 1996 (P. L. 175, No. 35).

Source

The provisions of this § 183.13 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921; amended October 11, 2002, effective October 12, 2002, 32 Pa.B. 5048. Immediately preceding text appears at serial pages (252589) to (252590).

EARNED INCOME**§ 183.21. Gross earned income.**

Gross earned income from wages, tips, salary, commissions and bonuses from employment is counted.

Authority

The provisions of this § 183.21 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.21 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921.

§ 183.22. Profit from self-employment.

Profit from self-employment, determined under § 183.65(a) (relating to profit), is counted. Self-employment includes, but is not limited to, operating a business or farm, practicing a profession, providing day care for children, renting nonresident real property, renting rooms or apartments contained in the resident property and providing board.

Authority

The provisions of this § 183.22 amended under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.22 adopted August 4, 1977, effective August 5, 1977, 7 Pa.B. 2180; explained November 6, 1981, effective November 7, 1981, 11 Pa.B. 3954; amended November 6, 1981, effective November 7, 1981, 11 Pa.B. 3966; amended November 6, 1981, effective November 7, 1981, 11 Pa.B. 3972; amended November 6, 1981, effective November 7, 1981, 11 Pa.B. 3973; amended September 24, 1982, effective September 25, 1982, 12 Pa.B. 3410; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1259; amended August 31, 1984, effective August 30, 1984, 14 Pa.B. 3159; amended August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921. Immediately preceding text appears at serial pages (128230) and (108945) to (108947).

Notes of Decisions

The lump-sum income rule for temporary termination of AFDC benefits does not apply to personal injury awards, since such awards are neither “windfalls” nor “accumulated or retroactive benefits” under the regulations. *Barnes v. Cohen*, 749 F.2d 1009 (3d Cir. 1984), cert. denied 471 U. S. 1061, 105 S. Ct. 2126, 85 L.Ed. 2d 490 (U. S. 1985).

The provisions of 55 Pa. Code § 183.22 create a presumption that the income of a legally responsible relative, such as the mother of a minor child living in the same household, is available for the support of dependents. *Mays v. Department of Public Welfare*, 448 A.2d 1194 (Pa. Cmwlth. 1982).

The provisions of 55 Pa. Code § 183.22 (relating to definitions) does not apply to the Emergency Fuel Assistance Program. *Goudelock v. Department of Public Welfare*, 399 A.2d 1212 (Pa. Cmwlth. 1979).

§ 183.23. [Reserved].

Source

The provisions of this § 183.23 adopted August 4, 1977, effective August 5, 1977, 7 Pa.B. 2180; amended April 9, 1983, effective April 9, 1983, 13 Pa.B. 1259; amended August 31, 1984, effective August 30, 1984, 14 Pa.B. 3159; amended August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921; amended September 13, 2002, effective retroactively to March 3, 1997, 32 Pa.B. 4435. Immediately preceding text appears at serial page (252591).

Notes of Decisions

Provisions which deem income of a step-parent available to a child for purposes of eligibility for AFDC and food-stamp benefits do not violate either due process or equal protection rights; therefore, benefits may be terminated where a step-parent lives in the same household as the natural parent and the children, and the natural parent fails to provide the County Assistance Office or Department of Public Welfare with any information regarding the step-parent's income. *Kratzer v. Department of Public Welfare*, 481 A.2d 1380 (Pa. Cmwlth. 1984).

A delay of one month between the cessation of nonrecurring income and the downward adjustment of assistance payments to allow for the receipt of such income under 55 Pa. Code § 183.23 (relating to requirements) is not so egregious as to work an unfair or undue hardship, especially since the adjustments were relatively small. *Stoneem v. Department of Public Welfare*, 403 A.2d 1070 (Pa. Cmwlth. 1979).

§ 183.24. Earned Income Tax Credit (EITC).

Advance or year-end EITC payments are not counted when determining eligibility or the amount of this assistance payment.

Authority

The provisions of this § 183.24 amended under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.24 adopted August 4, 1977, effective August 5, 1977, 7 Pa.B. 2180; explained November 6, 1981, effective November 7, 1981, 11 Pa.B. 3954; amended November 6, 1981, effective November 7, 1981, 11 Pa.B. 3966; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1259; amended August 31, 1984, effective August 30, 1984, 14 Pa.B. 3159; amended August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921; amended April 20, 1990, effective immediately and retroactively applicable to October 1, 1989, 20 Pa.B. 2156. Immediately preceding text appears at serial pages (130656) to (130657).

§ 183.25. Lump sum payments.

A lump sum payment of nonrecurring earned income, such as delayed wages, is counted.

Authority

The provisions of this § 183.25 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.25 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921; amended April 20, 1990, effective immediately and retroactively applicable to October 1, 1989, 20 Pa.B. 2156. Immediately preceding text appears at serial page (130657).

UNEARNED INCOME**§ 183.31. Benefits, dividends and interest.**

Benefits, dividends and interest are counted, including RSDI—including Part B Medicare premiums—Veteran's Administration benefits, Unemployment Compensation, other pensions and the like.

Authority

The provisions of this § 183.31 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.31 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921.

Cross References

This section cited in 55 Pa. Code § 147.41a (relating to receipt of cash assistance—statement of policy); and 55 Pa. Code § 183.31a (relating to benefits received from outside this Commonwealth—statement of policy).

§ 183.31a. Benefits received from outside this Commonwealth—statement of policy.

Section 183.31 (relating to benefits, dividends and interest) specifies that benefits, dividends and interest are types of unearned income counted in the computation of assistance grants. This section further clarifies that benefits actually received from another state, Puerto Rico or the Virgin Islands shall be counted in the same way that any other unearned income is counted at the time of application. Benefits paid but not actually received by the person will not be considered in computing the grant.

§ 183.32. Support.

Support paid by an LRR for a child or spouse, whether it is court-ordered or voluntary, a direct payment to the individual or assigned to the Department, is counted in determining eligibility and treated as follows:

(1) Support, court-ordered or voluntary, received by the individual in the initial budget month is counted in determining that month's assistance payment.

(2) After the initial authorization, support is collected by the Department and is not counted as income in computing the amount of the monthly assistance payments. The amount of support collected by the Department is used in determining the continued eligibility of the budget group.

(3) The payee of the support payment is required to remit to the Department support payments received after the initial budget month assistance payment. Upon written notification from the Bureau of Child Support Enforcement that the caretaker/relative is not cooperating with the support requirements by failing to remit court ordered or voluntary support payments, the caretaker/relative is removed from the budget group for the first payment month that can be affected.

(4) Support received on behalf of the budget group members by the caretaker/relative during the period of the sanction for failure to cooperate with the support requirements under § 141.21 (relating to policy) is counted as income when computing the amount of the monthly assistance payment.

(5) Support received by the caretaker/relative for his needs during the period of the sanction for failure to cooperate with the support requirements under § 141.21 is deemed available to the budget group under § 183.91 (relating to LRR, parent of an TANF minor parent and stepparent deductions). The income deemed from the LRR is added to other countable income of the budget group and is adjusted to the budget group's monthly assistance payment.

(6) If the client states that voluntary support is no longer being paid and attempts to verify the statement are nonproductive, or if there is a conflict in statements of the two parties involved and no documentation is available to prove either statement, the client's statement is accepted and eligibility exists for the caretaker/relative.

Authority

The provisions of this § 183.32 amended under sections 201(2), 403(b) and 432 of the Public Welfare Code (62 P. S. §§ 201(2), 403(b) and 432); the Support Law (62 P. S. §§ 1971—1977); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; section 5543 of the Balanced Budget Act of 1997 (Pub. L. No. 105-33) (42 U.S.C.A. § 653(p)); the Federal TANF regulations in 45 CFR 260.10—265.10; and the Domestic Relations Code, 23 Pa.C.S. §§ 4301—4381, 5103, 7101—7901 and 8101—8418.

Source

The provisions of this § 183.32 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921; amended March 19, 1993, effective upon publication and applies retroactively to March 7, 1992, 23 Pa.B. 1315; amended September 13, 2002, effective September 14, 2002, 32 Pa.B. 4435. Immediately preceding text appears at serial pages (252593) to (252594).

Cross References

This section cited in 55 Pa. Code § 183.33 (relating to contributions); and 55 Pa. Code § 183.34 (relating to income of a child).

§ 183.33. Contributions.

(a) A cash contribution by an LRR is support as defined in § 183.32 (relating to support).

(b) A cash contribution by an individual other than an LRR is counted and adjusted as unearned income unless exempt under § 183.81(13) (relating to income exemptions).

Authority

The provisions of this § 183.33 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.33 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921.

§ 183.34. Income of a child.

(a) If the income covers more than one child, each child covered is considered to have an equal share unless the payer or the court order specifies otherwise.

(b) If the child's income is from voluntary or court-ordered support, the support is collected by the Department and is not adjusted as income after the initial budget month, unless the caretaker/relative has been sanctioned for failure to remit direct support payments as provided under § 183.32 (relating to support).

(c) If the child who was voluntarily added to the budget group is subsequently removed from the budget group, a refund of his income collected or adjusted against the monthly assistance payment may not be claimed retroactive to the time that the child was placed in the budget group. The child is removed from the budget group as provided under § 183.104(a) (relating to deletions from the budget group).

(d) Income of a child is not counted in determining need and the amount of the monthly assistance payment if the income is one of the following:

(1) Exempt under § 183.81 (relating to income exemptions).

(2) Retirement, Survivor's and Disability Insurance (RSDI) benefits paid to a representative payee who does not live in the same household as the child and which the representative payee does not actually make available for the support of the child.

Authority

The provisions of this § 183.34 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.34 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921.

Notes of Decisions

RSDI and SSI are not “income-in-kind” to be excluded from assistance income and were not to be excluded from determination of eligibility for AFDC benefits where there is no evidence that representative payee has not made all benefits available to beneficiary. *Thornton v. Department of Public Welfare*, 571 A.2d 1093 (Pa. Cmwlth. 1990).

Cross References

This section cited in 55 Pa. Code § 133.23 (relating to requirements).

§ 183.35. Income deemed available from an LRR, parent of a TANF minor parent or stepparent.

Income deemed available from an LRR, parent of an TANF minor parent or stepparent, who is living with the applicant or recipient and is not receiving TANF, GA, SBP or SSI is counted as follows:

(1) Income of an LRR is deemed available to his spouse and children living in the same household as the LRR and the amount deemed available is determined under §§ 183.91 and 183.92 (relating to LRR, parent of a TANF minor parent and stepparent deductions; and LRR residing elsewhere—GA).

(i) For TANF, the applicant or recipient is considered to be living with the spouse, parent or unemancipated minor child if the applicant or recipient and the relative occupy a common dwelling unit, unless the spouse or parent is found to be continuously absent as defined in Chapter 153 (relating to deprivation of support or care).

(ii) For GA, the applicant or recipient is considered to be living with the spouse, parent or unemancipated minor child if the applicant or recipient and the relative occupy a common dwelling unit. If the spouse or parent is residing elsewhere solely for purposes of employment or training, the relative is regarded to be living with the applicant or recipient for income purposes and income deemed available is determined by deducting the allowable deductions in § 183.92.

(2) Income of a parent living with an TANF minor parent or of a stepparent living with a stepchild is deemed available and the amount deemed available is determined by deducting the allowable deductions in § 183.91.

Authority

The provisions of this § 183.35 amended under sections 201(2) and 403(b) of the Public Welfare Code (62 P. S. §§ 201(2) and 403(b)).

Source

The provisions of this § 183.35 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921; amended March 19, 1993, effective upon publication and applies retroactively to March 7, 1992, 23 Pa.B. 1315. Immediately preceding text appears at serial pages (168667) to (168668).

Cross References

This section cited in 55 Pa. Code § 133.23 (relating to requirements).

§ 183.36. Income deemed available from a sponsor.

(a) *If the sponsor is an individual.* For a period of 3 years following an alien's entry into the United States, income is deemed available from the sponsor and the sponsor's spouse if the following conditions are met:

(1) The sponsor and the sponsor's spouse live together and do not receive TANF, GA, SBP or SSI.

(2) The sponsor signed an affidavit of support or a similar agreement on behalf of the alien as a condition of the alien's entry into the United States.

(3) The alien filed an application for TANF or GA for the first time after September 30, 1981.

(4) The alien has resided in the United States for purposes of permanent residency less than 3 years.

(5) The alien is not a dependent child, stepchild or a spouse of the sponsor.

(6) The alien's admission to the United States is not as a result of the application of the following provisions of the Immigration and Nationality Act:

(i) Section 207(c), effective March 31, 1980—Aliens Admitted as Refugees (8 U.S.C.A. § 1157(c)).

(ii) Section 203(a)(7), effective prior to April 1, 1980—Aliens Admitted as Conditional Entrant Refugees (8 U.S.C.A. § 1153(a)(7)).

(iii) Section 208—Aliens Granted Political Asylum by the Attorney General (8 U.S.C.A. § 1158(a)(5)).

(iv) Section 212(d)(5)—Aliens Granted Temporary Parole Status by the Attorney General (8 U.S.C.A. § 1182(d)(5)).

(7) The alien's admission to the United States is not as a result of the application of section 501(e) of the Refugee Education Assistance Act of 1980 (8 U.S.C.A. § 1522 note), relating to Cuban and Haitian entrants.

(b) *If the sponsor is an agency.* For a period of 3 years following the alien's entry into the United States, an alien sponsored by a public or private agency under subsection (a)(2) is eligible for assistance if the following conditions are met:

(1) The alien meets the requirements of subsection (a)(4)—(7).

(2) The agency no longer exists or the alien provides documentation certified as correct by the agency's financial officer or a certified accountant that the agency's income is not sufficient to meet the alien's needs.

Authority

The provisions of this § 183.36 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.36 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921.

Cross References

This section cited in 55 Pa. Code § 183.105 (relating to increases in income).

§ 183.37. Lump sum payments.

Nonrecurring unearned lump sum payments, including, but not limited to, cash prizes, cash lottery winnings, life insurance benefits, cash inheritances, personal injury and other damage awards and settlements, and retroactive benefits such as RSDI, delayed Unemployment Compensation and Workers Compensation are counted.

Authority

The provisions of this § 183.37 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.37 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921.

§ 183.38. [Reserved].**Source**

The provisions of this § 183.38 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921; reserved September 13, 2002, effective September 14, 2002, 32 Pa.B. 4435. Immediately preceding text appears at serial page (252597).

§ 183.39. Rental property income.

Income from rental property owned by a client but handled by a rental agency is counted as unearned income if the client has no specific responsibility for management of the property or the capital investment.

Authority

The provisions of this § 183.39 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.39 adopted August 26, 1988, effective August 27, 1988, 18 Pa.B. 3921.

§ 183.43. [Reserved].**Source**

The provisions of this § 183.43 adopted August 4, 1977, effective April 5, 1977, 7 Pa.B. 2180; amended February 3, 1978, effective March 6, 1978, 8 Pa.B. 291; amended March 14, 1980, effective April 14, 1980, 10 Pa.B. 1041; explained November 6, 1981, effective November 7, 1981, 11 Pa.B. 3954; amended November 6, 1981, effective November 7, 1981, 11 Pa.B. 3959; amended November 6, 1981, effective November 7, 1981, 11 Pa.B. 3975; amended September 24, 1982, effective September 25, 1982, 12 Pa.B. 3410; amended August 12, 1983, effective August 13, 1983, 13 Pa.B. 2484; amended December 30, 1983, effective December 31, 1983, 13 Pa.B. 4018; reserved August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921. Immediately preceding text appears at serial pages (108951) to (108952) and (125743) to (125744).

Cross References

This section cited in 55 Pa. Code § 183.901 (relating to putative father/voluntary child support—statement of policy).

§ 183.44. [Reserved].**Source**

The provisions of this § 183.44 adopted August 4, 1977, effective August 5, 1977, 7 Pa.B. 2180; amended February 10, 1978, effective March 13, 1978, 8 Pa.B. 374; amended February 9, 1979, effective March 12, 1979, 9 Pa.B. 505; amended March 14, 1980, effective May 14, 1980, 10 Pa.B. 1041; amended July 11, 1980, effective September 9, 1980, 10 Pa.B. 2981; explained November 6, 1981, 11 Pa.B. 3954; amended November 6, 1981, effective November 7, 1981, 11 Pa.B. 3972; amended November 6, 1981, effective November 7, 1981, 11 Pa.B. 3976; amended November 6, 1981, effective November 7, 1981, 11 Pa.B. 3977; amended November 6, 1981, effective November 7, 1981, 11 Pa.B. 3978; amended December 4, 1981, effective December 5, 1981, 11 Pa.B. 4192; amended September 24, 1982, effective September 25, 1982, 12 Pa.B. 3410; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1259; amended December 16, 1983, effective December 17, 1983, 13 Pa.B. 3877; reserved August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921. Immediately preceding text appears at serial pages (125744), (108955) to (108964) and (128231) to (128232).

Cross References

This section cited in 55 Pa. Code § 183.901 (relating to putative father/voluntary child support—statement of policy); and 55 Pa. Code § 257.23 (relating to requirements).

DELAYED AND RESTRICTED INCOME**§ 183.51. Delayed potential income.**

Income such as RSDI, Unemployment Compensation, delayed wages and the like, which an individual can apply for or which is owed to him is not counted and does not affect eligibility if the individual does the following:

- (1) Acknowledges liability for reimbursement of assistance from income which covers the same time period as assistance received.
- (2) Verifies that an attempt to secure the delayed or owed income has been made.

Authority

The provisions of this § 183.51 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.51 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921.

Notes of Decisions

When a petitioner's unemployment benefits cover a different time period than was covered by public assistance, the unemployment benefits should not have been deducted. *Toney v. Department of Public Welfare*, 561 A.2d 75 (Pa. Cmwlth. 1989).

§ 183.52. Nonservice connected veterans benefits.

The amount of increased nonservice connected veterans benefits available under the Veterans Pension Act of 1959 (38 U.S.C.A. §§ 521—525) is not deemed or counted. The person does not have to apply for the increase if the person qualified for veterans benefits on June 30, 1960 and elected not to receive the increase in benefits provided under the Veterans Pension Act of 1959.

Authority

The provisions of this § 183.52 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.52 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921.

§ 183.53. Income of an SSI recipient.

The income of an SSI recipient is not considered available to meet the needs of an applicant or recipient except those payments made to the applicant or

recipient for goods, services and room and board. The individual receiving SSI is not included in a budget group.

Authority

The provisions of this § 183.53 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.53 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921.

§ 183.54. Income of a child.

If a natural or adopted child under 21 years of age, not included in the budget group, has income that is paid on his behalf to another individual, the income is restricted to the use of the child. The income is not counted in determining the financial eligibility of the budget group unless the child is an LRR to another individual in the budget group. Examples of the income include RSDI, veteran's benefits, court-ordered support payments, allotments, benefits, awards, trust fund payments, voluntary support payments from a parent and the like.

Authority

The provisions of this § 183.54 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.54 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921.

DETERMINING MONTHLY INCOME AMOUNTS

§ 183.61. Actual income and expenses.

The actual income and expense amounts reported and verified as received or paid in the budget month are considered when retrospectively budgeting the amount of the monthly assistance payment.

Authority

The provisions of this § 183.61 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.61 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921.

§ 183.62. Anticipated income and expenses.

The amounts of income and expenses anticipated to be received or incurred are considered when prospectively determining eligibility and prospectively budgeting the amount of the monthly assistance payment.

Authority

The provisions of this § 183.62 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.62 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921.

§ 183.63. Contractual or intermittent income.

Contractual income under a contract of employment or intermittent income such as certain interest, dividend and royalty payments is considered under § 183.64 (relating to income averaging).

Authority

The provisions of this § 183.63 amended under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.63 adopted August 4, 1977, effective August 5, 1977, 7 Pa.B. 2180; amended September 24, 1982, effective September 25, 1982, 12 Pa.B. 3410; amended December 30, 1983, effective December 31, 1983, 13 Pa.B. 4018; amended August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921. Immediately preceding text appears at serial pages (108967) to (108968).

§ 183.64. Income averaging.

(a) Income of an individual under a contract of employment is prorated over the period of the contract if the contract provides for the payment of income in fewer months than the number of months covered by the contract.

(b) If the amount payable under the contract changes during the period over which the income has been averaged, income averaging is reassessed.

(c) Intermittent income which is received on a quarterly, semi-annual, or yearly basis is prorated by the period covered by the income and adjusted over that period beginning with the month of receipt.

Source

The provisions of this § 183.64 adopted August 4, 1977, effective August 5, 1977, 7 Pa.B. 2180; amended February 10, 1978, effective March 13, 1978, 8 Pa.B. 374; amended February 9, 1979, effective March 12, 1979, 9 Pa.B. 505; amended February 8, 1980, effective December 11, 1979, 10 Pa.B. 699; amended July 11, 1980, effective September 10, 1980, 10 Pa.B. 2981; amended September 24, 1982, effective September 25, 1982, 12 Pa.B. 3410; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1259; amended August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921. Immediately preceding text appears at serial pages (108968) to (108978) and (125747) to (125748).

Notes of Decisions

Insurance benefits in excess of recipient's calculated standard of need render recipient ineligible for a period equal to the insurance benefit less allowable deductions under 55 Pa. Code § 183.64 (b)(1)(ii)(A) divided by the standard of need. *Otero v. Department of Public Welfare*, 517 A.2d 213 (Pa. Cmwlth. 1986).

Windfalls including insurance benefits are considered lump sum income which in excess of the recipient's calculated standard of need will render the recipient ineligible for public assistance. *Otero v. Department of Public Welfare*, 517 A.2d 213 (Pa. Cmwlth. 1986).

55 Pa. Code § 183.64 must be construed in the light of the Pennsylvania Statute's (62 P. S. § 433.12) requirement of actual availability of income for General Assistance purposes. *Bowmaster v. Department of Public Welfare*, 457 A.2d 185 (Pa. Cmwlth. 1983).

The \$25 deductibility ceiling imposed on work-related expenses by 55 Pa. Code § 183.64 (e)(1) is not unconstitutional. The legislature, having determined to permit the deduction of some work-related expenses, need not permit the deduction of all such expenses. *Foster v. Department of Public Welfare*, 452 A.2d 569 (Pa. 1982).

Since eligibility is based on need, income available from legally responsible relatives is considered in determining need, and a spouse is a legally responsible relative, assistance may be discontinued without a redetermination of eligibility if a recipient does not supply the proper verification and documentation as to her marital status. *Neal v. Department of Public Welfare*, 413 A.2d 1195 (Pa. Cmwlth. 1980).

General Assistance recipients are not invidiously discriminated against because AFDC recipients are not subjected to the \$25 limitation on work-related expenses under 55 Pa. Code § 183.64(e)(1) (relating to procedures), since the origins, purposes and funding of the two programs are clearly quite different. *Foster v. Department of Public Welfare*, 408 A.2d 216 (Pa. Cmwlth. 1979).

Since the \$25 limitation on work-related expenses under 55 Pa. Code § 183.64(e)(1) (relating to procedures) does not appear to be so patently rational as to require no justification, the issue of equal protection requires a remand for a hearing at which evidence bearing on the relationship of the limitation to legitimate governmental interests may be shown. *Foster v. Department of Public Welfare*, 408 A.2d 216 (Pa. Cmwlth. 1979).

To apply OASDI but not SSI benefits against a General Assistance grant is not a violation of equal protection and is not a violation of the Social Security Act. *Emerick v. Department of Public Welfare*, 407 A.2d 1378 (Pa. Cmwlth. 1979).

Since the claimant was properly transferred from AFDC to GA, his earned income disregard must be computed under 55 Pa. Code § 183.64(e)(2) (relating to procedures) rather than under the AFDC formula. *Royer v. Department of Public Welfare*, 400 A.2d 913 (Pa. Cmwlth. 1979).

The provisions of 55 Pa. Code § 183.64(f)(1)(iii) (relating to procedures) are invalid since they were not authorized by, and are contrary to, 62 P. S. § 432.12(c). *Watson v. Department of Public Welfare*, 400 A.2d 669 (Pa. Cmwlth. 1979).

Cross References

This section cited in 55 Pa. Code § 125.74 (relating to procedures); 55 Pa. Code § 145.64 (relating to procedures); 55 Pa. Code § 183.63 (relating to contractual or intermittent income); 55 Pa. Code § 183.901 (relating to putative father/voluntary child support—statement of policy); and 55 Pa. Code § 187.74 (relating to procedures).

§ 183.65. Profit.

Profit is determined using one of the following methods:

(1) From self-employment gross receipts, deduct the verified costs to the client of producing or continuing the income. Depreciation, personal business and entertainment expenses, personal transportation, purchase of capital equipment and payments on the principal of loans for capital assets or durable goods, are not included in the deductions.

(2) The following amounts are deducted from the gross receipts to determine profit:

(i) From total room and apartment rent, \$10 plus an amount equal to 50% of the remainder.

(ii) From board payments, the maximum food stamp coupon allotment for the household size based upon the total number of boarders.

(iii) From room and board payments, 40% of the total gross payment added to the maximum food stamp coupon allotment for the household size equal to the total number of room and boarders.

(iv) If there are roomers, boarders and room and boarders, deduct the following amounts from the gross receipts and add the results to determine the profit:

(A) From total room and apartment rent, \$10 plus an amount equal to 50% of the remainder.

(B) From room and board payments, 40% of the total gross payment.

(C) From board payments and the balance of the room and board payments after the deduction in clause (B), the maximum food stamp coupon allotment for the household size based upon the total number of boarders and room and boarders.

Authority

The provisions of this § 183.65 issued under section 403(b) of the Public Welfare Code (62 P.S. § 403(b)).

Source

The provisions of this § 183.65 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921.

Cross References

This section cited in 55 Pa. Code § 183.22 (relating to profit from self-employment).

GROSS INCOME TEST**§ 183.71. [Reserved].****Source**

The provisions of this § 183.71 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921; amended April 20, 1990, effective immediately and retroactively applicable to October 1, 1989, 20 Pa.B. 2156; amended March 19, 1993, effective upon publication and applies retroactively to March 7, 1992, 23 Pa.B. 1315; reserved September 13, 2002, effective September 14, 2002, 32 Pa.B. 4435. Immediately preceding text appears at serial pages (252604) and (214389).

§ 183.73. [Reserved].**Source**

The provisions of this § 183.73 adopted August 4, 1977, effective August 5, 1977, 7 Pa.B. 2180; amended July 21, 1978, effective August 21, 1978, 8 Pa.B. 2062; amended February 22, 1980, effective February 23, 1980, 10 Pa.B. 851; corrected February 29, 1980, effective February 23, 1980, 10 Pa.B. 913; amended July 4, 1980, effective February 23, 1980, 10 Pa.B. 2882; amended August 14, 1981, effective October 14, 1981, 11 Pa.B. 2854; reserved August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921. Immediately preceding text appears at serial pages (125748), (117265) to (117266) and (125749).

§ 183.73a. [Reserved].**Source**

The provisions of this § 183.73a adopted April 1, 1988, effective March 15, 1988, 18 Pa.B. 1499; reserved August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921. Immediately preceding text appears at serial page (125749).

§ 183.74. [Reserved].**Source**

The provisions of this § 183.74 adopted August 4, 1977, effective August 5, 1977, 7 Pa.B. 2180; reserved August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921. Immediately preceding text appears at serial pages (125749) to (125751).

INCOME EXEMPTIONS**§ 183.81. Income exemptions.**

The following income is not considered in determining the amount of the monthly assistance payment:

- (1) *TANF child*. For TANF, the gross earnings of a child, if one of the following conditions is met:
 - (i) The child is qualified by age and dependency status as an TANF child and is a student under one of the following:
 - (A) A full-time student under Chapter 145 (relating to age).

(B) A part-time student who is also employed part-time. The employment status of the student; that is, whether he is employed full or part-time, is determined during that period when school is in session. Full-time employment during school vacation does not affect the status of the student as a part-time employee as long as it is reasonably expected that the child will return to school.

(C) A participant in the Job Corps Program under the Job Training Partnership Act of 1982 (29 U.S.C.A. §§ 1501—1781).

(ii) The child is a nonstudent 17 years of age or younger whose earnings are from a program under the Job Training Partnership Act of 1982. This earnings exemption is for a maximum of 6 calendar months per calendar year.

(2) *GA child.* For GA, the earnings of a child, if one of the following applies:

(i) The child is 13 years of age or younger.

(ii) The child is 14 through 17 years of age and the earnings are from a program under the Job Training Partnership Act of 1982. This earnings exemption is for a maximum of 6 calendar months per calendar year.

(3) *Educational loans, grants and work-study income.* The following do not count as income:

(i) Educational assistance in the form of loans, grants and scholarships.

(ii) Work-study income.

(4) *Funds subject to reimbursement.* Funds for which a Departmental reimbursement agreement has been executed.

(5) *MA copayment refunds.* A refund to the client authorized as a rebate for payment made in excess of the amount required as copayment for MA services.

(6) *Retroactive assistance payments.* Retroactive assistance payments authorized to correct underpayments to current recipients are not considered as income in the month paid nor in the next following month. In subsequent months, money remaining from the payments is treated as a resource.

(7) *Corrective assistance payments.* A corrective assistance payment authorized retroactively as a result of a prehearing conference, a fair hearing decision or a court order.

(8) *Assigned court order payment refunds.* An assigned court ordered or voluntary support payment when refunded to the client due to a month of suspension of the monthly assistance payment.

(9) *Job Training Partnership Act.* Money received as need-based payments or payments for supportive services from the Job Training Partnership Act of 1982.

(10) *Donations from public or private agencies.* Money, goods or services a client receives from a public or private agency or organization, if one of the following applies:

(i) It is intended for a purpose different from that provided for by the assistance allowance.

(ii) It is not provided for by the assistance allowance.

(iii) Its value, when added to the assistance allowance and other income of the budget group, does not equal or exceed the applicable standard of need.

(11) *Donations from individuals.* In-kind goods or services provided by an individual to a client. Third-party payments made to a vendor on behalf of a client.

(12) *Relocation assistance and real property acquisition.* Money received under Subchapter II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C.A. §§ 4621—4638, specifically § 4636).

(13) *Gifts, loans or borrowed money.* Loans or borrowed money, such as car loans or personal loans. Occasional nonrecurring small amounts of money given by or borrowed from a source if the amount of money does not exceed \$30 per person in a calendar quarter which begins in January, April, July and October.

(14) *Congregate meals.* Benefits received under Part C, Congregate Nutrition Service of the Older Americans Act (42 U.S.C.A. § 3030e).

(15) *Payments to volunteers.* Payments to volunteers are considered as follows:

(i) Payments to volunteers under Subchapter I of the Domestic Volunteer Services Act of 1973 (42 U.S.C.A. §§ 4951—4993). Payments for volunteer work in VISTA, Service Learning Programs and Special Volunteer Programs are excluded.

(ii) Payments for supportive services or reimbursement of out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides or senior companions, and other programs established under Subchapter II of the Domestic Volunteer Services Act (42 U.S.C.A. §§ 5001—5023), are excluded if the payments, when divided by the number of hours served, result in an amount that is less than the Commonwealth's minimum hourly wage.

(16) *Senior Citizens Rebate and Assistance Act.* Money received under the Senior Citizens Rebate and Assistance Act (72 P. S. §§ 4751-1—4751-12).

(17) *Adoption assistance subsidies.* Federal adoption assistance subsidies received under Title IV-E of the Adoption Assistance and Child Welfare Act of 1980 (Pub.L. 96-272) (94 Stat. 500) and State or local adoption assistance subsidies received under sections 771—774 of the Public Welfare Code (62 P. S. §§ 771—774). This money, which is an adoption assistance subsidy for a special need child, is restricted for the use of the special need child. It is exempt as long as the child for whom payment is made is not a member of the budget group.

(18) *Foster care payments.* Money received from providing foster home care for a child placed by an approved child placement agency. Money paid through Title IV-E of the Adoption Assistance and Child Welfare Act of 1980 and State or local money paid through Article VII of the Public Welfare Code (62 P. S. §§ 701—774) is restricted for the needs of the foster child.

(19) *Food assistance and free school lunches.* The value of supplemental food assistance received under the Child Nutrition Act of 1966 (42 U.S.C.A. §§ 1771—1789) and the special food services program for children under the National School Lunch Act (42 U.S.C.A. §§ 1751—1769c).

(20) *Food Stamp Program benefits.* The value of free stamps received by a participant in the Food Stamp Program.

(21) *U.S.D.A. surplus food donation.* The value of the United States Department of Agriculture donated foods—surplus commodities.

(22) *Home produce.* The value of home produce of a client used by him and his household for their consumption.

(23) *Experimental Housing Allowance Program.* Experimental Housing Allowance Program (EHAP) payments made under annual contributions contracts entered into prior to January 1, 1975, under the United States Housing Act of 1937 (42 U.S.C.A. §§ 1437—1437q).

(24) *Housing subsidies.* Subsidies paid for housing or utilities under section 8 of the United States Housing Act of 1937 (42 U.S.C.A. § 1437f) and housing rehabilitation grants under the Housing and Community Development Act of 1974 (Pub.L. No. 93—383, 88 Stat. 633).

(25) *LIHEAP.* Home energy assistance payments or services received under the Low Income Home Energy Assistance Program (LIHEAP).

(26) *Home energy assistance benefits.* Home energy assistance (HEA) benefits furnished in-kind by a private, nonprofit organization or furnished as cash or in-kind assistance by a certified supplier of home heating oil or gas, a certified entity providing home energy whose revenues are primarily derived on a rate-of-return basis and regulated by the Pennsylvania Public Utility Commission or a certified municipal utility providing home energy. HEA benefits may include payments for heating or cooling, storm doors, weatherization services, blankets and the like. HEA benefits do not include food or clothing.

(27) *Support or maintenance assistance benefits.* In-kind support or maintenance assistance (SMA) benefits provided by a private, nonprofit organization. SMA benefits include in-kind provision of food, clothing, temporary emergency shelter, furniture, appliances and the like.

(28) *Payments to Indian tribes.* Payments to Indian tribes are considered as follows:

(i) Tax-exempt portions of payments made under the Alaska Native Claims Settlement Act (43 U.S.C.A. §§ 1601—1628) are exempt.

(ii) Funds distributed *per capita* to or held in trust for members of an Indian tribe under the act of March 18, 1972 (Pub.L. 92—254) (86 Stat. 64)

(25 U.S.C.A. §§ 1261—1265) and the act of October 18, 1973 (Pub.L. 94-114) (89 Stat. 579) (25 U.S.C.A. §§ 1401—1407) are exempt.

(iii) Effective October 17, 1975, receipts distributed to members of certain Indian tribes referred to in section 5 of the act of October 17, 1975 (Pub.L. 94-114) (25 U.S.C.A. § 459d) are exempt.

(iv) Effective January 12, 1983, interest and investment income accrued on Indian Judgement funds held in trust, sections 2—8 of the act of October 19, 1973 (Pub.L. 93-134) (87 Stat. 466) 25 U.S.C.A. §§ 1402—1405, 1407 and 1408 are exempt.

(29) *Support pass-through*. The first \$50 per budget month of court-ordered and voluntary support payments received by the budget group, excluding arrearages.

(30) *Earned income tax credit (EITC)*. Advance or year-end payments. Year-end payments are exempt in the month received. In subsequent months, money remaining from the payment is treated as a resource.

Authority

The provisions of this § 183.81 amended under sections 201(2), 403(b), 432 and 432.12 of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 432 and 432.12); the Support Law (62 P. S. §§ 1971—1977); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; the Federal TANF regulations in 45 CFR 260.10—265.10; and the Domestic Relations Code, 23 Pa.C.S. §§ 4301—4381, 5103, 7101—7901 and 8101—8418.

Source

The provisions of this § 183.81 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921; amended April 20, 1990, effective immediately and retroactively applicable to October 1, 1989, 20 Pa.B. 2156; amended March 19, 1993, effective upon publication and applies retroactively to March 7, 1992, 23 Pa.B. 1315; amended September 13, 2002, effective September 14, 2002, with the exception of paragraph (29) which is effective retroactively to October 1, 1998, 32 Pa.B. 4435. Immediately preceding text appears at serial pages (214389) to (214392) and (252605) to (252606).

Notes of Decisions

Child Support Pass-Through

Paragraph (29) was rescinded by the Department of Public Welfare in light of the elimination of child support pass-through. *Success Against All Odds by St. Amand v. Department of Public Welfare*, 700 A.2d 1340 (Pa. Cmwlth. 1997).

Cross References

This section cited in 55 Pa. Code § 183.33 (relating to contributions); 55 Pa. Code § 183.34 (relating to income of a child).

§ 183.82. [Reserved].

Source

The provisions of this § 183.82 adopted August 4, 1977, effective August 5, 1977, 7 Pa.B. 2180; reserved August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921. Immediately preceding text appears at serial pages (125751) to (125752).

§ 183.83. [Reserved].**Source**

The provisions of this § 183.83 adopted August 4, 1977, effective August 5, 1977, 7 Pa.B. 2180; reserved August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921. Immediately preceding text appears at serial pages (125752) to (125753).

§ 183.83a. [Reserved].**Source**

The provisions of this § 183.83a adopted April 1, 1988, effective March 15, 1988, 18 Pa.B. 1499; reserved August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921. Immediately preceding text appears at serial page (125754).

§ 183.84. [Reserved].**Source**

The provisions of this § 183.84 adopted August 4, 1977, effective August 5, 1977, 7 Pa.B. 2180; amended February 22, 1980, effective April 23, 1980, 10 Pa.B. 854; amended December 4, 1981, effective December 5, 1981, 11 Pa.B. 4192; reserved August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921. Immediately preceding text appears at serial pages (125754) to (125758) and (128233).

INCOME DEDUCTIONS**§ 183.91. LRR, parent of a TANF minor parent and stepparent deductions.**

The following deductions are taken from the verified gross income of an LRR, parent of a TANF minor parent, and stepparent, living with the applicant or recipient, to determine the income deemed available to a budget group.

- (1) From earned income, deduct work and personal expenses as follows:
 - (i) For TANF-related cases, the first \$90 of earned income from full-time or part-time employment.
 - (ii) For GA-related cases, up to \$25 of earned income from full-time or part-time employment.
 - (iii) If a budget group fails, without good cause, to make a timely report of the budget month income as specified in Chapters 125 and 142 (relating to application process; and monthly reporting), the LRR, parent of a TANF minor parent, and stepparent are not eligible for the earned income deductions specified in this paragraph for that budget month.
 - (iv) An LRR who is under an employment sanction or support sanction under Chapter 165 or 187 (relating to road to economic self-sufficiency through employment and training (RESET) program; and support from relatives not living with the client) is ineligible for the earned income deductions specified in this paragraph for the budget month corresponding to the payment month of sanction.

- (2) From unearned income, deduct the verified expenses the LRR, parent of a TANF minor parent, and stepparent shall pay to be eligible for or to assure

receipt of the unearned income. The earned and unearned income of a nonassistance dependent of an LRR, excluding the parent of a TANF minor parent, is added to the LRR's income if the dependent is included in the basic living need deduction of paragraph (3)(i).

(3) Deduct a basic living need as follows:

(i) For LRRs, other than the parent of a TANF minor parent, an amount is deducted which represents the difference between the family size allowance (FSA) for the budget group, excluding special need allowances, and what the FSA would be if the LRR and his dependents were included in the budget group. Dependents are those who are claimed or could be claimed in determining Federal income tax liability and who are residing in the household, but are not included in the TANF or GA budget group. An LRR and his dependents who are under an employment sanction or a support sanction under Chapter 165 or Chapter 187 are not included as though they are part of the budget group when determining the amount of the basic living need deduction.

(ii) For the parent of an TANF minor parent, or stepparent, an amount is deducted which represents the standard of need—Appendix B, Table I (relating to standard of need)—for a comparable family group composed of the parent of a TANF minor parent, or stepparent and for dependents who are or could be claimed in determining Federal income tax liability and who reside in the household, but who are not included in the TANF or GA budget group. A parent of a TANF minor parent, or stepparent and his dependents who are under an employment sanction or support sanction under Chapter 165 or § 141.21(e) (relating to policy) are not included as though they are part of the family group when determining the amount of the basic living need deduction.

(4) Deduct verified payments of court-ordered support by the LRR, parent of a TANF minor parent, and stepparent for a person not living with the LRR, parent of a TANF minor parent and stepparent. The LRR, parent of a TANF minor parent and stepparent shall provide verification that payments have been made and are not just owed.

(5) Deduct verified payments made by the LRR, parent of a TANF minor parent, and the stepparent to dependents who are not living with the LRR, parent of a TANF minor parent, and stepparent, but who are or could be claimed in determining Federal income tax liability. The allowable deduction is limited to obligations or payments which are actually paid. Verification of the payments is required before the allowance is granted.

(6) The remainder is deemed available as unearned income to the budget group regardless of whether it is actually made available or not. If the unearned income is deemed available to more than one budget group, it will be divided as equally as possible among the budget groups.

Authority

The provisions of this § 183.91 amended under sections 201(2) and 403(b) of the Public Welfare Code (62 P. S. §§ 201(2) and 403(b)).

Source

The provisions of this § 183.91 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921; amended April 20, 1990, effective immediately and retroactively applicable to October 1, 1989, 20 Pa.B. 2156; amended October 2, 1992, effective upon publication and apply retroactively to October 1, 1989, 22 Pa.B. 4875; amended March 19, 1993, effective upon publication and applies retroactively to March 7, 1992, 23 Pa.B. 1315; amended May 17, 1996, effective May 18, 1996, 26 Pa.B. 2321. Immediately preceding text appears at serial pages (179510) to (179512).

Cross References

This section cited in 55 Pa. Code § 133.23 (relating to requirements); (relating to support); 55 Pa. Code § 183.35 (relating to income deemed available from an LRR, parent of an AFDC minor parent or stepparent); 55 Pa. Code § 183.98 (relating to unearned income and lump sum income deductions); and 55 Pa. Code § 183.105 (relating to increases in income).

§ 183.92. LRR residing elsewhere—GA.

For GA only, if the LRR is residing elsewhere solely for purposes of employment or training and is not included in the budget group, monthly deductions from the LRR's verified gross income are:

- (1) A maximum work and personal expense deduction of up to \$25 from earned income.
- (2) The expenses he has to pay to be eligible for, or to receive, the unearned income.
- (3) Reasonable expenses the LRR incurs living away from home for rent, utilities and food if they are not provided for by the employer or training program.

Authority

The provisions of this § 183.92 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.92 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921; amended April 20, 1990, effective immediately and retroactively applicable to October 1, 1989, 20 Pa.B. 2156. Immediately preceding text appears at serial page (130680).

Cross References

This section cited in 55 Pa. Code § 133.23 (relating to requirements); 55 Pa. Code § 183.35 (relating to income deemed available from an LRR, parent of a TANF minor parent or stepparent); and 55 Pa. Code § 183.105 (relating to increases in income).

§ 183.93. Sponsor deductions.

The following deductions are allowed from the verified gross income of an individual sponsor and the sponsor's spouse, if living together and if not included in the budget group. The alien is required to provide a copy of the affidavit of support signed by the sponsor. The alien and sponsor are jointly or severally liable for an overpayment of assistance made to the alien and action will be initiated, if indicated, under Chapter 255 (relating to restitution).

(1) Deduct 20%, up to a maximum of \$175, from the total monthly gross earned income of the sponsor and the sponsor's spouse.

(2) Deduct the verified expenses the sponsor or spouse incurred to obtain unearned income.

(3) Deduct an amount equal to the standard of need—Appendix B, Table 1 (relating to standard of need)—for a family group composed of the sponsor and those dependents in his household who are or could be claimed by the sponsor in determining Federal income tax liability, but who are not included in the TANF or GA budget group.

(4) Deduct amounts verified as actually paid by the sponsor or the sponsor's spouse to persons not living in the household who are or could be claimed by them as dependents for their Federal personal income tax.

(5) Deduct verified payments of alimony or child support to individuals not living in the household.

(6) If the income of the sponsor or the sponsor's spouse is deemed available to two or more aliens, the income is divided equally among the aliens.

(7) If the amount deemed available for the alien exceeds the alien's family size allowance or the alien's share of the budget group's family size allowance, the alien is ineligible.

(8) Income deemed available which exceeds the alien's family size allowance is not considered as income available to un-sponsored members of the alien's family unless the sponsor agrees to contribute the excess income to the un-sponsored family members. The total amount of the contribution is considered as unearned income to the budget group.

Authority

The provisions of this § 183.93 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.93 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921.

Cross References

This section cited in 55 Pa. Code § 133.23 (relating to requirements); 55 Pa. Code § 183.98 (relating to unearned income and lump sum income deductions); and 55 Pa. Code § 183.105 (relating to increases in income).

§ 183.94. Eligibility for TANF earned income deductions.

Subject to the limitations in § 183.97 (relating to ineligibility for disregards from earned income for TANF and GA), the earned income of each employed individual in the TANF budget group is treated as follows:

- (1) An applicant who has been a recipient of TANF in 1 of the 4 calendar months before this application is eligible to receive a continuous 50% disregard from gross earned income.
- (2) The applicant who has not been a recipient of TANF in 1 of the 4 calendar months before this application is eligible to receive a continuous 50% disregard if the applicant's income after application of the following deductions is less than the standard of need for the budget group as specified in Appendix B, Table 1 (relating to standard of need).
 - (i) The first \$90 per month from gross earned income.
 - (ii) Personal expenses subject to the limitations of paragraph (3).
 - (iii) Unearned income and lump sum income deductions as specified in § 183.98 (relating to unearned income and lump sum income deductions).
- (3) *Personal expenses.* The actual cost of care of incapacitated adults living in the same home and receiving TANF, if no other sound plan can be made for their care, up to a maximum of:
 - (i) One hundred seventy-five dollars per incapacitated adult when the client is employed full-time.
 - (ii) One hundred fifty dollars per month per incapacitated adult when the client is employed part-time.

Authority

The provisions of this § 183.94 amended under sections 201(2), 403(b), 432 and 432.12 of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 432 and 432.12); the Support Law (62 P. S. §§ 1971—1977); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; and the Federal TANF regulations in 45 CFR 260.10—265.10.

Source

The provisions of this § 183.94 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921; amended April 20, 1990, effective immediately and retroactively applicable to October 1, 1989, 20 Pa.B. 2156; amended January 8, 1999, effective February 1, 1999, 29 Pa.B. 271; amended September 13, 2002, effective retroactively to March 3, 1997, 32 Pa.B. 4435. Immediately preceding text appears at serial pages (252608) and (268383).

Cross References

This section cited in 55 Pa. Code § 133.4 (relating to procedures); 55 Pa. Code § 153.44 (relating to procedure); 55 Pa. Code § 183.97 (relating to ineligibility for disregards from earned income for TANF and GA); 55 Pa. Code § 183.98 (relating to unearned income and lump sum income deductions); and 55 Pa. Code § 183.105 (relating to increases in income).

§ 183.95. GA earned income deductions.

For the expenses related to employment of each individual in the GA budget group, disregard in the following order:

(1) *Earned income incentive deduction.* As an incentive to eligible GA individuals to obtain and retain employment, earned income incentive deductions, subject to the limitations in §§ 183.96 and 183.97 (relating to reserved; and ineligibility for disregards from earned income for TANF and GA) are made as follows:

(i) For each employed client, the first \$20 plus 50% of the next \$60 is deducted from the gross earned income for 4 consecutive calendar months.

(ii) An applicant who has been a recipient of GA in 1 of the 4 calendar months prior to this application is eligible to receive the earned income incentive for 4 consecutive calendar months subject to the limitations in subparagraph (iv).

(iii) An applicant who has not been a GA recipient in 1 of the 4 calendar months prior to this application is eligible to receive the earned income incentive deduction for 4 consecutive calendar months only if the applicant's income, after deductions in paragraph (2) and § 183.98 (relating to unearned income and lump sum income deductions), is less than the standard of need for the budget group, and subject to the limitations in subparagraph (iv).

(iv) An applicant or recipient who has received the GA earned income incentive deduction for 4 consecutive calendar months is not eligible to receive the GA deduction again until he has not received a GA cash grant for 12 consecutive months.

(2) *Work and personal expense deductions.* A maximum work and personal expense of up to \$25 is deducted from earned income subject to the limitations in § 183.97. This allowance includes, but is not limited to, expenses related to employment, such as transportation; child and adult care; union dues; uniforms; mandatory deductions for Federal, State and local taxes; and the like.

Authority

The provisions of this § 183.95 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.95 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921.

Cross References

This section cited in 55 Pa. Code § 133.4 (relating to procedures); 55 Pa. Code § 183.97 (relating to ineligibility for disregards from earned income for TANF and GA); 55 Pa. Code § 183.98 (relating to unearned income and lump sum income deductions); and 55 Pa. Code § 183.105 (relating to increases in income).

§ 183.96. [Reserved].**Source**

The provisions of this § 183.96 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921; amended April 20, 1990, effective immediately and applies retroactively to October 1, 1989, 20 Pa.B. 2156; amended October 2, 1992, effective upon publication and apply retroactively to October 1, 1989, 22 Pa.B. 4875; amended September 13, 2002, effective retroactively to March 3, 1997, 32 Pa.B. 4435. Immediately preceding text appears at serial pages (268384) and (214401).

Cross References

This section cited in 55 Pa. Code § 183.95 (relating to GA earned income deductions).

§ 183.97. Ineligibility for disregards from earned income for TANF and GA.

The deductions in §§ 183.94 and 183.95 (relating to eligibility for TANF earned income deductions; and GA earned income deductions) do not apply to the budget month income considered for the corresponding payment month for an applicant or recipient to whom one of the following conditions applies:

- (1) Within the 30-day period preceding the budget month, the applicant or recipient terminated employment or reduced his earned income without good cause as defined in Chapter 165 (relating to road to economic self-sufficiency through employment and training (RESET) program).
- (2) Within the 30-day period preceding the budget month, the applicant or recipient refused without good cause, to accept employment in which he was able to engage which was offered through the JS, through the CAO or by an employer whose offer is determined by JS or the CAO to be a bona fide offer and thereby incurs an employment sanction. Ineligibility for the deductions will apply to the budget months corresponding to the payment months of the sanction period even if the disqualifying action has been corrected.
- (3) He failed, without good cause, to make a timely report of the budget month income as specified in Chapters 125 and 142 (relating to application process; and monthly reporting). Good cause includes, but is not limited to, the following situations: serious illness, accident, death, physical or mental handicap, illiteracy, language problems or postal delay, making it impossible to expect that the usual reporting requirements be met.

Authority

The provisions of this § 183.97 amended under sections 201(2), 403(b), 432 and 432.12 of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 432 and 432.12); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; and the Federal TANF regulations in 45 CFR 260.10—265.10.

Source

The provisions of this § 183.97 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921; amended October 2, 1992, effective upon publication and apply retroactively to October 1, 1989, 22 Pa.B. 4875; amended September 13, 2002, effective retroactively to March 3, 1997, 32 Pa.B. 4435. Immediately preceding text appears at serial pages (214401) and (214402).

Cross References

This section cited in 55 Pa. Code § 183.94 (relating to TANF earned income deductions); 55 Pa. Code § 183.95 (relating to GA earned income deductions); and 55 Pa. Code § 255.4 (relating to procedures).

§ 183.98. Unearned income and lump sum income deductions.

From unearned income and lump sum income, the following deductions are allowed:

- (1) The expenses which the individual shall pay to be eligible for or to receive the unearned income or nonrecurring lump sum income. Allowable expenses include, but are not limited to, attorney fees, court costs and transportation costs.
- (2) The expenses the individual incurs which are directly related to the particular type of lump sum payment, such as the charge for burial from an insurance benefit or medical expenses from a personal injury award.
- (3) The replacement cost of real or personal property that is part of the damage award or insurance settlement. The replacement cost value is determined as follows:
 - (i) If it is nonresident real or personal property for which liability for cash assistance reimbursement has been acknowledged, the deductible replacement cost is limited to the value of the property up to the resource limitation established under Chapter 177 (relating to resources). If it is resident real property, the deductible replacement cost is the value specified by the issuing source-payer or insurance company.
 - (ii) If the real or personal property is not property for which liability for cash assistance reimbursement has been acknowledged, the deductible replacement cost value is the greatest of the following:
 - (A) The value specified by the issuing source—payer or insurance company.
 - (B) The value determined at the last reapplication prior to its destruction.
 - (C) The fair market value.
 - (D) Other evidence substantiating the value of property at the time it was lost, stolen, damaged or destroyed.
- (4) From earned lump sum income, the work and personal expenses and earned income incentive, if applicable, under §§ 183.91 and 183.93—183.95. The earned lump sum income is combined with other earned income of the individual when applying these disregards.

(5) The amount of reimbursement due to the Department from delayed or retroactive benefits which will cover the same time period during which assistance was received.

(6) The amount a client pays a rental agency to handle rental property.

(7) Fees paid to a guardian who controls the income of a client when the guardian has been court appointed and the guardian fee is imposed as a part of the court order.

Authority

The provisions of this § 183.98 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.98 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921.

Cross References

This section cited in 55 Pa. Code § 153.44 (relating to procedures); 55 Pa. Code § 183.94 (relating to TANF earned income deductions); 55 Pa. Code § 183.95 (relating to GA earned income deductions); and 55 Pa. Code § 183.105 (relating to increases in income).

MONTHLY ASSISTANCE PAYMENT DETERMINATION

§ 183.101. Prospective and retrospective determination.

(a) Income eligibility is prospectively determined for a calendar month based on anticipated income of individuals whose income shall be counted in determining eligibility.

(b) The amount of the monthly assistance payment is computed by counting the income of those same individuals whose income is considered in the prospective eligibility decision.

(c) A person is ineligible for assistance if, after the application of TANF and GA income requirements, the net income, when prospectively determined, equals or exceeds the family size allowance plus special needs allowances under Chapter 175 (relating to allowances and benefits).

(d) A person is eligible for assistance if, after the application of TANF and GA income requirements, the net income, when prospectively determined, is less than the family size allowance plus special needs allowances under Chapter 175 and the person meets other conditions of eligibility. The net income adjustment is determined as follows:

(1) In the initial 2 months of eligibility for a Federal or State category the income is one of the following:

(i) Prospectively budgeted by estimating the income and circumstances which will exist in each of the initial 2 months.

(ii) Retrospectively budgeted if the initial month follows one of the following:

(A) A preceding month of eligibility, during which the budget group received assistance or would have received a monthly assistance payment except for the prohibition against payments of less than \$10.

(B) One month of suspension, if the circumstances of the budget group in the month of reinstatement have not changed significantly from those reported in the budget month.

(C) When the budget group is closed in the GA category and simultaneously opened in the TANF category, even though clause (A) or (B) applies, the amount of the assistance payment is prospectively budgeted in the first 2 months of the TANF category.

(2) After the initial 2 months, retrospectively budget the income by using the actual income and circumstances which existed in the budget month corresponding to the payment month.

(i) Income prospectively budgeted in the initial payment months which stops, that is, equals zero, during an initial payment month is not retrospectively budgeted. The actual amount of income received is considered in determining the payment for the initial 2 months.

(ii) Income which stops, that is, equals zero, in one of the first 2 retrospective budget months is not retrospectively budgeted. The actual amount of

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income received is considered in determining the payment for the zero income month and prior months.

(iii) Retrospective budgeting continues in these and subsequent months if income increases or decreases, but continues. The actual amount of income received in the initial 2 months of eligibility is considered in determining the payment for the first 2 retrospective budget months.

Authority

The provisions of this § 183.101 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.101 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921.

Cross References

This section cited in 55 Pa. Code § 183.102 (relating to change in category).

§ 183.102. Change in category.

(a) When the category changes to GA, the income in the budget month continues to be retrospectively budgeted and receives the GA income disregards.

(b) When the category changes to AFDC, it is considered a new application and assistance is determined under § 183.101(d)(1)(ii)(C) (relating to prospective and retrospective determination).

Authority

The provisions of this § 183.102 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.102 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921.

§ 183.103. Additions to the budget group.

(a) Eligibility is determined prospectively by combining the best estimate of income and circumstances that will exist in the payment month for the budget group with the additional person included.

(b) If the additional person did not receive assistance in the previous month, the amount of assistance for the initial 2 months is determined by combining the additional person's prospective income with the budget month income for the remainder of the budget group, and subtracting this amount from the appropriate family size allowance. After the initial 2 months, retrospective budgeting is used for the entire budget group.

(c) If the additional person did not receive assistance in the previous month, but the person's income was deemed as an LRR, parent of an AFDC minor par-

ent, stepparent or sponsor of an alien, the amount of assistance is determined by considering retrospectively the additional person's income during the budget month and the budget group's income during the budget month, excluding the income deemed from the individual being added.

(d) If the additional person received assistance in the previous month, the amount of assistance is determined by combining the additional person's retrospective income with the budget month income for the remainder of the budget group, and subtracting this amount from the appropriate family size allowance.

(e) If by adding this person the monthly assistance payment increases, a supplemental payment is authorized to reflect the needs of the additional person.

(f) A request for assistance by or for an additional person shall be processed within the time limits specified for applicants in Chapter 125 (relating to the application process).

Authority

The provisions of this § 183.103 amended under sections 201(2) and 403(b) of the Public Welfare Code (62 P. S. §§ 201(2) and 403(b)).

Source

The provisions of this § 183.103 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921; amended March 19, 1993, effective upon publication and applies retroactively to March 7, 1992, 23 Pa.B. 1315. Immediately preceding text appears at serial pages (130690) and (143877).

§ 183.104. Deletions from the budget group.

(a) The individual is removed from the budget group for the first payment month that can be affected. Eligibility for the remaining budget group is determined prospectively for the payment month.

(b) The amount of the assistance payment for the remaining budget group is determined as follows:

(1) If the individual removed from the budget group remains in the household and is an LRR, parent of an AFDC minor parent, stepparent or sponsor of an alien, income of that person during the budget month is deemed and retrospectively budgeted.

(2) If the individual who is removed from the budget group is no longer part of the household and is an LRR, the support requirements in Chapter 187 (relating to support from relatives not living with the client) shall be met. Pending the fulfillment of those requirements, income which is actually made available to the budget group from the LRR is considered in determining eligibility and the client shall remit voluntary support payments to the Department.

(3) If the individual removed from the budget group is not an LRR, only income actually made available from the individual removed or deemed from a parent of an AFDC minor parent, stepparent or sponsor of an alien affects the monthly assistance payment.

Authority

The provisions of this § 183.104 amended under sections 201(2) and 403(b) of the Public Welfare Code (62 P. S. §§ 201(2) and 403(b)).

Source

The provisions of this § 183.104 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921; amended March 19, 1993, effective upon publication and applies retroactively to March 7, 1992, 23 Pa.B. 1315. Immediately preceding text appears at serial page (143877).

Cross References

This section cited in 55 Pa. Code § 183.34 (relating to income of a child); and 55 Pa. Code § 183.104a (relating to additions to or deletions from a budget group—statement of policy).

§ 183.104a. Additions to or deletions from a budget group—statement of policy.**(a) Cash assistance.**

(1) Section 183.104 (relating to deletions from the budget group) provides for removal of a person from a budget group effective with the first payment that can be reached after proper notice as specified in § 133.4 (relating to procedures). However, persons under a sanction will continue to be removed effective with the first payment month.

(2) In most cases, Advance Notice (PA/FS 162-A) is the proper notice. However, Advance Notice is waived and Confirming Notice (PA/FS 162-C) is used in the following two instances:

(i) A client requests the change and consents to the decrease in writing (See § 133.4(b)(2)(ii)(A)).

(ii) A budget group enrolled in the Monthly Reporting system reports a change on the Monthly Reporting Form (MRF) or Late/Incomplete Notice (LIN).

(3) In addition to removing persons promptly in accordance with established deadlines, the CAO shall ensure that persons are authorized initially or added to existing budget groups as quickly as possible. Consistent with the requirements of Chapters 125 and 133 (relating to the application process; and redetermining eligibility), a person shall receive eligibility determinations no later than 30 days from the date of receipt of a completed, signed Common Application Form (CAF). The procedures to be followed when an applicant requests removal from an existing budget group and authorization of assistance in his own name; or from a person who wishes to add someone to his budget group are as follows:

(i) A CAF is mailed or provided on the same day that assistance is requested. Requests are documented on a PA 601 Notes page. The applicant is informed that the CAF may be mailed or brought to the office at any time and that the sooner it is filed, the sooner assistance can begin.

(ii) An interview is scheduled with the applicant as soon as possible after the request for assistance, but no later than 13 days from the date of the request.

(iii) At the interview, the CAF is accepted and date stamped if it has not already been received in the mail. The worker shall assist the applicant with completion of the CAF as necessary.

(iv) Applicants moving from one budget group to another, if determined eligible, shall be added to the new budget group no earlier than the effective date of removal from the other budget group.

(4) The following are case examples of the proper application of the policy:

Example I.

Mrs. Smith receives assistance for herself and five children.

<i>Payment Dates</i>	<i>Benefit Hold Deadline</i>
7/7	7/1
7/21	7/16
8/5	7/31
8/19	8/14

A. 7/17—Mrs. Smith's son James, moves in with his grandmother, Mrs. Jones. Mrs. Jones calls the CAO to report that James is in her household. The worker sends a CAF that day and schedules an application interview for 7/22.

7/22—Mrs. Smith reports the change in household composition. A PA/FS 162-A is sent.

8/1—Appeal period expires after PA/FS 162-A sent.

8/19—James is removed from his mother's grant. (First check that can be reached after proper notice.)

B. 7/22—Mrs. Jones, James' grandmother, comes into the CAO for her interview. Her CAF is filed and date-stamped. Therefore, an eligibility determination shall be made no later than August 5. Mrs. Jones is interviewed and eligibility is established.

<i>Payment Dates</i>	<i>Benefit Hold Deadline</i>
7/9	7/6
7/23	7/20
8/7	8/4
8/21	8/18

8/1—James is added to Mrs. Jones' grant effective with the 8/21 check. A supplemental check is issued to cover 8/19 through 8/20.

Example II.

Mr. Clark receives assistance for himself, his wife and their three children.

<i>Payment Dates</i>	<i>Benefit Hold Deadline</i>
7/16	7/13
7/30	7/27
8/14	8/11
8/28	8/25

6/30—Mrs. Clark and children leave the household due to physical abuse.

7/1—Mrs. Clark visits the CAO, confirms her change of address and requests assistance for herself and the children. A PA/FS 162-A is sent to Mr. Clark to confirm decrease and category change effective 7/16. A CAF is given to Mrs. Clark and an interview is scheduled for 7/8.

7/8—Mrs. Clark is interviewed and eligibility is established. AFDC is authorized effective 7/16.

7/11—Appeal period expires for Mr. Clark and Mrs. Clark and children removed from Mr. Clark's grant effective 7/16.

(b) *Medical Assistance.* In cases involving a split in the budget group, with one family member retaining control of the Medical Assistance Identification (MAID) Card, the CAO should issue a duplicate MAID Card to the remaining family members using the Interim MAID Card process. The family is not required to verify a need for a medical service. This will ensure that MA is available to the remaining family members until the new budget/budget change is authorized/initiated.

(c) *Food stamps.* Policy regarding timing the effect of additions and deletions to budget groups has changed for cash assistance purposes as outlined in this section. There are no concurrent changes in food stamp policy regarding additions to and deletions from food stamp budgets.

Authority

The provisions of this § 183.104a amended under sections 201(2) and 403(a) of the Public Welfare Code (62 P. S. §§ 201(2) and 403(a)).

Source

The provisions of this § 183.104a adopted January 12, 1990, effective January 13, 1990 and apply retroactively to November 1, 1988, 20 Pa.B. 225; amended July 28, 2000, the provisions under Act 35 effective retroactive to June 17, 1996, 30 Pa.B. 3779. Immediately preceding text appears at serial pages (214407) to (214409).

§ 183.105. Increases in income.

An increase in actual, deemed or estimated income of the budget group in a calendar month affects eligibility and the amount of the monthly assistance payment as follows:

- (1) If the increase in recurring income results in ineligibility, and the ineligibility is expected to last more than 1 month, assistance is terminated for the first check which can be reached in the first month of ineligibility or the following month with proper notice being provided as described in § 133.4 (relating to procedures). An overpayment occurs for assistance received beginning with the first month of ineligibility.

(2) If the increase in recurring or nonrecurring income results in ineligibility, but ineligibility will exist for only 1 month, and it is caused by excessive income or other similar circumstances in the budget month, assistance is suspended for the corresponding payment month using the proper notice as described in § 133.4.

(3) If the increase in recurring or nonrecurring income does not result in ineligibility, the increase in actual or deemed income in the budget month affects the assistance payment in the corresponding payment month.

(4) If the increase in income is due to receipt of a lump sum payment, the payment is treated as income in the month of receipt and a resource in subsequent months as follows:

(i) A lump sum payment is counted if it is received by a member of the budget group or certain other household members such as an LRR, a parent of a TANF minor parent, a stepparent or a sponsor of an alien. A lump sum payment received by a sponsor is subject to deeming, provided the alien entered the United States within 3 years prior to the month in which the payment would be counted under § 183.36 (relating to income deemed available from a sponsor).

(ii) Income deductions, as specified in §§ 183.91—183.95 and 183.98, are applied to a lump sum payment.

(iii) The receipt of a lump sum payment affects eligibility as follows:

(A) If a lump sum payment does not result in ineligibility, the actual or deemed lump sum is adjusted as income in the corresponding payment month.

(B) If a lump sum payment results in ineligibility only in the month of receipt, assistance is suspended in the corresponding payment month.

(C) If a lump sum payment results in ineligibility that may last more than 1 month, assistance is terminated for the first payment date that can be reached either in the month of receipt or the following month after proper notice is provided, as described in § 133.4. An overpayment occurs for cash assistance received during a month of ineligibility.

(iv) When a lump sum payment is received by a budget group member or LRR living in the household, the portion of the lump sum payment that remains after the month of receipt is considered a resource under § 177.1 (relating to general requirements).

(v) When a lump sum payment is received by a stepparent or a parent of a TANF minor parent, the portion retained by the stepparent or parent of a TANF minor parent after the month of receipt is a resource to that individual and is not considered in determining the eligibility of the budget group unless it is actually made available to the budget group.

(A) If a stepparent or parent of a TANF minor parent received a lump sum payment, the net amount of the lump sum, after allowable deductions, is deemed as income to the budget group in the month the lump sum is received.

(B) In the month following the month of receipt, the remaining portion of the lump sum would be a resource to the stepparent or parent of a TANF

minor parent. This resource amount would be excluded as a resource to the budget group unless the stepparent or parent of a TANF minor parent made any or all of it available to the budget group.

(vi) When a lump sum payment is received by a sponsor of an alien, the portion retained by the sponsor after the month of receipt is a resource to the alien in subsequent months, provided the alien entered the United States within 3 years prior to the month in which the payment would be counted, as specified under subparagraph (i).

(vii) If the exact amount of a lump sum payment that is received is unknown because of a refusal to provide this information, the budget group is ineligible due to failure to cooperate under § 125.21(a) (relating to policy).

Authority

The provisions of this § 183.105 amended under sections 201(2), 403(b), 432 and 432.12 of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 432 and 432.12); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; and the Federal TANF regulations in 45 CFR 260.10—265.10.

Source

The provisions of this § 183.105 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921; amended March 19, 1993, effective upon publication and applies retroactively to March 7, 1992, 23 Pa.B. 1315; amended September 13, 2002, effective September 14, 2002, 32 Pa.B. 4435; amended August 22, 2003, effective August 23, 2003, 33 Pa.B. 4161. Immediately preceding text appears at serial pages (291101) to (291104).

Cross References

This section cited in 55 Pa. Code § 142.23 (relating to requirements); 55 Pa. Code § 168.71 (relating to monthly payment determination).

§ 183.106. Decreases in income.

A decrease in actual, deemed or estimated income of the budget group in a calendar month affects the assistance payment as follows:

(1) When retrospective budgeting is used, a decrease in actual or deemed income in a budget month affects the assistance payment in the corresponding payment month. No supplemental payment to reflect a decrease in income may be issued when the assistance payment is determined retrospectively.

(2) A loss of deemed or actual income in a budget month because an individual has left the household affects eligibility and the amount of assistance in the first payment month that can be affected.

Authority

The provisions of this § 183.106 amended under sections 201(2) and 403(b) of the Public Welfare Code (62 P. S. §§ 201(2) and 403(b)).

Source

The provisions of this § 183.106 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921.

§ 183.107. Rounding of the monthly assistance payment.

If the monthly assistance payment is not a whole dollar, it is rounded down to the next lower whole dollar.

Authority

The provisions of this § 183.107 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.107 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921.

§ 183.108. Minimum payment.

No payment is made to the budget group in a month in which the amount of the monthly assistance payment is less than \$10. If, in the initial month of eligibility, the total monthly payment is prorated to less than \$10, no payment is made. In this case or when the payment amount is determined to be zero as a result of rounding the monthly assistance payment, the budget group is considered a zero grant case and a recipient for all other purposes. After determining that the monthly payment equals or exceeds \$10, the payment may be further reduced due to recoupment requirements under Chapter 255 (relating to restitution).

Authority

The provisions of this § 183.108 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.108 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921.

INCORRECT PAYMENTS**§ 183.121. Incorrect payments.**

An incorrect payment is a monthly assistance payment received by or for a budget group which is less than or more than the amount for which the budget group was eligible.

(1) Corrective payments shall be made to a current recipient or a former recipient who has an outstanding underpayment and who reapplies and is found to be eligible under Chapter 175 (relating to allowances and benefits).

(2) Underpayments which occur due to overestimating the income in initial months or incorrectly considering or computing the income for a payment month are corrected under Chapter 175.

(3) Overpayments which occur due to underestimating the income in initial months or through client or agency error for a payment month are processed under Chapter 255 (relating to restitution).

Authority

The provisions of this § 183.121 issued under section 403(b) of the Public Welfare Code (62 P. S. § 403(b)).

Source

The provisions of this § 183.121 adopted August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921.

STATEMENTS OF POLICY

§ 183.901. Putative father/voluntary child support—statement of policy.

(a) A putative father does not have the legal status of being a father, and consequently is not under a legal obligation to support a minor dependent child until paternity is established. Similarly, for public assistance purposes, he is not considered a legally responsible relative, and therefore, his income is not subject to the deeming requirements of § 183.44(b)(2) (Reserved) or § 183.64(b)(3) (relating to income averaging). Following this legal principle, the Department developed its policy on the treatment of voluntary contributions from putative fathers as stated in Income Maintenance Bulletin 99-85-21 (relating to determining category of assistance involving putative fathers).

(b) Voluntary contributions from putative fathers will be considered child support and treated under § 143.23(g) (reserved), if either the mother or putative father state in writing that the money received is for the support of the child. This policy applies regardless of whether the putative father lives or does not live with the child. Treating voluntary contributions in this manner will enable recipients to receive support pass-through benefits of up to \$50 per month.

(c) If neither the mother nor the putative father acknowledge in writing that a payment from the putative father is child support, it is considered a contribution and adjusted to the monthly assistance grant unless exempt under § 183.43 (reserved).

(d) The specified relative is still required to cooperate in efforts to establish paternity under §§ 141.21(d)(2) and 187.23(a)(2) (relating to policy; and requirements). The fact that a putative father agrees in writing to support the child does not establish paternity nor does it negate the responsibility of the specified relative to pursue this action. If a putative father is willing to provide a written statement regarding child support, the income maintenance caseworker should explore the possibility of having the putative father sign the Acknowledgement of Paternity Form, H105.181, under § 153.44(e) (relating to procedures). When paternity is established, the putative father becomes a legally responsible relative and is subject to the mandatory filing unit requirements if living with the child and eli-

gible for AFDC. If a GA eligible family, the income of the legally responsible relative is subject to the deeming requirements under § 183.64(b)(3). If the legally responsible relative is absent from the home, voluntary support payments continue to be collected until a court order is established and payments are sent directly to the Department.

Source

The provisions of this § 183.901 adopted April 15, 1988, effective May 2, 1988, 18 Pa.B. 1829.

APPENDIX A
[Reserved]

Source

The provisions of this Appendix A reserved July 11, 1986, effective July 12, 1986, 16 Pa.B. 2524. Immediately preceding text appears at serial pages (42371) to (42373).

APPENDIX B

TABLE 1
STANDARD OF NEED
Number of Persons in Budget Group

Schedule	1	2	3	4	5	6	each additional person
1	\$313	\$481	\$614	\$749	\$885	\$1001	\$121
Bucks	Chester		Lancaster		Montgomery		Pike
2	\$298	\$461	\$587	\$724	\$859	\$976	\$121
Adams	Centre		Erie		Monroe		Union
Allegheny	Columbia		Lackawanna		Montour		Warren
Berks	Crawford		Lebanon		Northampton		Wayne
Blair	Cumberland		Lehigh		Philadelphia		Westmoreland
Bradford	Dauphin		Luzerne		Sullivan		Wyoming
Butler	Delaware		Lycoming		Susquehanna		York
3	\$284	\$444	\$573	\$698	\$829	\$943	\$121
Beaver	Elk		Lawrence		Mifflin		Snyder
Cameron	Franklin		McKean		Perry		Tioga
Carbon	Indiana		Mercer		Potter		Venango
Clinton							Washington
4	\$253	\$406	\$532	\$662	\$791	\$894	\$121
Armstrong	Clarion		Forest		Huntingdon		Northumber- land
Bedford	Clearfield		Fulton		Jefferson		Schuylkill
Cambria	Fayette		Greene		Juniata		Somerset

Note: When determining the standard of need for an individual budget group, add to the figure above special need allowances of the budget group.

TABLE 2
INCOME ELIGIBILITY LIMIT
(185% OF STANDARD OF NEED)
Number of Persons in Budget Group

Schedule	1	2	3	4	5	6	each additional person
1	\$579	\$890	\$1,136	\$1,386	\$1,637	\$1,852	\$224
Bucks	Chester		Lancaster		Montgomery		Pike
2	\$551	\$853	\$1,086	\$1,339	\$1,589	\$1,806	\$224
Adams	Centre		Erie		Monroe		Union
Allegheny	Columbia		Lackawanna		Montour		Warren
Berks	Crawford		Lebanon		Northampton		Wayne
Blair	Cumberland		Lehigh		Philadelphia		Westmoreland
Bradford	Dauphin		Luzerne		Sullivan		Wyoming
Butler	Delaware		Lycoming		Susquehanna		York
3	\$525	\$821	\$1,060	\$1,291	\$1,534	\$1,745	\$224
Beaver	Elk		Lawrence		Mifflin		Snyder
Cameron	Franklin		McKean		Perry		Tioga
Carbon	Indiana		Mercer		Potter		Venango
Clinton							Washington
4	\$468	\$751	\$984	\$1,225	\$1,463	\$1,654	\$224
Armstrong	Clarion		Forest		Huntingdon		Northumber- land
Bedford	Clearfield		Fulton		Jefferson		Schuylkill
Cambria	Fayette		Greene		Juniata		Somerset

**TABLE 3
FAMILY SIZE ALLOWANCES**

SCHEDULE 1		NUMBER OF PERSONS IN BUDGET GROUP						
		1	2	3	4	5	6	each additional person
		\$215	\$330	\$421	\$514	\$607	\$687	\$83
Bucks	Chester	Lancaster		Montgomery		Pike		

SCHEDULE 2		NUMBER OF PERSONS IN BUDGET GROUP						
		1	2	3	4	5	6	each additional person
		\$205	\$316	\$403	\$497	\$589	\$670	\$83
Adams	Centre	Erie		Monroe		Union		
Allegheny	Columbia	Lackawanna		Montour		Warren		
Berks	Crawford	Lebanon		Northampton		Wayne		
Blair	Cumberland	Lehigh		Philadelphia		Westmoreland		
Bradford	Dauphin	Luzerne		Sullivan		Wyoming		
Butler	Delaware	Lycoming		Susquehanna		York		

SCHEDULE 3		NUMBER OF PERSONS IN BUDGET GROUP						
		1	2	3	4	5	6	each additional person
		\$195	\$305	\$393	\$479	\$569	\$647	\$83
Beaver	Elk	Lawrence		Mifflin		Snyder		
Cameron	Franklin	McKean		Perry		Tioga		
Carbon	Indiana	Mercer		Potter		Venango		
Clinton						Washington		

SCHEDULE		NUMBER OF PERSONS IN BUDGET GROUP						
4		1	2	3	4	5	6	each additional person
		\$174	\$279	\$365	\$454	\$543	\$614	\$83
Armstrong	Clarion			Forest		Huntingdon		Northumber-
Bedford	Clearfield			Fulton		Jefferson		land
Cambria	Fayette			Greene		Juniata		Schuylkill
								Somerset

(Editor's Note: This table was moved from § 175.23 (serial page (130487)). See 20 Pa.B. 554 (February 3, 1990).)

Source

The provisions of this Appendix B reserved July 11, 1986, effective July 12, 1986, 16 Pa.B. 2524; amended August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921; amended February 2, 1990, effective February 3, 1990, 20 Pa.B. 554. Immediately preceding text appears at serial pages (130698) to (130699).

Cross References

This appendix cited in 55 Pa. Code § 183.71 (relating to gross income test); 55 Pa. Code § 183.91 (relating to LRR, parent or legal guardian of an AFDC minor parent and stepparent deductions); 55 Pa. Code § 183.93 (relating to sponsor deductions); and 55 Pa. Code § 183.105 (relating to increases in income).

APPENDIX C

[Reserved]

Source

The provisions of this Appendix C reserved July 11, 1986, effective July 12, 1986, 16 Pa.B. 2524. Immediately preceding text appears at serial pages (29306) to (29323) and (29755) to (29761).

APPENDIX D

[Reserved]

Source

The provisions of this Appendix D reserved July 11, 1986, effective July 12, 1986, 16 Pa.B. 2524. Immediately preceding text appears at serial pages (67800) to (67802).

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APPENDIX E
[Reserved]

Source

The provisions of this Appendix E reserved July 11, 1986, effective July 12, 1986, 16 Pa.B. 2524.
Immediately preceding text appears at serial page (67803).

[Next page is 187-1.]

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