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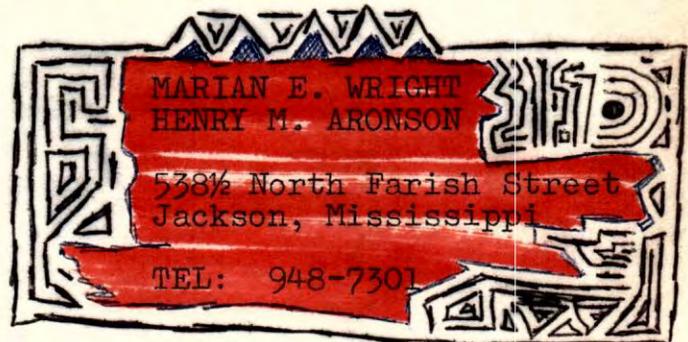


## THE MISSISSIPPI WELFARE RIGHTS HANDBOOK

This handbook contains a comprehensive discussion and explanation of the laws and regulations relating to all welfare programs administered by the State of Mississippi. Sufficient information is included to determine what, if any, welfare programs a person is eligible to participate in and the level of benefits to which he is entitled. Other sections discuss the rights of all welfare applicants and the remedies available to a person whose rights have been abridged or denied.

One of the biggest problems confronting persons interested in welfare in the State of Mississippi is the absence of accurate welfare information. Without such information persons have been and are at a great disadvantage in discussing their welfare complaints with the County and State Welfare officials. Hopefully this Handbook will provide such information, plus the basis for welfare education and problem solving at the County level.

A full-time person on our staff will be working solely on welfare problems. We are anxious to help you and the members of your community with any and all welfare problems which you have difficulty solving.



BRUCE HARTFORD



THE MISSISSIPPI WELFARE RIGHTS HANDBOOK

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This Handbook is issued by the NAACP Legal Defense and Educational Fund, Inc. in cooperation with the Center on Social Welfare Policy and Law.

## INTRODUCTION

### The Right to Welfare Assistance

"The public assistance laws express the belief of the people that a person in need has a right to look to the state and the nation for assistance to meet his need. They also make it clear that anyone who meets the eligibility requirements shall be granted assistance as a right."

from the Manual of Public Assistance Policy of the Miss. State Department of Public Welfare, p. 10004

It is often said that welfare is not a right but charity, and that welfare can be taken away or denied whenever the welfare department wants. This is - of course - not true. There is a right to receive welfare when the conditions set by law are met by the applicant. It is the duty of the welfare departments to grant aid when these conditions are met, and any person who has wrongly been denied aid can take steps -- which are described later in this handbook -- to enforce his or her right to aid.

Sections I to IV of this handbook describe the eligibility conditions for the four main welfare programs of the State of Mississippi. These are the aid to dependent children, aid to the aged, aid to the permanently and totally disabled, and aid to the blind programs.\* Section VI sets forth how to determine the one condition common to all the programs: need. Section VI also

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\* The laws governing certain welfare-type programs, such as surplus commodity distribution, is not described herein, but will be made the subject of later supplements to this handbook.

describes how to determine the amount of the welfare grant due a person or family. Section V of the handbook describes the important legal rights all welfare applicants and recipients have under state and federal law.

Since, however, this handbook is not a complete and exhaustive statement of all the law governing welfare programs, the sources where that law can be found are stated immediately below.

#### Where the Law of Welfare is to be Found

Welfare programs are created under Mississippi statute:

Aid to Dependent Children	§ 7171 <u>et seq.</u>
Old Age Assistance	§ 7225 <u>et seq.</u>
Aid to the Disabled	§ 7271 <u>et seq.</u>
Aid to the Blind	§ 7249 <u>et seq.</u>

They are administered locally by county boards of public welfare and county welfare agents, which are subject to the supervision of the Mississippi State Department of Public Welfare in Jackson. Since these programs are supported in large part by federal funds, the programs must conform to the requirements of the federal Social Security Act in Title 42 United States Code. Since the statutes are general, the two most important sources\* for determining the rights of welfare applicants and recipients are:

The Manual of Public Welfare Administration issued

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\* Of course, certain other sources of law are also relevant, including the various civil rights statutes of the United States and the Constitutions of the United States and Mississippi

by the Mississippi Department of Public Welfare. This Manual will be found in the Department's office in Jackson and should also be in every county office. It is also in the Regional Office of the U. S. Department of Health, Education and Welfare in Jackson.

The (Federal) Handbook of Public Assistance Administration, issued by the United States Department of Health, Education and Welfare. This manual will be found in the Regional Office of the U. S. Department of Health, Education and Welfare in Jackson and in the Mississippi State Department office.

The state Manual sets forth all of the policies under which the state programs operate. The federal Handbook sets forth the requirements that the state program must meet if federal money is to be received. Welfare recipients and applicants and those representing them have the right to inspect the state and federal manuals at reasonable times. The reader of this handbook is warned that some of the provisions for welfare aid here described may be changed, for better or worse, as time goes on. If he is told by the welfare department that such a change for the worse has occurred, he should ask the written directive for the change in the state Manual.

Later in this handbook we indicate a few of the state policies which are presently being studied as to their legality, including at least one such policy which is presently being challenged. Information as to how such policies are actually operating will be welcomed.

## SECTION I

The Aid to Dependent Children Program:  
The Families with Children Who Have a  
Right to Welfare Assistance

Financial assistance, in the form of money payments from the public welfare department, is available under law for the support of a child or children and the relative taking care of the child, when the following basic circumstances exist:

1. AGE                    The child is under the age of 16, or under the age of 18 and regularly attending school or kept from attending by a disability.
2. FAMILY HOME        The child is living in a family home with any one of certain relatives.
3. DEPRIVED OF  
PARENTAL  
SUPPORT                The child is deprived of the care or support of one or both parents because one (or both) is dead, continuously absent from the home, or physically or mentally incapable of working.
4. RESIDENCE           The child has lived in the state for at least a year before the application, or was born within a year before and the mother has lived in the state for a year before the child's birth.
5. NEED                 The child is in "need". (Defined in Section VI.)

In addition, the Mississippi program imposes two other requirements concerning the mother of children in need.

6. THE "EMPLOYABLE MOTHER" POLICY    The children will not be given ADC aid if the mother is found able to support the children herself. She will be considered able to support the children if (1) suitable work is available and (2) she is not needed in the home to care for the children.

There are some legally questionable aspects to this policy as it is applied. Any families denied aid under this policy should be referred for legal advice or assistance. See pp. 11-13 for further discussion.

7. THE "SUBSTITUTE FATHER" POLICY AND "SUITABLE HOMES" The children may not be given aid where the mother has a close relationship with an un-related, able-bodied man "on a continuing basis."

Similar policies in other states are presently under legal challenge. See pp.13-16 for further discussion of these policies. Families denied aid for such a reason should be referred for legal advice.

Below is a further explanation of each of these requirements.

1. The child is under the age of 16, or under the age of 18 and regularly attending school or kept from attending by a disability.

All children of the age of fifteen or less have the right to be included in the aid payment. In addition, a child 16 or 17 years old is included if he is in regular attendance at a school (a public, private, or vocational school), or has a mental or physical disability that keeps him from attending school.

2. The child is living in a family home with any one of certain relatives.

The child must be living with one or more of the following relatives:

Any blood relative including those of the half-blood and first cousins (children of the child's parent's brother or sister), nephews and nieces.

Stepfather, stepmother, stepbrother, stepsister, or spouse of natural grandparent. But not the parents of the child's stepfather or stepmother.

Adoptive parent, adoptive parent of child's natural parent, or (natural or adoptive) children of an adoptive parent or grandparent.

Husband or wife of any person who would himself be one of these relatives, even if he has died or they are divorced.

3. The child has been deprived of parental care or support because of the death, continued absence from the home, or physical or mental incapacity of a parent.

The father's death, incapacity or continuous absence means that the child lacks "parental care or support." Or, if the mother has died, is sick or disabled, or is not in the home, the family can get aid so long as the father is working and no adequate care without ADC aid is available. If the children have the care or support of only one parent, they can get aid even if the family is living in the home of one of the relatives specified above (#2).

Example: Mr. A. dies, leaving a wife and three young children without any land or business, very little other property and not enough cash to live on. The family has a right to ADC assistance.

Example: Mrs. B. suffers a stroke which leaves her unable to care for her four children. She also needs nursing care at home. Mr. B. is alive and working but he earns less than his

family needs to live every day (see Section VI) and to pay the wages of a housekeeper and nurse. The family can get ADC assistance.

Example: Mr. C., as a result of an accident, is unable to work. Mrs. C. is needed in the home to take care of her children. Their total income is less than their needs (see Section VI). The family is entitled to ADC assistance.

#### Continued absence of a parent from home

"Continued absence from the home" occurs where there is abandonment, divorce, separation, imprisonment or confinement in an institution of a parent. ADC aid is available whether or not the separated parents are legally married or ever lived together. If the parents are separated and are unable to support the children, the children are entitled to aid.

But whether the father is legally married to the mother or not, he has a legal duty to support his children if he is able. The welfare department may require the mother, as a condition of aid, to cooperate in a lawsuit for support from the father.\*

Example: Mrs. D. has two small children and no income. Mr. D. has deserted the family and Mrs. D. does not know where he is. Mrs. D. is entitled to ADC assistance.

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\* Mississippi statute also makes desertion a criminal act and provides for criminal prosecution.

Example: Mrs. E. and her children are receiving \$10 a week support from Mr. E., who is separated from the family. That is the family's only income. Mrs. E. is entitled to ADC assistance in supplementation of the support.

Example: Mrs. F. and her children are deserted by Mr. F., who moves to the next town. Mr. F. earns \$80 a week, gives nothing to Mrs. F., but Mrs. F. refuses to go to court to force him to give support. The welfare department will ordinarily not grant ADC in this situation.

Example: Mr. and Mrs. G. are a happily married couple living together with their three small children. Mr. G. has always supported his family in the past but now cannot find work. They have no income. The G. family is not able to receive ADC in Mississippi because the state has so far refused to amend its statute to make aid possible where the father is in the home, able-bodied but unemployed.

Note: If the mother does not wish to comply with reporting and court action requirements against a deserting father, and there are children by a former marriage, the children of the first marriage will be eligible on the basis of the deprivation of their own father (such as his death). The grant will include only the children of the first marriage, however.

In the case of desertion, state regulations provide that the deserting parent must have been absent continuously for six months before the grant of aid (though it is not necessary to wait six months before putting in the application). However, if the children are living with neither parent, and are eligible for ADC because of the desertion of a parent, no waiting period is required.

### Incapacity Of A Parent

Incapacity caused by an illness, injury or defect, whether physical, mental or emotional. It may be either the father's inability to work in his usual occupation or a similar one, or the mother's inability to care for the home and the children. That inability may be either because:

The parent can't himself perform adequately and for full time and full pay his usual duties, or in the case of the father, any adequate alternate work (total incapacity);

or because:

The parent can work only with greater effort and less results, or only with severe pain (partial incapacity).

It doesn't matter whether the cause is permanent, or temporary. But ordinarily an illness or injury must last more than two or three weeks to be found to be "incapacity." However, if the parent is hospitalized for more than an emergency stay of two or three days, aid should be given if the other factors are present.

"Incapacity" is a medical question which is reviewed by the state Medical Review Team. When an applicant's own doctor says that a man is incapacitated and the Medical Review Team says that he isn't or that there isn't enough information, the denial of aid on that basis can be appealed and fought (see Section V, #4). If the parent has already been found eligible on grounds of disability for Aid to the Permanently and Totally Disabled, his "incapacity" is automatically established for AFDC.

A parent may be required, as a condition of aid, to accept vocational training for other employment which he is able to perform.

4. The residence requirement

The child must have made his home with either his parent or another relative, in the state for a year prior to his application if he is over a year old. If he is less than a year, he meets this requirement if his parents lived in Mississippi during the entire year before he was born. There is no requirement of local residence for any period.

5. The child(ren) must be in "need"

The needs that are considered are the needs of all the children in the home under the age of 18 and those of the relative taking care of them (e.g., the mother). The Mississippi Department of Public Welfare has established cost schedules of food, rent, clothing and other items which families must have in order to live in "health and decency." These schedules and the method of computing payments are set forth in Section VI of this handbook. If the monthly income and the property of a family are lower than the appropriate amounts on the need schedule, then the family is in "need."

In Mississippi the amount of aid given to families in "need" is extremely small, and does not adequately meet the families "needs" even in the amount recognized by the Mississippi Department of Public Welfare as necessary for minimum standards of health and decency. The amount of aid at the present time is 26% of the difference between the family's income and the "need" amount in the standards, up to a maximum amount set for each size family. (See Section VI on how to figure "need" and the amount of the grant.)

Additional Requirements Imposed Upon  
Mothers of Needy Children Under the  
ADC Program in Mississippi

6. The "Employable Mother" Policy

Under Mississippi public welfare department policy, when a mother is considered by the welfare department to be available for full-time work, her children will not get aid if she refuses to accept "suitable" employment. Although there are legal objections that should be made against this policy, it is still the rule.

Even under the Mississippi policy, however, the mother cannot be required to work (in order to receive welfare benefits) unless both of the following conditions are met:

(a) the mother is not needed in the home to take care of the children; (b) suitable work is available.

(a) The mother is needed in the home

Mississippi welfare policy holds that the mother is needed in the home if any one of the following conditions exist:

One of the children is under two years of age; or

There is no responsible adult in the home to care for the children, such as a sister over 18, a relative, or a hired person (whose pay is less than the mother's income from her job); or

Someone in the home is sick and needs the mother's attention; or

The mother is physically or mentally ill.

(p. 4519, Manual)

(b) Suitable work must be available

A mother may not be required to work unless "suitable" work is available in the community. "Suitable" work must:

- be appropriate to a woman and in keeping with her training and experience;
- not be so far away from her home that it requires more than an hour's ride one way or a mile walk;
- offer wages and working conditions comparable to those prevailing in the same or similar work in the community.

(p. 4518, Manual)

Needless to add, the whole notion of compelling a mother to leave her young children in the care of others is offensive and should be examined for legal challenge. According to the Federal Handbook of Public Assistance (Part IV, 3401.1)

"It was clearly indicated . . . that the intent of the aid to dependent children program was to enable mothers to remain in their homes, so that their children would have the opportunity for parental care and the benefits of growing up in a family setting. . . .

. . . . .

"The Bureau of Public Assistance recommends against any policy of denying or withdrawing aid to dependent children as a method of bringing pressure upon women with young children to accept employment. Public assistance recipients should not be subjected to undue pressure and receive different treatment from that accorded other persons in the community simply by reason of the fact that they are in receipt of public assistance. In cases of families receiving aid to dependent children, children are already, in most instances, deprived of the care of one parent, and, therefore, need the protection and personal supervision of the available parent."

In light of the intent underlying the ADC program, the legality of policies which coerce mothers into leaving their young children in the care of others is questionable. Mothers who are being coerced should be referred for legal assistance.

7. The "Substitute Father" Policy and "Substitute Home" Policy: The children may not be given aid where the mother has a close relationship with an unrelated, able-bodied man "on a continuing basis".

"Substitute Father"

Under Mississippi policy, ADC aid will not be given to children in need, even though their real father is dead, divorced or deserted, where their mother "maintains a relationship" with a man "as a wife on a continuing basis" even though not married to him. Such a man is considered father." The children will not be eligible on the theory that they have two able-bodied parents. The description

of the "substitute parent", in the language of the Mississippi Public Welfare Manual is (p. 4512, Manual):

"A person who maintains a relationship with the child's own parent, even though not married to him or her. That is, the man lives in the home as the parent's husband; or the woman lives with the man as a wife on a continuing basis, though not necessarily in the home with the child. Although not always the case in such arrangements, in most instances the man has affectional ties with the children, gives some supervision to them, and contributes to them as well as to the mother."

The exact meaning of the language quoted is, of course, unclear. However, even under this loose language, no child ought to be disqualified unless:

1. The alleged "substitute father" is actually living in the home.
2. The alleged "substitute father" acts as a husband to the mother.

The NAACP Legal Defense and Education Fund, Inc. has instituted legal challenge against similar policies in other states on the ground that the policies are vague, interfere with the privacy of citizens, deny equal protection of the laws and conflict with the purpose of the ADC law by denying aid to needy children who in fact are not being supported by the so-called "substitute fathers." The Mississippi policy itself recognizes that the men involved may not be giving aid and have no legal duty to give aid.

Nevertheless, the policy is still in effect in Mississippi. Any mothers and children denied aid under this policy should be referred for legal assistance.

"Unsuitable Homes"

Mississippi statute provides that ADC shall be given those families who are "living in a suitable family home". In the past, in a number of states, many thousands of children in need were denied ADC assistance on the ground that their homes were "unsuitable". Grounds for "unsuitability" in addition to actual neglect or child abuse usually include: sexual relations between the mother and a man to whom she is not legally married\*; the existence of an illegitimate pregnancy; and other matters concerning the mother's social affairs.

In 1961, however, the United States Department of Welfare ruled that a state cannot discontinue ADC aid to needy children on the ground that their home is "unsuitable" while the children remain in the home. The Mississippi Policy Manual recognizes the right of such children to aid (p. 4622). However, under certain circumstances, the welfare

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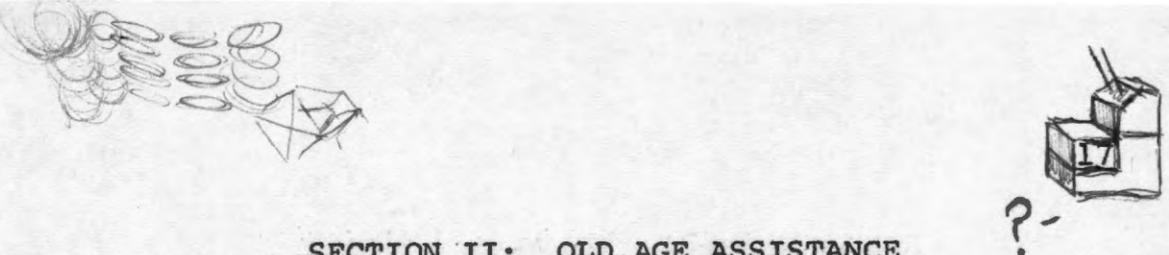
\* For example, the policy is concerned with "unlawful sexual relations" which are defined as included those "casual relationships with a man who comes to the home, or whom she meets outside of the home, on a continuing basis or at intervals". (p. 4643, Manual)

department may go to court to try to remove the children from the home and have them placed elsewhere.\*

Families rejected for aid on the ground of "unsuitable" homes, or taken to court on such grounds, are in need of immediate legal assistance.

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\* It is important to note that the existence of "unlawful sexual relations" or other conduct is not alone ground to remove a child from a home, even under the Mississippi Manual. The Manual instructs the welfare worker to weigh the total circumstances of the home in terms of the child's best interests. If it is better for the child to remain in the home, no neglect action should proceed. (See p. 4634, Manual)



SECTION II: OLD AGE ASSISTANCE

The Old Persons Who Have a Right to Receive Welfare Aid

Cash payments must be made following application to the person who:

1. AGE Is 65 years of age or older.
2. RESIDENCE Lived in the state during the year before he applied and has not moved to Mississippi for the purpose of obtaining old age assistance.
3. NEED Is in "need", according to the standards established by the State Department of Public Welfare.
4. NOT IN A PUBLIC INSTITUTION Is not an inmate of or being maintained by a public institution.
5. NO PROPERTY TRANSFER Has not made an assignment or transfer of property so as to render himself eligible for assistance at any time within two years immediately prior to his application.

When a person gives the welfare department information showing that all the above requirements are met, the person has the right to receive old age assistance payments. There follows a further explanation of each of these requirements.

1. The person applying must be sixty-five years of age or older

The person must have reached his sixty-fifth birthday before aid will be given; any person over that age meets the requirement. There is no top limitation, nor does he have to have reached his sixty-fifth birthday before he applies.

If he wants to apply during the year in which he becomes 65 and he can prove his age but not the month of his birth, he can apply as early as June because his birthday for this purpose will be assumed to be July 1.

Records He may prove his age by records that show it. It is not necessary that he have any records that show the date or year of his birth. Nor is it necessary that he have any official records showing his age. But any of the following records showing either age or year of birth may be sufficient; birth certificate; baptismal or other church records; family Bible record made at the time; old family records, such as pictures with names and dates written on them or old letters which tell the ages of children; marriage certificate giving ages of the couple; records of a plantation; lodge records, such as B.P.O.E.; doctor's records; voter's registration or poll tax exemption certificate; licenses for driving, fishing or hunting; or certificate or letter from the Bureau of Old Age and Survivors Insurance, Social Security Administration, showing that benefits were awarded at age 65.

Affidavit The age requirement may also be met by an affidavit, on a form supplied by the welfare department (DPW 307) made by two persons who know the applicant's approximate age. If they say he is over 70, they do not have to know his precise age. If he is between 65 and 70, they must state his age definitely and the reasons they know his age to be such.

3. The person applying must have resided in Mississippi for one year immediately prior to his application. He must not have moved to Mississippi for the purpose of receiving old age assistance.

The applicant must have made his home in Mississippi for the entire year just before applying for aid. Being outside the state for temporary periods does not disqualify the applicant.

There is no requirement of local residence for any period of time. However, the applicant must reside in the county in which he makes his application.

The additional requirement that an applicant must not have moved to Mississippi "solely or in part for the purpose of qualifying for old age assistance" (p. 1000, Manual) is not likely to be a factor in the usual situation. In any case where it is raised, however, the applicant should be referred immediately for legal assistance.

4. The person applying must be in "need" according to standards established by the State Department of Public Welfare.

See Section VI of this Handbook

5. The person applying is not an inmate of or being maintained by a public institution.

He may make application while in the institution but may not begin to receive assistance until after he has left the institution.

6. The person applying has not made an assignment or transfer of property so as to render himself eligible for assistance at any time within two years immediately prior to his application.

The period of ineligibility which follows from such a transfer is determined by comparing the value of the asset (property) transferred with the budgetary deficit under the state "needs" schedule (see Section VI).

For example, if the value of the property, when added to whatever income or resources the applicant has, would allow him to meet the "needs" standard for only four months, then the applicant is disqualified for only four months".

Whether or not an applicant has transferred property "so as to render himself eligible for assistance" may involve a number of legal considerations. Persons rejected for aid on this ground should be referred immediately for legal assistance.

## SECTION III: AID TO THE BLIND

The Blind Person Who Has a Right to Receive Welfare Aid

Cash payments must be made following application to a person who:

1. BLINDNESS Has no vision or his vision with correcting glasses is so defective that he cannot perform ordinary activities for which eyesight is necessary.
2. NOT IN A PUBLIC INSTITUTION Is not an inmate of a public institution. Although he may apply while an inmate, he may not receive the grant until he has left the institution.
3. NO OAA Is not receiving old age assistance.
4. NO PROPERTY TRANSFER Has not made an assignment or transfer of property for the purpose of rendering himself eligible for assistance at any time within two years immediately prior to the filing of the application.
5. SCHOOL If he is of an age from six to twenty-one, is attending public school, the State School for the Blind, or is excused from school for physical, mental or emotional reasons.
6. TRAINING OR WORK Is willing to accept suitable Vocational Training or work, as outlined below.
7. NEED Has not sufficient income or resources to provide a reasonable subsistence compatible with decency and health according to standards established by the State Department of Public Welfare.

When a person gives sufficient information to the welfare department to demonstrate that the above conditions are met in his case, he has a right to receive aid to the blind financial assistance. Below, we set forth a further explanation of each of these conditions.

1. The person applying must be "blind" within the meaning of the aid to the blind program.

The Mississippi Manual states: "A person shall be considered blind who has no vision or whose vision with correcting glasses is so defective as to prevent the performance of ordinary activities for which eyesight is essential." No application for aid will be approved until the applicant has been examined by an ophthalmologist (a physician skilled in eye diseases) or a licensed optometrist. The welfare department has a list of such doctors practicing in each vicinity, from which the applicant may choose. Because there is always the possibility of a dispute of the requisite degree of blindness, we quote below the exact definition in the Mississippi Manual as it is given in terms of ophthalmic measurement (p. 4400):

Definition of Blindness. A person shall be considered blind who has no vision or whose vision with correcting glasses is so defective as to prevent the performance of ordinary activities for which eyesight is essential. In terms of ophthalmic measurement, central visual acuity of 20/200 in the better eye with correcting glasses is considered economic blindness. Also persons whose central visual acuity is more than 20/200 in the better eye with correcting glasses but who by a rough field test show a marked field defect, may be considered blind. The marked field defect is one in which the peripheral field has contracted to such an extent that the widest diameter of the visual field subtends an angular distance no greater than 20 degrees.

An examination is not necessary when the applicant has been a client of the Vocation Rehabilitation Services, Division for the Blind, and Services records show: (1) no change in vision can be expected; (2) no operation or treatment to restore vision has been conducted.

Note: When a client has had an operation for restoration of sight, he will continue eligible for a period of three months after the operation so that the success of the operation and stability of the vision may be better determined.

2. The person applying is not an inmate of a public institution.

Although the person may apply while still in the institution, he will not become eligible until after he has left.

3. The person applying is not receiving old age assistance.

Mississippi policy prohibits an applicant from receiving both old age assistance and aid to the blind assistance.

When a person is eligible for both programs, he will usually be placed in the old age assistance category. However, exceptions are made where it is more favorable to the applicant to be in the aid to the blind category. Thus if he cannot meet the residence requirement of the old age category, he will receive aid to the blind assistance.

If the applicant earns income exempt in aid to the blind (see Section VI), he should be placed in the aid to the blind category and not in the old age category. (p. 2004)

In the event the blind applicant is otherwise disabled so as to make him also eligible for the aid to the disabled program, (Section IV), he should nevertheless consider aid to the blind because hospitalization benefits are available under the blind program, but not the disability program. (p. 2003)

4. The person applying has not made an assignment or transfer of property for the purpose of rendering himself eligible for assistance at any time within two years immediately prior to the filing of an application.

See discussion of this condition in Section II of this Handbook.

5. If the person applying is a minor between the ages from six to twenty-one, he must be attending public school or the State School for the Blind or is excused from school for physical or mental reasons.

A blind child who is too handicapped - physically or mentally - to go to school must be given aid. But as a condition of aid, a blind person must attend public school if he is able to manage it through special arrangements, or the State School for the Blind - if he is found eligible. Persons below age six or above age 21 are not eligible for the State School.

The State Schools for the Blind at Jackson are required to supply all the child's basic needs except clothing, personal incidentals, and transportation to and from the school. During the school term, the aid to the blind check for the child will cover only those excepted items. When school closes, the check will be expanded for the full budget. (p. 4404)

The assistance payment for the blind minor is made in the name of his parent or legal guardian and mailed to the parent, not the school.

6. The person applying must be willing to accept suitable vocational training or work.

As a condition of aid, the welfare department may require the blind person to accept vocational training or employment. But no person can be required to accept training or employment if:

- the work is not suited to his abilities; or
- there is a person in the home, such as an ill relative or an aged parent, who must normally depend on the blind person for care and attention; or
- the training would require prior surgery, which the blind person reacts against emotionally or on religious grounds; or
- the blind person is emotionally extremely reluctant to leave his home life.

7. The person applying has not sufficient income or resources to provide a reasonable subsistence compatible with decency and health according to standards established by the State Department of Public Welfare.

See Section VI.

## SECTION IV: AID TO THE DISABLED

The Disabled Person Who Has a Right to Receive Welfare Aid.

Cash payments must be made following application to the person who:

- |                                |   |
|--------------------------------|---|
| 1. DISABILITY                  | Has (a) a physical or mental impairment, (b) <u>which is permanent and (c) disables him from working (total).</u>   |
| 2. AGE                         | <u>Is at least 18 years old and not over 65.</u>  |
| 3. RESIDENCE                   | <u>Has lived in the state for a year before application.</u>  |
| 4. NOT IN A PUBLIC INSTITUTION | <u>Is not an inmate of or maintained by any public institution.</u>   |
| 5. NO PROPERTY TRANSFER        | <u>Has not made an assignment or transfer of property so as to render himself eligible for assistance at any time within two years immediately prior to the filing of an application.</u> |
| 6. NEED                        | <u>Has not sufficient income or resources to provide a reasonable subsistence compatible with decency and health.</u>   |

When a person gives the welfare department sufficient information showing that all these requirements are met, he has the right to receive Aid to the Disabled payments. Below follows an explanation of "disability." For an explanation of "need" see Section VI. For explanation of conditions (3) (4) and (5), see the discussions of similar conditions in Section II, on Old Age Assistance.

The person applying must have (a) a physical or mental impairment, (b) which is permanent and (c) disables him from working (total).

(a) A physical or mental impairment

The person's condition may be a disease, injury, defect or deficiency (weakness). It doesn't matter whether it is mental or physical; or whether its cause was congenital (present at birth) or acquired.

(b) permanent disability

The person's condition must be "permanent." This means the condition must be long-term and expected to continue indefinitely, either - because it is not likely to be much improved by any known treatment; - or because

- the known treatment is inadvisable (e.g., because of the person's age) or unavailable from accessible resources in the state; or
- the person reasonably refuses the treatment (e.g., because of an unusually high risk of complications or religious objections or or the person's genuine fear); or
- the outcome of the treatment appears uncertain (although a different decision of "permanent" may be made later when the outcome is known).

(c) total disability

The Mississippi Manual states: "Total disability . . . means the established inability to do useful and gainful work which a person is competent to perform and which is available in the community." (p. 4702) Thus whether or not there is "total" disability will vary with both the applicant's training and abilities and the opportunities

available in the community.

Example: A store clerk breaks several fingers on her right hand, so that she cannot continue to show merchandise and make change. But with some training she can get a job as a librarian, and librarian's work is available in her community. She is not "disabled" because she can get gainful work.

Example: A fifty-nine-year-old farmer suffers a heart attack, so that he cannot any longer manage heavy equipment or work long hours. Since he is illiterate and there is no semi-skilled industrial employment in the community, the farmer is not able to get other work. He is therefore "disabled."

Example: A man who operated a lathe suffers injury to his hands which makes it impossible for him to work such machinery. He could qualify as a worker in a packing plant, but the nearest one is 80 miles away. He does not have to move from his community. He is "disabled."

Applicants will not be disqualified because they may be able to engage in "non-useful" work.

Non-useful work includes:

- hobbies
- occupational therapy
- vocational rehabilitation
- work accomplished by the applicant expending far more time than healthy people require for the job. (e.g., taking six hours to do work usually done in one hour)
- work (given through sympathy) that ordinarily would not be done if the applicant were not doing it.

However, persons disabled from engaging in their usual work but who can learn new, useful jobs, will be disqualified.

The Manual also includes a list of "the large majority" but not all of conditions which are often totally disabling from work:

Heart disease -- with severe chest pain or shortness of breath on even slight exertion.

Hypertension -- if it has resulted in such complications as a stroke, heart failure, or kidney failure.

Lung disease -- if it is severe enough to result in serious weakness or marked loss of weight and shortness of breath on slight exertion.

Diabetes -- if it results in complications such as severe pain and weakness of the legs, loss of a leg, or serious kidney disease.

Arthritis -- if it results in severe limitation of motion in multiple joints.

Ulcers -- if they result in severe complications such as repeated hemorrhage (bleeding), loss of weight and weakness.

Mental illness -- if a person is incapable of acting on his own and cannot conduct himself as others reasonably expect in social and work situations.

Malignancy (cancer or a cancerous tumor) -- if there is evidence of recurrence after treatment, or such widespread growth before treatment that there is no hope for cure; and if the disease causes such pain or physical weakness as seriously to interfere with regular activities.

Epilepsy -- if seizures cannot be controlled by medicine, so that they occur more than once a week; or if the disease causes serious mental deficiency.

Permanent and total disability is, in large measure, a medical question which is ruled upon by the department's State Medical Review Team. When the Medical Review Team says a man is not incapacitated and the man's own doctor says he is, the Medical Review

Team's decision can be appealed and fought. (See Section V).



## SECTION V: LEGAL RIGHTS

The basic rights guaranteed by federal and state law to applicants for/and recipients of aid are, of course, the right to be paid the right amount of aid when the conditions of eligibility are present and the right to be treated with the respect due to all people. In order to protect these basic rights, federal and state law has created certain additional rights, which are discussed in this section. These are:

1. The right to make an application for aid and to have it put in writing.
2. The right to have the welfare department make a reasonably prompt decision on the application and the right of eligible persons actually to receive the payment without unreasonable delay after application.
3. The right of an applicant whose application is rejected to be told in writing the specific reason for the denial of aid.
4. The right to appeal a denial of aid and to be given a fair hearing on the application by an impartial referee from the state office.
5. Various rights designed to ensure that the hearing on appeal will be fair. Also, provision for back payments when the hearing decision finds that welfare was wrongly denied.
6. The right of a recipient to receive aid in the form of money payments without restrictions on the ways in which he may spend it.
7. The right to receive payments substantially equal to the payments made to others who are in substantially the same situation.

8. The right to fair treatment, free from discrimination based on race or color.
9. The right of recipients to the same constitutional protections other citizens have.
10. The right to be told by the welfare department of applicants' and recipients' rights, including the requirements for aid and the way to appeal a denial of aid.

Below is a brief explanation of each of these rights.

1. The right to make an application and have it put in writing

Federal and state law guarantee the right of any person to make an application for aid, put it in writing or have the assistance of a welfare worker in putting the application in writing, and have a determination made in writing by the welfare department on whether welfare will be given.

For the purpose of knowing how to enforce this right, it is important to know when a person has "applied".

The Mississippi Manual states:

An application is an action by which an individual makes known to the county department his desire to receive assistance or his interest in having his eligibility determined. Such action may be a written or an oral request; it may be made by telephone, in the office, in the home or at some other place. Or it may be made through another person authorized by the applicant to act for him.

...  
 ... (A)n application really takes place when an actual request for assistance or the consideration of eligibility is first made to the county department, even though the application is that of the

first request, and shall be registered at that time.  
p. 2000

Once a request for aid has been made, it is the responsibility of the welfare department to put the application in writing, though the applicant has the responsibility of cooperating. But no amount of discouragement or denial by welfare workers can change the fact that the person has applied and has the right to aid or written notice of rejection (with the reason) promptly after that time.

Example: Mrs. P's welfare is terminated on the ground that her children have a "substitute father". Three months later she applies for aid again. She is told that anyone whose aid was terminated because her children have a "substitute father" has to wait two years before she can apply again and have her application considered. This decision denies Mrs. P's rights.

Example: Mrs. O comes to the welfare office and asks for aid for her children. She is told there's no use in making an application because she won't get it. Mrs. O. leaves. There is no record of her application, no review of it by anyone higher up in the welfare department, and most important -- Mrs. O. has no statement of the reasons for the worker's "decision" on her application. With such a statement, she might decide on her own or with counsel to appeal the decision.

2. The right to a reasonably prompt decision on the application and the right of eligible persons actually to get aid reasonably promptly.

Because in various parts of the country there had been long delays between the time a person applied for aid and the time he was either notified of his rejection or actually given the aid, in 1950 Congress amended the law

so as to require that such notice and, for eligible persons, actual assistance be given with "reasonable promptness."

The Mississippi Manual states that "reasonable promptness" means that "no more than 60 days may elapse between the time of application and either payment or notice of rejection. p. 3000

Sixty days can be allowed only in ADC and Aid to the Blind, because the Mississippi Code provides that, after application, Aid to the Aged and Disabled must be either granted or denied within 30 days. Sections 7232, 7278, Mississippi Code Annotated.

ADC, AB

Thus a person who has applied for ADC or Aid to the Blind but has not heard from the welfare department for at least 60 days since he applied has a right to a hearing before a state referee to find out why and to determine whether he is eligible.

OAA, APTD

A person who has applied for Aid to the Aged or the Disabled who has not heard from the welfare department for 30 days has the right to a hearing.

Note, however -- the federal Handbook of Public Assistance states that no more than 30 days should pass between the day of the application for ADC or AB and the day aid is actually given. States, such as Mississippi, are supposed to act according to federal requirements in order to receive federal money. The federal Handbook also says that if any state, such as Mississippi, needs more than 30 days to act on applications, it should explain the reason

to the federal government and set a date by which it shall have enabled itself to act within 30 days.

This federal Handbook provision was written fifteen years ago. Since Mississippi still authorizes a delay twice that of the federal limitation, the question of Mississippi's compliance should be raised with officials of the Mississippi Department of Public Welfare, and the Federal Department of Health, Education, and Welfare.

3. The right of an applicant whose application is rejected to be told in writing the reason for the denial of aid.

An applicant for aid cannot be rejected simply by the welfare department worker's telling him he is not eligible. He must be given not only written notice of his rejection but written notice of the specific reason for the rejection. The purpose of this right is to make it possible for the applicant to show that the reason is wrong, whether because the department's rule or policy is mistakenly applied to his case or because no such rule or policy is permissible. The applicant cannot show that the reason is wrong if he is not even told what it is or if the statement is so vague and unclear that no one can tell what it means.

Example: Mrs. O. is told that she is given a notice stating that the reason is "lack of cooperation with the welfare department."

Mrs. O.'s right to specific statement of the reasons has been denied by this notice of rejection. The notice does not inform Mrs. O. of the particular things which she has done wrong so that, if she disagrees, she can show that the county welfare office has made a mistake.

4. The right to a fair hearing by an impartial referee.

A basic right of persons receiving and applying for

aid is the right to object to the decision of the county welfare department and to be given a fair hearing in review of that decision. The kinds of decisions which can be appealed for a fair hearing include:

Denial of aid or cutting off of aid.

Underpayment of aid.

Failure to act on request for aid with "reasonable promptness."

Giving of aid in other than money form (e.g., the welfare department's payment of rent directly to the landlord).

Conditions of aid, such as the requirement that the person do work for the county.

Any action of the welfare department concerning which a person believes fair treatment has not been accorded to him (p. 1007, Manual)

Hearings are not supposed to be rubber stamps of the county welfare's action. They are conducted by a representative of the state department and decided by the State Board of Public Welfare. The law requires that the hearing officer, the person conducting the hearing, be someone who has not been involved in the county welfare department's decision against which the appeal has been taken. A number of safeguards for the welfare applicant or recipient, designed to guarantee the fairness of the hearing, exist under law (see point 5 below). The right to appeal and get a fair hearing has not been widely used by dissatisfied applicants and recipients but of course it should be.

What is a request for a hearing? The Mississippi Manual states: "A request for a hearing is any clear expression (oral or written, by letter or on special form) on the part of the client to the effect that he wishes to go beyond the usual procedure for adjusting complaints, and that he wants an opportunity to present his situation to a higher authority than he would ordinarily deal with." p. 8501.

5. Various rights designed to ensure that the hearing on appeal will be fair.

The rights of the person who asked for the hearing (called the claimant) are set forth in the Federal Handbook (Part IV 6000-6400) and in the Mississippi Manual (pp. 8505-8509). Among these rights are:

The claimant's right to be represented or accompanied and advised by any person, whether a lawyer or not.

The right to bring witnesses and to cross-examine the welfare department's witnesses.

The claimant's right to present his case in a convenient and informal way.

The right to have a definite time limit, set by rule, between the day the hearing is requested and the day a final decision is handed down. (This time limit, though required by Federal rules, has not yet been set in Mississippi; the Mississippi rules provide only that the hearing shall be held within 60 days of the request for hearing, if possible).

The right to contest at the hearing not only the facts of the claimant's case, but the policy which led to the claimant's rejection.

The right to have the hearing held at a place reasonably near the complainant's home or, if not, to receive transportation (of claimant's witnesses as well as of claimant) to the place of the hearing.

X The right to exclude from the hearing any information the claimant is not given an opportunity to see or hear. For example, the county department cannot say that it has "confidential information" which shows that the claimant did not tell the truth about her income, without showing the information to the claimant and her representative at the hearing.

The right to examine the transcript of the hearing, all exhibits introduced at the hearing, all papers filed in the hearing proceeding, and the hearing officer's recommendations to the State Board at any reasonable time before or after the final decision. (This right is not explicitly recognized by the Mississippi Manual, though the Federal rules provide for it.)

The right to a final decision which will be binding on the county welfare department. The decision cannot, for example, send the case back to the county welfare agency for a new investigation. It must rule on all questions of both fact and policy raised by the appellant.

Note: Back payments as result of a hearing.

When the hearing decision finds that an error was made in the previous decision (the one appealed from) denying or reducing aid, the grant awarded as the result of the hearing may become effective two months prior to the month in which the appeal was requested. The hearing decision will award such back payments only when the situation on which the appeal was made existed two months prior to the month in which the appeal was filed and assistance was improperly denied or reduced at that time or before that time. (p. 7022, Manual)

For example: The appeal is filed in December based on a denial of aid in October. The decision is made the following February. If the decision finds that aid was improperly denied in October, back payments from October

through February can be ordered.

6. The right to unrestricted money payments.

With very limited exceptions, the federal law requires that in welfare cases for which federal money is granted (almost all such cases) the welfare recipient must be given the aid in the form of money (cash or check). The purpose of this requirement is to enable the recipient to spend his payment as he considers best for himself or his family without being told how he must spend it by the welfare workers. (If the welfare department violates this requirement, federal funds are not available for that case. Since state money is very limited, generally the state will not want to lose the federal money.)

Example: Mrs. S. is granted a welfare check of \$90 a month for herself and her children. She spends \$35 of that on rent. Her welfare worker cannot tell her she must move and spend no more than \$30 on rent when Mrs. S. does not think it best to move.

Example: Mrs. S. owes \$30 to the grocer and \$40 to another creditor. The welfare agent cannot direct her to pay the grocer this month and the other creditor later, or otherwise dictate the use of her grant.

Example: For various reasons, Mrs. S. is convinced that it is necessary to have a telephone in her house. The welfare agent cannot direct her to give up the telephone.

Example: The welfare department cannot give Mrs. S. only \$60 of her \$90 in cash and the other \$30 in a check made out directly to her landlord if it is to keep federal funds for her case.

(Exceptions exist insofar as payments by the welfare to a doctor or hospital may be made directly, and insofar as the welfare agency may seek to have the money payments made to a "protective payee" if a mother receiving ADC is seriously mismanaging the grant so as to deprive her children of its benefits. The county welfare's decision that such mismanagement exists may be challenged and made the subject of a fair hearing. Also, its decision as to whom the "protective payee" should be may be made the subject of such a hearing.)

7. The right to equal treatment according to need.

A welfare department cannot give different people in the same circumstances (that is, with the same financial needs, number of dependents, etc.) and receiving the same kind of aid different amounts of aid in an arbitrary manner. While a larger budget may be given to one welfare recipient on account of differing shelter needs, for example, there must always be a sensible and fair reason for any differences in payments.

8. The right to fair treatment free from discrimination based on race.

Differing amounts of grants cannot be given to welfare recipients because of race, nor can welfare waiting room or other facilities be segregated, nor can Negro welfare recipients be treated discourteously. Such treatment is not only a violation of welfare law, and grounds for a hearing,

but segregation and discrimination in amount of aid are grounds for other legal action under the civil rights laws of the United States.

9. The right of recipients to the same constitutional protections other citizens have.

A welfare recipient has all the constitutional rights and protections that other citizens have. He cannot be made to give up or limit civil rights activity because he is on welfare. He cannot be forced to make self-incriminating statements in a criminal investigation because he is on welfare. Welfare agents cannot search his home without his permission or without a search warrant. Nor can a welfare recipient be forced to give up or limit any other constitutional rights because he is on welfare.

10. The right of applicants and recipients to be told by the welfare department of all their rights.

The law requires that the welfare department tell welfare applicants and recipients how they may show that they are eligible, of their right to a fair hearing and to be represented by counsel at that hearing, of their rights in the hearing (when they request a hearing), of their right to make an application in writing and get their aid promptly or get a notice of the reasons for rejection, of their right - if eligible for aid - to get aid in the form of money payments, and of their right to equal treatment without regard to race.

## SECTION VI: NEED AND THE AMOUNT OF PAYMENT

Only a person "in need" can get welfare aid

"Need" exists when the value of all of the applicant's income and property is less than the total amount of the financial requirements for the family or person according to the standards set by the State Department of Welfare.

If the person or family has more property than the amount set by the State Department as sufficient, there is no "need" for aid.

If the person or family has more income than the amount computed by the State Department's standards as sufficient for them, there is no "need" for aid.

A person or family is allowed to have certain exempt property and income which are not counted in determining "need" for welfare. The most important of these are:

Home The person or family is allowed to own the home place where they live (without including the value in determining "need") if the value of the property isn't more than \$2,500; or to own it with others if the value isn't more than \$5,000.

Cash and Business A person with no dependents may have cash and non-business property worth up to \$500; a person with one or more dependents may have cash and non-business property worth up to \$800. This includes small business stock and equipment and a car or truck.

Clothes, etc. A person or family's clothes, household furnishings or equipment (not bought as an investment) and machinery and equipment for a small farm are not considered at all in determining "need" unless they are of unusually high value.

Food The person or family may produce all their own food without any of it being considered in the determination of need.

Blind In Aid to the Blind the first \$85 of income from employment and one-half the excess over \$85 are not counted; if the blind person's earnings are less than \$85, then none of that is counted.

Poverty Program Earnings The same amounts (as in Aid to the Blind) are not counted if they come to the person or family as income from work in a federally-funded poverty program. See the list in the latter part of this Section.

Thus, in order to determine whether a person or family is in "need" of aid, first:

See if their home, cash and other property are worth more than the amounts allowed. If they are not,

Then: Add up their income (which includes regular earnings, social security and veterans' benefits, business profits, etc.).

Then: Subtract their income from their financial requirements set forth in the State Department's standards (set forth later in this Section).

The result is the monthly "need" (or the budgetary deficit") of the particular family.

The welfare payment will be the "need" (or "budgetary deficit") of the particular family. However, that payment in all programs is subject to certain maximum amounts set by statute and State Welfare Department policy. In the case of ADC, no more than 26% of the need will be paid.

In the following parts of this Section, we discuss (A) the Standards of Financial Need set by the State Department of Public Welfare and (B) some rules on determining income and property value.

A. The Standard of Financial Need in Mississippi

THE "BUDGET GROUP"

The state standards for financial need in Mississippi depend in the first place, of course, on the number of people in the household group for whom the aid is to be given. These people are referred to as the "budget group." The "budget group" includes those in the household who are eligible under the program (e.g., children in ADC) plus those persons considered "essential" to the maintenance of the eligible persons. Persons in the household who are neither eligible in their own right nor "essential" to the maintenance of the eligible persons, are not part of the "budget group".

Examples:

In the case of a mother with two children living alone, the household is the same as the ADC budget group: three. But the household may include some persons not in the budget group. If the mother and two children live with a grandmother, the grandmother supports herself and the mother cares for the children, then the budget group would not include the grandmother and would be the same: three. The effect of the grandmother's being in the household is that the payments to the mother and the children would be less because the grandmother bears some of the expense of shelter.

But if in the same family the mother were ill or disabled so that she couldn't take care of the children and the grandmother did not support herself entirely, then the grandmother, if under 65 and therefore ineligible for Old Age Assistance, would be included in the budget group because she bears responsibility for the care of the children and is in need; the number would be four. The grandmother's income would be taken into account in computing

her own need and that part of the payment made for her benefit.

#### INCLUDING THE "ESSENTIAL PERSON"

Besides the persons who have the right to be included in the payment because they meet the eligibility requirements discussed in Sections I-IV, other persons in the household may also be included if they are "essential" to the budget group. The "essential person" may be related or unrelated to the recipient.

Related Persons - will usually be: (1) the relative taking care of the children eligible for ADC; (2) the relative taking care of a blind youth in Aid to the Blind; (3) the spouse of a recipient in the adult programs;

Unrelated Persons - may include persons giving essential services to the recipient or his spouse, such as cooking, housekeeping, nursing or care of the children (but does not include employees hired for such purposes).

In addition, a married son or daughter or his spouse, in whose home a recipient of aid to the disabled lives, may qualify to be included in the budget; and a son or daughter who is widowed or otherwise separated from his spouse and who lives at home to care for an aged, ill or disabled parent may also qualify. But, except in the case of the disabled, if the recipient (AB, OAA) lives in the home of a married son or daughter, then the latter will probably not be considered an "essential person."

Thus, in all cases except ADC and aid to minor blind persons, it is possible that two persons may be "essential": the recipient's spouse and the person caring for the home or the recipient. In any case, in order to have his needs considered in the budget, the "essential" person must qualify under the standards of need which apply to recipients.

Example: The grandmother in the family described in the preceding section is an "essential person" because she is needed to care for the children and the mother.

Example: A blind girl 18 years old has lived for many years with an unmarried lady, who has cared for her, although they are not related. The lady no longer has an income but is neither disabled nor old enough for Old Age Assistance. But she can be included as an "essential person" in the girl's Aid to the Blind payments.

In Old Age Assistance, when a married couple would qualify for aid independently but the budgeted needs of each are smaller than the allowed minimum payment, their needs may be computed together. The result is that one payment is made for their combined needs. pp. 5004-5006.

#### USING THE TABLES:

The state standards of financial need for "budget groups" are set forth in the Tables I and II, at the back of this Handbook, in the "Appendix."

Table I shows the standards of financial need for food,

clothing, personal incidentals, medicine, fuel and home supplies for persons in the group applying for assistance. These are based on state-wide averages. The rent or home maintenance expenses are the actual expenses of the person or family unless those expenses exceed the maximums in Table II: then the maximum is used.

An example of how to use Table I and Table II

Let us suppose that there are a mother and four children in the household and the budget group, and that they pay forty dollars a month rent, and that the cost of electricity, water and fuel is not included in the rent.

Table I, Section I, under ADC, shows that the family has "needs" in these amounts:

Food-----	\$ 98.32
Clothing-----	35.00
Incidentals-----	<u>17.47</u>
	\$ 150.79

Actual rent is allowed up to the maximum amounts shown by Table II, Section I. Since the family's rent (\$40) is less than the maximum allowed for five persons (\$50), only the actual amount is added to the allowances for electricity, water, fuel and household and medical supplies, under Table I, Section II.

Food-----	\$ 150.79
Rent-----	40.00
Electricity-----	3.45
Water-----	1.50
Household-----	12.48
Fuel-----	8.99
Medicine-----	<u>1.02</u>
	\$ 218.23

The amount of the family's monthly financial "need" is \$218.23. If its income is less than \$218.23, and the family does not have property worth more than allowed, then the family is eligible for ADC.

(For more complete information on how to use Tables I and II, turn to the back of this Handbook and see the instructions immediately following the tables in "Appendix".)

#### The Limitations on the Size of the Welfare Grant

In the example above, assuming the family has no income, its financial "need" is \$218.23 per month. If the family has \$100.00 income, its financial need is \$118.23 per month. But state statute and welfare department policies prevent the needy recipient from getting aid in the full amount of their need. In each program, there are maximum limits set upon the amount of aid that can be given.

The table below shows the maximums.

Maximum Grants by Program

Old Age Assistance-----	\$50.00
Disability Assistance-----	50.00
Blind Person's Assistance-----	50.00
Aid to Dependent Children	
1 child family-----	25.00
2 child family-----	40.00
Each additional child-----	10.00
	(extra for each child)
Maximum for any ADC family regardless of number of children-----	90.00
Special ADC limitation - 26% of the "budgetary deficit" according to the standards of need.	

Thus, in the example of the ADC family with financial needs of \$218.23, according to the state standards, the actual amount of the payment is 26% of the difference between \$218.23 and the family's income (budgetary deficit). (26% is simply the figure used by the State Department to make the Legislature's miniscule appropriation for ADC go around, to allow some payment to each eligible family.) If the family has no income, and its "need" is \$218.23, the grant will be 26% of \$218.23, or \$57.

See "Table VIII" in the Appendix to this Handbook for the amount of the grant which will be given in any ADC case, depending on the budgetary deficit, as calculated at 26% of the deficit up to the maximum grant. Instructions for the use of "Table VIII" follow in the Appendix.\*

Special Note

For Families That Own Their Own Homes

When a person or family pays rent for their room, home or apartment, the actual amount that they pay is used in the computation of need, up to the maximums in the table.

But when they own or are in the process of buying their own home, certain other actual expenses are allowed as part of need. These are:

County and city taxes on the property;

Essential repairs and installations (necessary for the recipient to continue to live there in decent and safe conditions). E.g., basic repairs to the roof, windows, doors, etc.); sanitation; water; heating.

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\* The table is taken from the Mississippi Manual and retains the table numbers of that Manual.

Fire insurance;

Payments of principal and interest on a mortgage when for the purpose of obtaining or retaining a home.

These expenses, including mortgage payments, are allowed up to the same maximums that apply to rent. If the person has given a mortgage both to get a home and to get money for his farm or business, then the amount of the payments counts both as the expense of shelter and farm or business expense. If the amount of the mortgage payment plus the other shelter expenses exceeds the rent maximums, the rest of the mortgage payment counts as a farm or business expense up to \$35.

## B. RULES ON PROPERTY AND INCOME

The preceding part of this section shows the general method of computing the budgetary deficit and the amount of payment when you know the family's income or the family has no income. Below are some rules to use in determining:

What property the person or family is allowed to have and what will disqualify him;

What income is counted in determining budgetary deficit and what is not counted.

NOTE: The reader of this Handbook is warned that there are a few variations and details of budget computing for some situations and cases in addition to those explained here. Our purpose is only to enable the reader to make a reasonably quick estimate of the amount of the grant due any recipient or applicant. In the event the recipient is receiving less than computed through use of this Handbook, contact the NAACP Legal Defense Fund so that more detailed and thorough re-check may be made.

WHAT PROPERTY CAN THE APPLICANT OR RECIPIENT HAVE WHILE GETTING AID?

A person can get aid while he owns the home in which he or his family lives, worth up to \$2,500, and other property, including cash, worth up to \$500 (for an individual) or \$800 (for a family). In addition, the person or family may have certain farm equipment and animals and other property, not subject to these limitations.

HOME - A person or family may own a home and land on which it sits worth up to \$2,500; if the other persons have ownership interests in the property as well, whether they live there or not, then its value may be up to \$5,000.

This value is the county assessed valuation of the property (for tax purposes) LESS the amount of any legal debt against the property, shown by a mortgage, lien or note. If the person or family owns land that is subject to a homestead exemption, all such land may be considered part of the home. If the person has land separate from the place where he is living and not subject to the homestead exemption, the value of that land must be counted as "other property".

OTHER PROPERTY - A person may have other property, real and personal, worth up to \$500, and a family may have such property worth up to \$800, and still be eligible. "Family" does NOT mean:

adult brothers and sisters each eligible in his own right, even though they may live together; or

an applicant for Aid to the Disabled living with his parents.

Each of these individuals may have only \$500 of "other property."

But "family" DOES mean:

a man and his wife living together, even if each is eligible in his own right;

an ADC family unit including one or both parents;

a minor applicant for aid to the blind living with his parents;

an adult applicant who has in his home a person who is unavailable for work because of illness, mental or physical handicap, his having to care for the applicant, or lack of work skills; the two persons need not be related.

In each case only \$800 worth of "other property" is allowed. "Other property" includes:

Land which is not part of a home site and which is not subject to a homestead exemption.

Cash on hand (except borrowed money).

Bank deposits (except borrowed money).

Stocks, bonds, notes.

Farm machinery and equipment that are not used to produce income, that is, in the farm or business.

Livestock that is not used for food, and work stock that is not necessary to farming operations (limited to 2 for 20 acres and one for each additional 20 acres).

Business equipment and stock, e.g., shoe repairing shops, wood working and cabinet shops, home laundries and bicycle repair shops.

Cars and trucks less than seven years old (those more than seven years old are not counted).

Personal insurance policies which have a cash surrender value except in the case of an incapacitated ADC father and a person receiving payments for permanent disability.

"Other property" does not include:

The person's or family's home or home site or adjoining land or land subject to homestead exemption.

Borrowed money even if it is cash on hand or a bank deposit.

Clothes.

Such things as furniture, dishes, jewelry, silverware, kitchen equipment, television and radio.

Tools used in such occupations as carpentry, filing saws, shoe repairing and home sewing.

Farming machinery and equipment actually used, such as a turning plow, harrow, cultivator, and wagon.

Cars and trucks more than seven years old.

Savings accumulated from employment in a poverty program: Job Corps, Work Training Program, Work Study Program or Community Action Program.

Payment received on sale of home for purposes of buying or building another.

No person can properly be denied aid for having property in the above list.

WHAT "INCOME" WILL BE COUNTED AND WHAT NOT COUNTED IN  
DETERMINING THE BUDGET DEFICIT?

If the person's or family's property is not greater than the amounts allowed, then he can get aid if his income is less than his need. In determining the amount of income, probably several items will have to be added together. And in finding the amount of each of these items, before they can be added, you may have to reduce the amount by subtracting certain expenses that are allowed for that particular kind of income. The list below has 8 items of income (A-H). The amount that the person receives less only the amounts of the expenses listed below each item - is the amount to be counted as part of income.

A - Individual earnings - wages or salary

LESS

Payroll deductions: income tax, Social Security tax, Union dues, contributions to retirement fund, FICA. Clothing allowance of \$5 (if job involves meeting the public) or \$3 (for work clothes); cost of care (washing, etc.) of clothing required for work.

Lunch: thirty cents a day when the person takes or buys it.

Cost of care for children by day care center, neighbor, etc., when this is necessary for person to work.

Cost of public transportation when it is available, whether person uses it or car; five cents a mile when there is no public transportation and person uses his own car.

Cost of tools, license or equipment not furnished by the employer.

Aid to the Blind: first \$85 plus one-half excess over \$85.

Job Corps, Work Training, Work Study, Community Action: First \$85 and one-half the excess over \$85 are not counted as income. Only that part of the excess amount which is actually made available to another applicant or recipient can be counted as his income.

Example: A boy eighteen years old received \$185 a month for participation in a work training program. Of that amount, \$135 (\$85 plus \$50) cannot in any case be counted as income in determining the boy's family's needs. Of the \$50 remaining, only the amount that he gives to the family can be counted as their income. He does not have to give them any.

Educational scholarships, grants and loans: The amounts are not counted as income to anyone unless they provide full support for the student.

Manpower Development and Training Act payments: No amounts are counted as income to anyone.

B - Individual earnings - self employment

Examples: Rental of rooms or land, home laundry, beauty shop, vending stand, raising of cattle for beef or milk. Not farming.

1. Rooming or boarding house rents

LESS

Actual operating expenses of house shown by person's records; or (if person has not kept records):

\$ 6 for each roomer  
30 for one boarder; for two or more,  
corresponding figures from Table I (ADC)

Excess of shelter cost over \$40 (4 or fewer) or \$50 (5 or more) maximum allowed as "need."

Example: A recipient has three roomer-boarders who pay \$50 a month each. She pays \$65 a month rent. No one else lives in the house. Her operating expenses are:

Household: 3 x \$.6	\$ 18.00
Food (for 3 from Table I)	69.12
Rent (\$65 less \$40 maximum for 4)	25.00
	<u>\$112.12</u>
Rent: 3 x \$50	\$150.00
Less: Expenses	<u>112.12</u>
Her income is	\$ 37.88

2. Returns from produce sold

LESS:

Cost of feed, transportation, wages paid, fertilizer. Records must be shown on these expenses to be allowed, otherwise, the price received for the produce is the person's income.

Example: Milk, eggs, fruit, vegetables, nuts.

Note: This rule applies only if the produce is sold on a regular basis. If so, then the amount received for the previous year is taken and divided by 12 to get the monthly income. If not, then no such income will be counted at all.

3. Returns from livestock sold:

Example: Cattle, hogs, sheep.

LESS:

Cost of feed, breeding, pasturage rented, veterinarian treatment for each animal sold.

Note: If the person sells all his cattle or hogs, for example, that does not come under this rule and what he received is not income.

4. Returns from other business:

LESS:

Cost of supplies used in business.

Wages for hired help.

Reasonable repairs for upkeep of the building.

Rent or other costs of ownership, including payment on a mortgage on the person's house even investment in business --- up to \$35 a month.

Cost of heat, light, water, insurance, and licenses.

Examples: Grocery store, beauty or barber shop, machine repair shop.

C - Farming - returns from sale of crop

LESS:

Cost of seed, fertilizer and chemicals for insect control and soil treatment.

Labor and machinery hired at no more than the average local wages.

Feed and veterinary treatment for workstock.

Gas and oil for machinery.

Purchase and repair for small tools and equipment such as rakes, hoes and plows, etc., and repair of large machinery such as tractors.

Current year's interest paid on crop loan or credit account.

Cash rent for land or value of portion of crop given for use of land.

Net loss on crop for the preceding year.

Income tax and F.I.C.A. payments made on farm income only.

Cost of such an expensive item as farm land, machinery or workstock, up to \$35 a month.

The period of income is the year beginning with the most recent crop settlement time. Monthly income is the amounts expected to be received during that time (less expenses). If use of future payments are unpredictable or probably less than the crop settlement indicates, then the current few months can be used for averaging.

Owners and renters cannot get aid when they have:

Credit or a loan for the current year in excess of \$1000 (unless made for the purchase of machinery or tools);

A farmers Home Administration loan which provides for adjustment payments for operating expenses.

Example: An ADC family consisting of a mother and two children, fourteen and fifteen years old, live with an older son and his wife. The mother, the older son and his wife have farmed land together and gotten a loan for the current year of \$1500. This shows a share for each working member, of the crop of \$500. The ADC family has three members but only one is considered to have borrowed \$500. If otherwise eligible, they can get AFDC because this amount is less than the allowable \$1000.

These limitations do not apply to sharecroppers.

D - Contributions by other governmental or social agencies (e.g., the church) but only to the extent that they are not for specific items not in the budget, or do not exceed the amount of unmet budget deficit or are for a different purpose from welfare payments.

Example: The church gives a family \$500 to have a bathroom and plumbing put in the house. The payment of this cost is allowed, because it is a major change, not included in the welfare budget. But the cost of this construction turns out to be only \$430. The \$70 excess is measured against the amount of unmet need. The family consists of the mother and two children under 18. Their maximum payment is \$50. Their computed need is, say \$110. The amount of unmet need is \$60. Since the amount of the church contribution not going to a specific need (\$70) is \$10 greater than this unmet need amount, that \$10 is counted as income. The AFDC payment will be \$40 instead of \$50 (for one month only).

E - Contributions by relatives, including allotments by a husband or father in the Armed Forces.

Example: A young unmarried mother lives alone with her two children. Her parents have a small laundry business from which they can give her small amounts of money. Those payments which she actually receives are income.

F - Contributions of food to the recipient by a person not a dependent.

G - Meals given as compensation for services.

H - Light, water, fuel or household supplies supplied without charge to an AFDC family, if it is worth more than \$1.00 and if the family contributes nothing toward obtaining it.

What is not counted:

A) Occasional earnings and gifts if they are small in amount and unpredictable in time of receipt.

Example: Baby-sitting, occasional cotton-picking, repair of a neighbor's fence, sale of produce or hand-made clothing, Christmas, birthday or other small gifts from friends or relatives.

B) Benefits from small sickness and accident policies which pay small amounts for short periods of time and which require a doctor's statement for each illness.

- C) Educational loans, scholarships or room and board allowances, unless they provide full maintenance.
- D) Aid to the Blind: First \$85 of individual earnings and one-half of the excess over \$85.
- E) Job Corps, Work Training, Work-Study and Community Action employment: First \$85 and one-half of the excess over \$85.
- F) Manpower Development and Training Act: all payments.
- G) Contributions by other governmental or social agencies (e.g., the church) to the extent that they are for specific items not in the budget, or are for budgeted items (e.g., clothes) but do not exceed the amount of unmet budgeted need; or are for a different purpose from aid (e.g., money and instructional materials to enable the person to learn to read).

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APPENDIX

MONTHLY BASIC REQUIREMENTS FOR PUBLIC ASSISTANCE BUDGETS

TABLE I

SECTION I INDIVIDUAL REQUIREMENTS					SECTION II					
OAA, AB, APTD BUDGET GROUP					SHARED HOUSEHOLD REQUIREMENTS FOR ALL PROGRAMS OAA, AB, ADC, APTD					
NO. PERSONS	FOOD	CLOTHING	PERSONAL INCIDENTALS	TOTAL	ELECTRICITY	WATER	HOUSEHOLD SUPPLIES	FUEL	MEDICINE CHEST	TOTAL
1	\$26.80	\$9.72	\$4.73	\$41.25						
ADC BUDGET GROUP										
1	\$26.80	\$9.72	\$4.73	\$41.25	\$2.65	\$1.50	\$5.37	\$5.11	\$ .44	\$15.07
2	53.60	19.44	9.46	82.50	2.65	1.50	7.12	7.00	.58	18.85
ONE SHARE	26.80	9.72	4.73	41.25	1.33	.75	3.56	3.50	.29	9.43
3	69.12	24.75	12.28	106.15	2.94	1.50	9.34	8.00	.76	22.54
ONE SHARE	23.04	8.25	4.09	35.38	.98	.50	3.11	2.67	.25	7.51
4	84.10	30.00	14.93	129.03	3.22	1.50	11.11	8.33	.90	25.06
ONE SHARE	21.03	7.50	3.73	32.26	.81	.38	2.78	2.08	.23	6.27
5	98.32	35.00	17.47	150.79	3.45	1.50	12.48	8.99	1.02	27.44
ONE SHARE	19.66	7.00	3.49	30.15	.69	.30	2.50	1.80	.20	5.49
6	112.48	40.00	19.99	172.47	3.66	1.50	13.72	9.33	1.12	29.33
ONE SHARE	18.75	6.67	3.33	28.75	.61	.25	2.29	1.56	.19	4.89
7	125.84	45.00	22.36	193.20	3.84	1.50	14.62	9.84	1.19	30.99
ONE SHARE	17.98	6.43	3.19	27.60	.55	.21	2.09	1.41	.17	4.43
8	138.42	50.00	24.58	213.00	3.99	1.50	15.43	10.04	1.25	32.21
ONE SHARE	17.30	6.25	3.07	26.62	.50	.19	1.93	1.26	.16	4.03
9	150.36	55.00	26.71	232.07	4.11	1.50	16.10	10.08	1.31	33.10
ONE SHARE	16.71	6.11	2.97	25.79	.46	.17	1.79	1.12	.15	3.68
10	161.80	60.00	28.74	250.54	4.21	1.50	16.58	10.14	1.35	33.78
ONE SHARE	16.18	6.00	2.87	25.05	.42	.15	1.66	1.01	.14	3.38
11	172.68	65.00	30.68	268.36	4.26	1.50	17.09	10.14	1.39	34.38
ONE SHARE	15.70	5.91	2.79	24.40	.39	.14	1.55	.92	.13	3.13
12	182.94	70.00	32.48	285.42	4.30	1.50	17.63	10.14	1.43	35.00
ONE SHARE	15.24	5.83	2.71	23.78	.36	.13	1.47	.85	.12	2.92

TABLE II

SECTION I		SECTION II	
MAXIMUM ALLOWANCES FOR SHELTER		MONTHLY STANDARD COSTS OF BURIAL INSURANCE FOR ADULTS AND CHILDREN	
NO. SHARING SHELTER	MONTHLY ALLOWANCE		
1 THROUGH 4	\$40.00	AGES 65 - 70	\$1.00
5 AND OVER	50.00	AGES 61 - 64	.75
		AGES 56 - 60	.50
		AGES 45 - 55	.30
		AGES 21 - 44	.25
		AGES 1 - 20	.20

MONTHLY BASIC REQUIREMENTS FOR PUBLIC ASSISTANCE BUDGETS

SUPPLEMENT TO TABLE I

SECTION I					SECTION II					
INDIVIDUAL REQUIREMENTS					SHARED HOUSEHOLD REQUIREMENTS					
ADC BUDGET GROUP					ALL PROGRAMS OAA, AB, ADC, APTD					
NO. PERSONS	FOOD	CLOTHING	PERSONAL INCIDENTALS	TOTAL	ELECTRICITY	WATER	HOUSEHOLD SUPPLIES	FUEL	MEDICINE CHEST	TOTAL
13 ONE SHARE	\$192.75 14.83	\$75.00 5.77	\$34.20 2.63	\$301.95 23.23	\$4.34 .33	\$1.50 .12	\$18.13 1.39	\$10.14 .78	\$1.47 .11	\$95.58 2.73
14 ONE SHARE	202.21 14.44	80.00 5.71	35.76 2.55	317.97 22.70	4.38 .31	1.50 .11	18.60 1.33	10.14 .72	1.51 .11	36.13 2.58
15 ONE SHARE	211.31 14.09	85.00 5.67	37.21 2.48	333.52 22.24	4.42 .29	1.50 .10	19.03 1.27	10.14 .68	1.56 .10	36.65 2.44
16 ONE SHARE	220.07 13.75	90.00 5.62	38.58 2.41	348.65 21.78	4.46 .28	1.50 .09	19.46 1.22	10.14 .63	1.60 .10	37.16 2.32
17 ONE SHARE	228.56 13.44	95.00 5.59	39.84 2.34	363.40 21.37	4.50 .26	1.50 .09	19.86 1.17	10.14 .59	1.64 .10	37.64 2.21
18 ONE SHARE	236.80 13.16	100.00 5.56	41.01 2.28	377.81 21.00	4.54 .25	1.50 .08	20.22 1.13	10.14 .56	1.68 .09	38.08 2.11
19 ONE SHARE	244.82 12.89	105.00 5.53	42.08 2.21	391.90 20.63	4.58 .24	1.50 .08	20.55 1.08	10.14 .53	1.72 .09	38.49 2.02
20 ONE SHARE	252.62 12.63	110.00 5.50	43.06 2.15	405.68 20.28	4.62 .23	1.50 .07	20.84 1.04	10.14 .51	1.76 .09	38.86 1.94
21 ONE SHARE	260.06 12.38	115.00 5.48	43.96 2.09	419.02 19.95	4.66 .22	1.50 .07	21.25 1.01	10.14 .48	1.80 .09	39.35 1.87

## INSTRUCTIONS FOR USE OF TABLE I

Table I gives the allowances for basic requirements which shall be made in all public assistance budgets. The table is divided into sections and subsections as follows:

Section I. Individual Requirements. This section includes the standard allowances for food, clothing, and personal incidentals, together with their totals. It is further divided into subsections for the adult category programs and the ADC program.

1. OAA, AB, and APTD Budget Groups. Use this section to compute the individual requirements for budgets of the adult category groups. When a spouse or an essential person is included in the budget, multiply the total requirements by two, as:  $\$41.25 \times 2$  or  $\$82.50$ .

Use this section also for computing the budget for a blind minor. A blind minor's budget will include the individual requirements for three persons if both the parents are proved to be in need by public assistance standards and eligible in all respects for inclusion in the budget.

2. ADC Budget. Use this subsection to compute the individual requirements for the ADC family budget, and for allocation of income to minors.

To use the table, determine the number of persons to be included in the budget. Locate this number in the first column and follow across the line to the TOTAL column. This figure represents the amount allowable for the individual requirements of the ADC budget group. As, for example, the amount allowable for an ADC family of three is \$106.15.

Directly underneath each item of the individual requirements is a figure representing one person's share of the total allowable. This figure will be used for an in-kind value when an item is contributed for one or more persons whose requirements are in the budget.

Section II. Household Requirements for all Programs. This section shows the standard allowances for common household expenses of electricity, water, household supplies, fuel, and medicine chest. The amounts are based on the number of persons sharing these common expenses.

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In using this section, ascertain the number of persons in the household sharing the common expenses; locate the line having this number in the first column of Section I; and follow the line across to the TOTAL column. This figure represents the total allowable for all the persons sharing the household requirements. Figures showing the amount allowable for one share are shown under each item of the household requirements and will be used to figure the amount allowable when a client shares a household with others. For example, the amount allowable for household requirements when a client shares these expenses with four others is \$5.49.

Items for which the client or family do not pay cannot be included, and when items such as water or fuel are included in the cost of shelter, subtract the allowable amount from the shelter requirement so that duplication of requirements does not exist.

In adult categories, unless the recipient is a payee for an ADC case, a client sharing household requirements with others will have only his pro rata share "as paid" shown in the budget. See page 5008 for budgets when the payee of an ADC case receives assistance in his own right.

In allocating income to dependents, use only the pro rata share of the dependent's household requirements in the dependent's budget requirements.

#### INSTRUCTIONS FOR USE OF TABLE II

These tables will be used for both the adult category and ADC programs for computing the allowable amounts for shelter and burial insurance. The sections are:

Section I. Maximum Allowance for Shelter. This section contains the maximum shelter allowance for a budget group of four or less and for a budget group of five or more. The allowable amount for shelter is "as paid" by the client or ADC family unit; or if sharing shelter, their pro rata share as paid. In no case will the maximum allowable for the budget group be exceeded. (See pages 5110-5116 of the Miss. Manual for the discussion on determining the shelter allowance, and page 5111 concerning persons who are unable to contribute to the shelter costs.)

Section II. Standard Costs of Burial Insurance for Adults and Children. When burial insurance is carried by a client or an ADC family, the standard amounts listed according to age in this section will be used for the budgeting of burial insurance. This item is an individual requirement and will be shown in the budget as are the requirements in Table I.

TABLE VIII. AMOUNT OF GRANT TO BE PAID ADC RECIPIENTS  
 BASED ON NUMBER OF CHILDREN AND ~~46~~ PERCENT OF DEFICIT UP TO THE MAXIMUM

31

1

<u>Budgetary Deficit</u>		<u>Grant</u>	
<u>From</u>	<u>To</u>		
\$17.31	\$21.15	\$ 5	FOR 1 OR MORE CHILDREN
21.16	24.99	6	
25.00	28.84	7	
28.85	32.69	8	
32.70	36.53	9	
36.54	40.38	10	
40.39	44.23	11	
44.24	48.07	12	
48.08	51.92	13	
51.93	55.76	14	
55.77	59.61	15	
59.62	63.46	16	
63.47	67.30	17	
67.31	71.15	18	
71.16	74.99	19	
75.00	78.84	20	
78.85	82.69	21	
82.70	86.53	22	
86.54	90.38	23	
90.39	94.23	24	
94.24	98.07	25	

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MAXIMUM OF \$25 FOR 1 CHILD

2

<u>Budgetary Deficit</u>		<u>Grant</u>	
<u>From</u>	<u>To</u>		
\$ 98.08	\$101.92	\$26	FOR 2 OR MORE CHILDREN
101.93	105.76	27	
105.77	109.61	28	
109.62	113.46	29	
113.47	117.30	30	
117.31	121.15	31	
121.16	124.99	32	
125.00	128.84	33	
128.85	132.69	34	
132.70	136.53	35	
136.54	140.38	36	
140.39	144.23	37	
144.24	148.07	38	
148.08	151.92	39	
151.93	155.76	40	

MAXIMUM OF \$40 FOR 2 CHILDREN

3

<u>Budgetary Deficit</u>		<u>Grant</u>	
<u>From</u>	<u>To</u>		
\$155.77	\$159.61	\$41	FOR 3 OR MORE CHILDREN
159.62	163.46	42	
163.47	167.30	43	
167.31	171.15	44	
171.16	174.99	45	
175.00	178.84	46	
178.85	182.69	47	
182.70	186.53	48	
186.54	190.38	49	
190.39	194.23	50	

MAXIMUM OF \$50 FOR 3 CHILDREN

<u>Budgetary Deficit</u>		<u>Grant</u>	
<u>From</u>	<u>To</u>		
\$194.24	\$198.07	\$51	FOR 4 OR MORE CHILDREN
198.08	201.92	52	
201.93	205.76	53	
205.77	209.61	54	
209.62	213.46	55	
213.47	217.30	56	
217.31	221.15	57	
221.16	224.99	58	
225.00	228.84	59	
228.85	232.69	60	MAXIMUM OF \$60 FOR 4 CHILDREN

\$56

<u>Budgetary Deficit</u>		<u>Grant</u>	
<u>From</u>	<u>To</u>		
\$232.70	\$236.53	\$61	FOR 5 OR MORE CHILDREN
236.54	240.38	62	
240.39	244.23	63	
244.24	248.07	64	
248.08	251.92	65	
251.93	255.76	66	
255.77	259.61	67	
259.62	263.46	68	
263.47	267.30	69	
267.31	271.15	70	MAXIMUM OF \$70 FOR 5 CHILDREN

5

<u>Budgetary Deficit</u>		<u>Grant</u>	
<u>From</u>	<u>To</u>		
\$271.16	\$274.99	\$71	FOR 6 OR MORE CHILDREN
275.00	278.84	72	
278.85	282.69	73	
282.70	286.53	74	
286.54	290.38	75	
290.39	294.23	76	
294.24	298.07	77	
298.08	301.92	78	
301.93	305.76	79	
305.77	309.61	80	MAXIMUM OF \$80 FOR 6 CHILDREN

6

<u>Budgetary Deficit</u>		<u>Grant</u>	
<u>From</u>	<u>To</u>		
\$309.62	\$313.46	\$81	FOR 7 OR MORE CHILDREN
313.47	317.30	82	
317.31	321.15	83	
321.16	324.99	84	
325.00	328.84	85	
328.85	332.69	86	
332.70	336.53	87	
336.54	340.38	88	
340.39	344.23	89	
344.24	and over	90	MAXIMUM OF \$90 FOR 7 OR MORE CHILDREN

7

INSTRUCTIONS FOR USE OF TABLE VIII, AMOUNT OF GRANT FOR ADC  
BASED ON NUMBER OF CHILDREN AND 26 PERCENT OF DEFICIT  
UP TO THE MAXIMUM

This table is arranged in sections according to the number of eligible children included in the ADC grant. In each section are ranges of budgetary deficits and the amount of grant for each range, based on twenty-six percent of the deficit.

To use this table, first find the section for the number of children in the grant. For example, if three children are to be included in the grant, find the last section on the bottom of page 5880, Section 3. If the budgetary deficit for the case falls within Section 3 find the range of deficits within which the deficit for this case falls, and then follow the line on over to the proper amount of the grant.

If the deficit for the case of the three eligible children is \$156, first use Section 3 as this is the section for three children. Then find the range, \$155.77-\$159.61, and note that the grant will be \$41.

But if the deficit for these three children is only \$106 because they have some income, their deficit will be found in Section 2 and their grant will be \$28.

Or if the deficit for the three children is \$200, this is larger than any of the deficits in Section 3 and the maximum grant of \$50 will apply.