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Background:

All excluded income is listed in this section. Any income not listed as excluded will be treated as either earned or unearned income in the CalFresh budget.

Do not verify excluded income unless necessary to establish that it is a type of income that is excludable, or it is questionable.

Document that the excluded income was evaluated and determined to be excludable

Policy:

63.224.1 In-Kind Income:

A. Exclude any gain or benefit which is not in the form of money payable directly to the household. Unearned in-kind benefits include but not limited to meals, clothing, public housing, or produce from a garden. Earned in-kind is a service a household member performs in exchange for non-cash benefits such as rent or meals for which the client would normally have to pay.

Example: A CalFresh recipient receives reduced rent in exchange for managing an apartment building. His apartment would normally rent for \$900, but the recipient pays only \$200. Exclude \$700 as earned in-kind; allow \$200 as rent deduction

B. Exclude flex credit income including Cafeteria-style benefit programs, health benefits and flexible spending accounts that may show up as a dollar amount as part of gross earnings on pay subs. Flex credit income represent a gain or benefit which is not in the form money payable directly to the employee

C. Exclude direct payments received in lieu of in-kind benefits due to the household's participation in a demonstration project authorized under federal law, or demonstration projects created by the waiver of federal provisions.

63-224.2 Vendor Payments:

A. DEFINITION

Exclude monies **not legally obligated** to be paid to the household, which are paid to a third party for a household expense by a person or organization outside of the household.

Example:

A friend or relative uses his or her own money to pay the household's entire rent directly to the landlord. This is considered a vendor payment and is excluded. The household is not entitled to the shelter deduction.

Refer to:

- [63-223.11](#) for the definition and examples of legally obligated payments diverted to a third party and legally obligated payments paid directly to a household, and
- [63-604](#) for vendor payments questions and answers.

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B. GARNISHED OR DIVERTED WAGES

1. Count as income wages earned by a household member that are garnished or diverted by an employer and paid to a third party for a household's expenses such as rent.
2. Exclude as vendor payment if an employer pays a household's rent directly to the landlord in addition to paying regular wages.
3. Exclude as earned in-kind if an employee provides housing in addition to wages (63-242.2.A).

C. GENERAL RELIEF (GR) VENDOR PAYMENTS

A General Relief (GR) vendor payment is not counted as income to the household, except if the payment is for housing or energy assistance.

Exclude any portion of the GR vendor payment for housing or energy assistance that is over and above the normal GR grant is considered emergency or special assistance

D. OTHER PUBLIC ASSISTANCE (PA) VENDOR PAYMENTS

A CalWORKs, Refugee Cash Assistance (RCA), or Entrant Cash Assistance (ECA) payment is considered an excluded vendor payment and not counted as income to the household if that payment is for:

1. Medical assistance;
2. Child care assistance;
3. Housing assistance payments made through a state or local housing authority;
4. Emergency assistance provided to a third party on behalf of a migrant or seasonal farm worker household during the period the household is in the job stream;
5. Emergency or special assistance; or
6. Energy assistance.
 - a. The energy assistance vendor payment must be made for the purpose of providing energy assistance under any federal law other than Part A of Title IV of the Social Security Act including utility reimbursements made by the Department of Housing and Urban Development and the Rural Housing Service
 - b. A one-time payment or allowance applied for on an as needed basis and made under a federal or state law for the cost of weatherization or emergency repair as replacement of an unsafe or inoperative furnace or other heating or cooling device.

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E. PA DIVERTED TO THIRD PARTIES

Exclude any payment that would normally be provided as a monetary payment to the household that is over and above the normal grant, if the payment is made directly to a third party for a household expense. This is considered emergency or special assistance.

Include as income all or part of a CalWORKs, General Relief (GR), Refugee Cash Assistance (RCA), or Entrant Cash Assistance (ECA) grant which would normally be provided as a monetary payment to the household, but which is diverted to a third party(ies) or to a protective payee for purposes such as managing a household's expenses

63.224.3 Cash Donations:

Exclude cash donations received from one or more private, nonprofit charitable organizations of not more than \$300 in a calendar quarter (e.g., January-March).

63-224.4 Infrequent Income:

Exclude any prospectively budgeted income in the certification period, which is received too infrequently or irregularly to be reasonably anticipated, but not in excess of \$30 in a quarter.

63-224.5 Educational Assistance:

Exclude educational assistance not otherwise excluded by federal statute, to the extent that it is either earmarked by the lender, used for, or intended to be used for, **allowable educational expenses at qualifying institutions.** (Refer to [63-225.7](#))

The educational assistance may be in the form of loans on which payment is deferred, grants, scholarships, work-study, fellowships, and veterans' educational benefits.

Refer to [63-247.1](#) for budgeting educational assistance and expenses.

A. QUALIFYING INSTITUTIONS

A Qualifying institution is:

- An institution providing secondary or post-secondary education or the equivalent of a secondary diploma, including correspondence schools at these levels;
- A school at any level for the physically or mentally handicapped;
- A vocational education program.

Institution of **post-secondary education means** any public or private educational institution which:

- Meets the definition of institution of higher education, or
- Admits persons who are beyond the age of compulsory school attendance in the state in which the institution is located.

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The institution must be legally authorized or recognized by the state to provide:

- An educational program beyond secondary education in the state, or
- A program of training to prepare students for gainful employment

B. ALLOWABLE EDUCATIONAL EXPENSES

Allowable educational expenses include tuition and mandatory fees, including the rental or purchase of any equipment, materials, and supplies related to the pursuit of the course of study involved, books, supplies, transportation, dependent care, miscellaneous personal expenses (other than living expenses), and origination fees and insurance premiums on student loans.

C. VERIFICATION REQUIREMENTS

Verify all factors affecting educational assistance. The student is responsible for providing information to document the amounts claimed for tuition, mandatory fees, books, supplies, transportation, dependent care and miscellaneous personal expenses. Any portion of assistance received that is not verified will not be excluded.

63-224.6 Loans:

Exclude all loans, including loans from private individuals and commercial institutions, other than educational loans on which repayment is deferred (Refer to [63-117.20](#)).

63-224.7 Reimbursements:

Exclude reimbursements for past or future expenses, to the extent they do not exceed actual expenses, and do not represent a gain or benefit to the household.

A. REIMBURSEMENTS FOR HOUSEHOLD LIVING EXPENSES

Do not exclude reimbursements for normal household living expenses such as rent or mortgage, personal clothing, or food eaten at home. These are considered gain or benefit.

To be excluded, these payments must be provided specifically for an identified expense, other than normal living expenses, and used for the purpose intended ([63-224.25](#)).

B. REIMBURSEMENTS COVERING MULTIPLE EXPENSES

When a reimbursement, including a flat allowance, covers multiple expenses, each expense does not have to be separately identified as long as none of the reimbursement covers normal living expenses. Count as income the amount, by which a reimbursement exceeds the actual incurred expenses. Do not consider that a reimbursement exceeds the actual expenses unless the provider or the household indicates the amount is excessive. If this happens, count only the excess amount as income.

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C. EXCLUDABLE REIMBURSEMENTS

Excludable reimbursements which are not considered to be a gain or benefit to the household include but are not limited to the following:

1. Reimbursements or flat allowances for job or training related expenses such as travel, per diem, uniforms and transportation to and from the job or training site.
2. Reimbursements which are provided over and above the basic wages for these expenses are excluded. However, these expenses if not reimbursed are not otherwise deductible.
3. Reimbursements for the travel expenses incurred by migrant workers.
4. Reimbursements for out-of-pocket expenses of volunteers included in the course of their work.
5. Medical or dependent care reimbursements.
6. Reimbursements received by households to pay for services provided by Title XX of the Social Security Act.
7. Reimbursements made to the household for expenses necessary for participation in an education component under the FSET Program.
8. Payments or reimbursements made under an employment, education, or training program initiated under Title IV-A of the Social Security Act after September 19, 1988, such as payments for GAIN supportive services.
9. Any allowance provided by the state or county no more frequently than annually for children's clothes when the children enter or return to school or daycare. Verification of attendance is not required.
10. Reimbursements received by households for participation in the GAIN Program.

D. NOT EXCLUDABLE REIMBURSEMENTS

1. That portion of a benefit provided under Title IV-A of the Social Security Act for work-related or child care expenses when adjustments have been made to the PA payments, except for such expenses made under an employment, education or training program initiated under Title IV-A after September 19,88
2. Clothing allowances if the monthly CalWORKs grant is reduced by the amount of the allowance during the month in which the allowance is provided.

63-224.8 Third Party Payments:

Exclude third party payments received and used for the care and maintenance of a third party beneficiary who is not a household member.

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- If a single payment is intended for a household member and a non-household member, exclude any identifiable portion of the payment intended and used for the care and maintenance of the non-household member.
- If the non-household member's portion cannot be readily identified, prorate the payment evenly among the intended beneficiaries and apply the exclusion to the household member's prorated share or the amount actually used for the non-household member's care and maintenance, whichever is less.

63-224.9 Earning of a Minor Child:

A. Exclude the **earned income** of children members of the household, who are elementary or secondary school students at least half time, and who have not attained their 18th birthday.

1. The unearned income (e.g., Social Security) of a child under 18 is not excluded.
2. Student eligibility requirements stated in [63-162.1](#) does not apply to children under 18 who are also college students. ACIN I-34-04

B. GENERAL RULES

1. Exclude the earned income of a student turning 18 years of age during the certification period until the month following the month the student turns 18.
2. If the student becomes 18 during an application month, exclude the income in the month of application and count it for the following month.
3. The exclusion continues to apply during temporary interruptions in school attendance due to semester or vacation breaks, provided the child's enrollment will resume following the break.
4. If the child's earnings or amount of work performed cannot be differentiated from that of other household members, prorate the total earnings equally among the working members and exclude child's prorated share.
5. Individuals are considered children for purposes of this provision, if they are under the parental control of another household member.

C. UNDER 19 YEARS OLD PARTICIPATING IN ON-THE-JOB TRAINING PROGRAMS

Exclude earnings of household members less than 19 years of age who are under the parental control of another adult household member and who are participating in an on-the-job training program authorized by the Workforce Investment Act, regardless of school attendance and/or enrollment.

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63-224.10 Nonrecurring Lump-sum Payments:

A. DEFINITION

A non-recurring lump sum is a payment received in one payment rather than recurring payments. Non-recurring lump-sum payments include but are not limited to:

1. Earned Income Tax Credit (EITC), Child Tax Credit (CTC), Income tax refunds, rebates, or credits.
2. Retroactive lump-sum Social Security, railroad retirement benefits, or other payments.
3. Retroactive payments for the approval of an application for any assistance program.
4. CalWORKs homeless assistance payments for temporary shelter or permanent housing.
5. Court ordered retroactive payments from any assistance program; supplemental or corrective payments received for a previous month from any assistance program
6. Lump-sum insurance settlements; or refunds of security deposits on rental property or utilities.

B. TREATMENT OF NONRECURRING LUMP-SUM PAYMENTS

Count lump sum payments as resources in the month received unless specifically excluded from consideration as a resource by other federal laws (refer to [63-202.4](#)).

1. Exclude as a nonrecurring lump-sum payment CalWORKs Diversion payments made to divert a family from becoming dependent on welfare, if the payment is not defined as assistance.
2. Exclude as income and count as a resource child/spousal support disregard payments in excess of \$50 in any month.

63-224.11 Self-Employment Cost of doing Business:

Exclude the cost of producing income from self-employment (self-employment expenses).

To determine self-employment expenses, the individual can choose either the actual cost of self-employment expenses or a standard deduction of 40 percent of gross earned income.

Refer to [63-241.7](#) and [63-222.2](#) for additional information.

63-224.12 Employment and Training Payments:

Exclude any payment made to a CalFresh Employment and Training (CFET) program participant for costs that are reasonably necessary and directly related to participation in the CFET program.

Excluded CFET payments for costs include, but are not limited to:

- Dependent care costs;

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- Transportation; and other costs related to work, training or education, such as uniforms, personal safety items or other necessary equipment and books or training manuals.

Exception: The costs of meals away from home.

63-224.13 Foster Care or Approved Relative Caretaker Program (ARC) Payments:

A. Exclude foster care or ARC payments received by households with foster care children, who by the household's choice were excluded and are not part of the CalFresh household.

Refer to [63-101.7](#) for additional information.

B. Do not include in the child's natural or stepparent CalFresh budget foster care payments made to the former foster parent when the child is returned to their home. ACIN I-18-07

63-224.14 Legally Obligated Child Support Payments:

A. DEFINITION

The child support exclusion is the monthly amount of child support a CalFresh household member is legally obligated to pay, and actually pays, to an individual living outside of the household.

Since the amount of a child support obligated payment is generally ordered to be paid on a monthly basis the amount actually paid (not to exceed the court ordered amount) is used to compute benefits.

B. VERIFICATION

The payments must be verified (refer to [63-117.15](#)).

Do not allow the exclusion if the household fails or refuse to provide the verification. Determine eligibility and allotment without the child support exclusion.

C. REGULATIONS

1. Exclude child support payments only to the extent that they represent the household's child support obligation, which has been ordered by a court or administrative authority.
2. Treat as "income exclusion" legally obligated child support payments:
 - Made to a third party (e.g., a landlord or utility company) on behalf of the non-household member in accordance with the support order.
 - Made by a household with a legal obligation to obtain health insurance for a child.
 - The amounts paid toward arrearages.
3. Child support payments are "income exclusions" for the CalFresh household. If the household member obligated to pay the child support has zero income but another household member

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with income is paying the child support the child support exclusion is allowed to the CalFresh household.

4. The child support exclusion is also allowed when a household with no income pays the legally obligated child support with the CalWORKs grant.
5. Child Support paid by SSI/SSP household members from their SSI/SSP monies will not be considered "income exclusion" for the CalFresh household. Per [63-244.3](#), SSI/SSP recipients are not included when determining the household size for purposes of assigning a benefit level to the household. ACIN I-41-10

For information regarding legally obligated payments diverted to a third party refer to [63-223.11](#).

D. BUDGETING

1. Deduct the legally obligated child support payments first from the unearned income and any remainder from the earned income.
2. Deduct the legally obligated child support payments from the gross income before applying the gross income test and prior to computing net income.
3. Do not apply the multipliers (2.167 or 4.33) when the child support obligation is deducted from wages on a bi-weekly or weekly to determine the monthly child support payment.
4. Take the twenty percent earned income deduction.

EXAMPLE:

A household has \$800 in total gross earned income and \$200 in total unearned income. A member of the household pays \$400 in court-ordered child support per month.

Treat the child support payment as follows:

Step	Description	Computation
1	Deduct the child support payment first from the unearned income	\$200 - \$400 =\$0 ((\$200 remaining child support payment)
2	Determine the 20% earned income deduction	\$800-20% earned deduction =\$640 in adjusted gross income
3	Deduct the remaining child support payment from the adjusted gross income from Step 2	\$640 - \$200 =\$440 in gross earnings
4	Determine total income	\$440 earnings

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		+\$0 unearned income =\$440 in total income
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Refer to [63-254.2](#) and [63-254.3](#) for information on how to calculate net monthly income manually

63-224.15 Monies Withheld to Pay an Overpayment:

Exclude monies withheld from an assistance payment, earned income, or other income source to voluntarily or involuntarily repay a prior overpayment from the same income source. **Exclude** monies received from any income source that is voluntarily or involuntarily returned to repay an overpayment from the same source.

Example 1

A CalFresh household recipient is eligible to receive \$1,472 in Social Security Disability benefits. The recipient receives a net amount of \$1,251 because \$220 is being deducted to repay an overpayment owed to Social Security Administration (SSA). Count the net amount of \$1,251 because the overpayment is being collected to pay an overpayment from the same source, SSA.

Example 2

Same situation as above except that the reduction of \$220 is to repay an overpayment owed to the Department of Veterans Affairs (VA). (The overpayment was due to noncompliance with VA requirements). Since a VA overpayment is being collected from a different source, Social Security, count the gross amount of Social Security benefits, \$1,472.

ACIN I-01-06

Exception: Count the gross income if the overpayment is excluded under the provisions of [63-224](#), or due to failure to comply with regulation required under federal, State or local means-tested public assistance programs ([63-165](#)).

63-224.16 Child Support Transferred to the District Attorney:

Exclude child support payments received by CalWORKs recipients, directly from a non-household member that must be transferred to the District Attorney's office or other County agency, to maintain CalWORKs eligibility.

Exclude the child support income when the applicant or recipient assigns child support rights to the County (signs the CW 2.1).

Refer to [63-221.5, Excluded Income](#) and [63-223.6](#) for child and spousal support payments that are not excluded.

63-224.17 Combat Pay:

Exclude any additional payment received by a member of the U. S. Armed Forces deployed to a designated combat zone for the duration of the member's deployment **when:**

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- The additional pay is the result of deployment to or while serving in a combat zone, **and**
- It was not received immediately prior to serving in the combat zone.

To calculate the CalFresh allotment, determine if any of the military allotment made available to the household by an absent member deployed to a designated combat zone should be excluded. Follow the steps below to make this determination:

Step	Action						
1	<p>Establish what amount of the military person's pay is actually available to the household prior to the deployment of the military person to a designated combat zone:</p> <table border="1"> <thead> <tr> <th>If:</th> <th>Then:</th> </tr> </thead> <tbody> <tr> <td>the military person was part of the household prior to deployment to a combat zone:</td> <td>this amount is considered the net military pay.</td> </tr> <tr> <td>the military person was not part of the household prior to the military person's deployment to a designated combat zone:</td> <td>this amount is the amount the absent military person actually gave to the family prior to the deployment to the designated combat zone</td> </tr> </tbody> </table>	If:	Then:	the military person was part of the household prior to deployment to a combat zone:	this amount is considered the net military pay.	the military person was not part of the household prior to the military person's deployment to a designated combat zone:	this amount is the amount the absent military person actually gave to the family prior to the deployment to the designated combat zone
If:	Then:						
the military person was part of the household prior to deployment to a combat zone:	this amount is considered the net military pay.						
the military person was not part of the household prior to the military person's deployment to a designated combat zone:	this amount is the amount the absent military person actually gave to the family prior to the deployment to the designated combat zone						
2	Determine the amount of military pay the deployed member is making available to the household						
3	<p>Determine if the amount of the military pay made available is equal to or less than the amount the household was receiving from the military person prior to deployment to a designated combat zone:</p> <table border="1"> <thead> <tr> <th>If:</th> <th>Then:</th> </tr> </thead> <tbody> <tr> <td>the military pay is equal to or less than the amount the household was receiving from the military person prior to deployment:</td> <td>all of the net military pay is counted as income to the household</td> </tr> <tr> <td>the military pay exceeds the amount the household was receiving from the military person prior to deployment:</td> <td>the portion exceeding the amount the household was receiving prior to deployment will be excluded as income when determining the amount of CalFresh.</td> </tr> </tbody> </table>	If:	Then:	the military pay is equal to or less than the amount the household was receiving from the military person prior to deployment:	all of the net military pay is counted as income to the household	the military pay exceeds the amount the household was receiving from the military person prior to deployment:	the portion exceeding the amount the household was receiving prior to deployment will be excluded as income when determining the amount of CalFresh.
If:	Then:						
the military pay is equal to or less than the amount the household was receiving from the military person prior to deployment:	all of the net military pay is counted as income to the household						
the military pay exceeds the amount the household was receiving from the military person prior to deployment:	the portion exceeding the amount the household was receiving prior to deployment will be excluded as income when determining the amount of CalFresh.						

These links provide the following information:

- [Geographical Areas Designated as Combat Zones](#)

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- [Special and Incentive Pay Items Subject to Exemption as Income](#)

NOTE:

Only money actually made available to the applicant or participating CalFresh household by the absent military person is counted as income for CalFresh purposes. Money is generally made available to the applicant or participating CalFresh household via a direct deposit of all or a portion of the military person's pay into a joint checking account. Occasionally such funds are made available to the applicant or participating CalFresh household via an "allotment" arrangement made by the military person for a portion of his or her pay to be sent to the applicant or participating CalFresh household. More often than not, when an "allotment" arrangement is made, it is the military person who receives the "allotment" with the bulk of his or her pay sent directly to his or her family. Regardless of the arrangement made by the absent family member for his or her military pay, only that portion of his or her pay to which the applicant/household has access will be counted when determining the household's income for CalFresh purposes.

VERIFICATION

The household should be able to provide the deployed person's military pay record, the Leave and Earnings Statement (LES). The LES can be mailed to the household by the deployed person or sent directly to the family. The LES will identify combat pay received and can be used to establish deployment to a combat zone as well as the amount of the combat pay. It is incumbent upon the household to obtain the pay information of the deployed person. Additional methods of verification include: orders issued to the military person, public record of entire units deployed and the place of their deployment, and availability via the web or via the local base financial office.

Refer to:

- [63-206.2, Joint Ownership](#) (Resources)
- [63-242, Households with Military Pay and Special Allowances](#)

63-224.18 Federal and State Work Study Program:

Exclude income received from any Federal and State Work Study program.

63-224.19 Job Training Partnership ACT (JTPA):

Exclude the following JTPA payments:

- All payments and earnings of a child derived from participation in JTPA programs.
- Payments to an adult derived from participation in JTPA programs to the extent the payment reimbursements do not exceed actual expenses (e.g., transportation, child care expenses). Refer to [63-224.8](#).

63-224.20 Independent Living Program (ILP):

Exclude income and incentive payments earned by children 16 years of age or older participating in the ILP when received as part of the ILP written transitional independent living plan.

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There is no limit to the amount exempted under this subsection.

63-224.21 Relocation Assistance Benefit:

Exclude relocation Assistance Benefits paid by a public agency to a CalFresh recipient who has been relocated as a result of redevelopment, urban renewal, freeway construction or any other public development involving demolition or condemnation of existing housing.

63-224-22 California Victims of Crimes:

Exclude payments received under the California Victims of Crimes Program.

63-224.23: Department of Rehabilitation Training Allowances:

Exclude allowances for training expenses paid to recipients participating in Department of Rehabilitation programs

63-224.24 Contributions from People or Organizations:

Exclude contributions from people or organizations that a donor would not make available for expenditure unless the contribution is used in accordance with conditions imposed by the donor.

The contribution can be for any general purpose either one-time payment or ongoing as long as it is used for the specified purpose it is exempt. The contribution is exempt when there is verification that the money was used for the intended purpose. The verification can be a written statement from the contributor.

ACIN I-42-07

EXAMPLE 1

An uncle gives \$200 to the household to purchase new tires. The \$200 is not considered income when the receipt for the expense verifies the contributor's intended purpose for the contribution. If the uncle provides a written statement saying the \$200 was given to buy tires this would be considered sufficient verification.

EXAMPLE 2

A household member signed an affidavit and provided a statement from a friend indicating that she received \$300 to pay a portion of the rent. The household also provided a rent receipt as verification that the rent of \$700 has been paid in full.

The household shall be allowed a deduction for the amount they paid toward the expense. In the scenario above the household spent only \$400 of her own money to pay the rent. She would be able to claim \$400 as a shelter deduction, not the entire \$700. The contribution will not be counted as income if the household provides verification the money was used for the intended purpose. The verification can be a written statement from the contributor.

Refer also to [63-253.11](#).

63-224.25 Scholarship Awarded to a Dependent Child:

Exclude any award or scholarship provided to or on behalf of a dependent child based on the child's academic or extracurricular activity.

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63-224.26 Board of Governor's Grant (BOGG) Fee Waiver:

Exclude the value of the BOGG fee waiver.

ACIN I-05-08

References:

[CalWORKS/CalFresh Letters No.358 Approved Relative Caregiver \(ARC\) Program](#)

Sunset Date:

This policy will be reviewed for continuance on or by 11/30/2018

Release Date:

11/05/2015