

## 90-100.07. RESPONSIBLE RELATIVES

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### A. General

This section provides information regarding the treatment of responsible relatives in the GR Program.

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### B. Policy

All GR applicants who have a responsible relative shall provide information regarding the responsible relative to their worker. This information shall include the name, residence address, and phone number of the responsible relative, if the responsible relative has sufficient income and/or resources to meet the GR applicant's needs, and if the responsible relative has signed a written agreement to support. Failure to provide information necessary to determine GR eligibility will result in a denial/discontinuance of GR.

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### C. Married Couples

Married couples shall be aided on a single case. Both spouses shall be required to apply together and to sign the application, lien, and other documents. All income and property of both spouses shall be included in the eligibility determination.

This includes same-sex marriages lawfully performed in the State of California between June 17, 2008 and November 4, 2008 and as of June 28, 2013. Same-sex marriages from another state will be recognized.

Registered Domestic Partners (RDPs) that are registered with the California Secretary of State will also be treated as married couples. RDPs from other jurisdictions must be equivalent to a California RDP. If the worker is not sure if the RDP is equivalent, the supervisor may send an email to the [GR Program Specialist](#) for review.

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### D. Separated Spouses

An applicant who is legally married but separated from his/her spouse shall have no financial responsibility for the separated spouse. The applicant shall be required to sign a sworn statement that they are not living together. Examples of separation may include voluntary separation (for example, legal separation, voluntarily living apart, etc.) or involuntary separation (for example, spouse in Board and Care, hospital, jail, etc.).

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## 90-100.07. RESPONSIBLE RELATIVES, Continued

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### **E. Common-Law Marriage**

California does not recognize common-law marriages entered into within this state. However, such marriages shall be recognized as valid marriages if:

- It was entered into in a state which recognizes such marriages and
- All conditions were met so as to satisfy that state's criteria for recognition.

It shall be the responsibility of the applicants to provide this verification. Financial responsibility shall not exist until such verification is provided.

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### **F. Unmarried Couples**

Unmarried persons living together shall have no financial responsibility for each other and shall be treated as separate cases.

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### **G. SSI/SSP or Other PA Spouse**

If a spouse receives SSI/SSP or other Public Assistance (PA) that spouse shall not be financially responsible for the GR applicant spouse, nor shall the income or separate property of that spouse be considered in the determination of eligibility of the GR applicant spouse (Rogers v. Dietrich). The SSI/SSP spouse shall not be required to apply for GR, but shall be required to:

- Attend the pre-application, orientation, and intake appointments
  - Sign the Statement of Facts and lien forms in person
  - Provide verification of SSI/SSP status
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### **H. Illegal Alien Spouse**

Alien status does not affect the spouse for spouse responsibility. All income and property of both spouses shall be included in the determination of eligibility. However, if either spouse is an undocumented alien, he/she is not eligible to receive GR, and will be excluded in determining the Maximum Basic Need rate to be paid to the GR eligible spouse. These cases shall be clearly documented to identify undocumented alien spouses.

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### **I. Combination Situations**

If the married couple consists of one employable spouse and one Incapacitated or IAP spouse, the case shall be handled as if both spouses were applying as employable as far as certification periods are concerned.

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**Combination  
Situations**  
(continued)

See [90-700](#) for case handling details.

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