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Number: SS-IM-08-003
Issue Date: 01/04/2008

Topic: Agency-wide Policy

Subject: Tribal Per Capita Payments - Treatment for Public Assistance

Applies to (check all that apply):

- | | | | |
|-------------------------------------|-------------------------------|-------------------------------------|--------------------------------------|
| <input type="checkbox"/> | All DHS employees | <input type="checkbox"/> | County Mental Health Directors |
| <input type="checkbox"/> | Area Agencies on Aging | <input type="checkbox"/> | Health Services |
| <input checked="" type="checkbox"/> | Children, Adults and Families | <input checked="" type="checkbox"/> | Seniors and People with Disabilities |
| <input type="checkbox"/> | County DD Program Managers | <input type="checkbox"/> | Other (please specify): |

Message: This is a reminder of current DHS guidelines for treatment of tribal per capita income for each self-sufficiency program, and for SPD.

Most programs, such as OHP, TANF, and TANF related medical, must count the tribal per capita income in the month it is received or anticipated. In the Food Stamp program and Employment Related Day Care (ERDC), tribal per capita payments can be counted in the month received, or averaged over the period the payment is intended to cover. *It is important that we allow tribal members a choice in how the income is treated for FS or ERDC as it may impact their benefits significantly.*

Background

Federal requirements for public assistance treatment of tribal per capita payments vary, based on Public Law. Most tribal per capita payments have a Public Law that informs how it is to be treated for public assistance programs and for Food Stamps. Many Public Laws state that payments from the distribution of funds held in trust shall not be considered income in determining eligibility for assistance under the SSA or other federal or federally assisted programs. Other Public Laws direct programs to exclude per capita payments up to a specific amount.

Examples of per capita payments that are addressed under Public Law are dividends from timber sales off lands held in trust, or income from settlements, judgments or treaties with the United States.

Many per capita payments are excluded. Per capita income that is not specifically excluded under Public Law is counted as unearned income. OAR 461-145-0260 covers the treatment of Indian (Native American) benefits. The Family Services Manual covers this topic in Chapter 11, B.38.

Issue

Programs have differing criteria for how the non-excluded money is budgeted, or in other words, is it counted in the month of receipt or is it averaged over the period it was intended to cover?

Periodic Income

Periodic income is defined as income received on a regular basis, less often than monthly. (OAR 461-001-0000) Per OAR 461-140-0110, periodic income is treated as follows:

1. In MAA, MAF, OHP, OSIP, OSIPM, QMB, REF, REFM, SAC, and TANF, periodic income is counted in the month received.

For FS and TANF clients in a filing group that includes at least one member who is

2. working under a TANF JOBS Plus agreement, periodic income is excluded.
3. For FS clients not covered under (2) and for ERDC clients, periodic income is counted in one of two ways. The client is given the choice either to average the income over the applicable period or to have the income counted in the month it is expected.
4. For OSIP-EPD and OSIPM-EPD clients, periodic income received during a certification period is averaged among the months in the certification period.

Effects of Different Budgeting Methods

In cases where periodic income is counted in the month of receipt, many programs must 'anticipate' the income and end or reduce the benefits in the month of receipt based on this income.

If periodic income is averaged over the period it is intended to cover (for example, periodic income received once a year is averaged over the twelve months it is intended to cover), it may make the individual ineligible for program benefits, or it may result in a reduction of benefits for each month.

When an individual is given the option of choosing the budgeting methodology for FS or ERDC, they can weigh the two options to determine what method would benefit them more.

For an explanation of treatment of Tribal Per Capita Income for different programs, see the attached matrix.

If you have any questions about this information, contact:

Contact(s):	Contact your programs policy analyst with questions.		
Phone:		Fax:	
E-mail:			