

General Assistance, Spousal Support Responsibility and Liability

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I. Summary

The information in this handbook covers processes that were previously detailed in the General Assistance (GA) regulations. Process information was moved from the regulations to handbooks. California law requires that currently married individuals and domestic partners provide financial support for each other. Also, individuals who were previously married or in a domestic partnership may have been provided financial support rights after the marriage or partnership has been dissolved

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II. General

The SSA is required to evaluate any support liability of the spouse or partner of a GA applicant or recipient. Additionally, applicants or recipients who were previously married must verify any support rights potentially available to them, from their prior relationships.

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III. Specifics

A. Marriages and Domestic Partnerships recognized in California, as of Feb. 2009.

1. All valid marriages between opposite sex individuals, contracted in California.
2. All valid marriages between opposite sex individuals contracted in another state or country, when recognized as a legal marriage in that state or country.
3. Valid common law marriages.
4. California does not recognize any common law marriage contracted or performed within California.
5. California recognizes common law marriages contracted and performed in states where common law is legal. Most states use the following basic principles to establish such marriages.
6. A written or oral agreement of marriage between the individuals.
7. The individuals co-habit following the marriage agreement.
8. Domestic partnerships established with the California Domestic Partnership Registry.
9. Legal unions contracted and performed in other jurisdictions that are substantially equivalent to a California Domestic Partnership

B. Evaluating Any Support Liability of the spouse

1. When an applicant or recipient resides with their current spouse or partner, and the spouse or partner does not apply, the non-applicant/ recipient must be advised of their support liability.
2. Both spouses should sign the application for assistance.
3. Income of either spouse or partner will be used in budgeting the potential grant amount, using the couple grant level. Exception: The income of an SSI/SSP spouse or partner is excluded.
4. If a court order for legal separation or divorce assigns a financial spousal or partner support amount, the support liability is the court ordered amount.
5. Dissolved marriages without assigned support rights The prior spouse has no support liability.
6. Court ordered dissolved Domestic Partnerships without assigned support rights The prior partner has no support liability.

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7. Dissolution of Domestic Partnerships without court order. When both individuals agree without dispute and correctly notify the Domestic Partnership Registry, their partnership will be dissolved without court order. In such cases, both parties have agreed that no partner support rights exist. No liability for support exists.
8. If a separated spouse has no court ordered financial support, the potential support liability must be determined per Section C.

C. Determining Support Liability of the non-applicant/recipient spouse

1. Within ten (10) days of the application, the separated spouse must be sent a request of their financial status. All income and any deductions listed below must be verified.
2. The following deductions will be allowed against the income of the non-applicant/recipient spouse:
 3. Federal and State income taxes;
 4. Social Security contributions;
 5. Employee tax;
 6. Health insurance costs for dependents;
 7. Union dues;
 8. Retirement or pension fund employee contributions;
 9. Other medical expenses, child care costs, or private school expenses;
10. The Minimum Basic Standard of Adequate Care (MBSAC) established for the individual and their dependents. Refer to Eligibility and Assistance Standards Manual, section 44-207. The net income will be used to determine the liability per the following chart

SPOUSE SUPPORT SCALE

Schedule of Temporary Support In Domestic Cases – Alameda County Superior Court

Net Monthly Income (1)	Spousal Support (2)
\$200-\$299	\$50
\$300-\$349	\$75
\$350-\$399	\$100
\$400-\$499	\$150
\$500-\$599	\$200
\$600-\$699	\$250
\$700-\$799	\$300

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NOTE:

If the applicant or recipient has income with a net exceeding sixty percent (60%) of the non-applicant/ recipient spouse's net income, no support will be required.

11. If the non-applicant spouse does not provide verification of their financial status, their support liability is the amount of the GA applicant/ recipient's payable grant.
13. The non-applicant/ recipient spouse must be notified of their support liability.

D. Separated Spouse's Failure to Support

1. Separated spouses must be referred to the District Attorney or County Counsel within thirty (30) days of notification of their support responsibility, when the following occurs:
2. The spouse fails to assist in determining their support liability.
3. The spouse fails to meet their support responsibilities.
4. The applicant/recipient spouse's aid will not be affected by the non-applicant/recipient's failure to cooperate.

EXAMPLES:

- Ms. Betty Jones applied for GA on Jan. 5, 2009. She reported that she was married, but hadn't resided with her husband, John Jones, for the past two years. Mr. Jones has a financial obligation to provide financial support for Ms. Jones, as their marriage has not been dissolved. The Eligibility Technician (ET) needs to determine if Ms. Jones has contact information for Mr. Jones. When contact information is available, the ET must send Mr. Jones notice of his support liability.

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IV. References

California Family Code, 297 and 4320

GA regulations section 9-4

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