March 4, 2013

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: AES/003/2013]

On February 12, 2013, the Department of Advanced Education and Skills received your request for access to the following records:


Your request for access to these records has been granted. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

If you have any further questions, please feel free to contact Janelle Kenway at telephone number 729-7920.

Yours sincerely,

Darrin Pike
Deputy Minister

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spring September 20, 2005 - Income Support - Security Deposit - Regulation 19 (5)(d) Change
- October 14, 2006 - Income Support - High School Incentive Allowance Policy Update
- October 26, 2005 - Income Support - High School Incentive Allowance Policy Update
- February 8, 2006 - Income Support - Determining Eligibility Families and Single Persons 21 and Over Policy Update
- February 8, 2006 - Income Support - Determining Eligibility - Single Persons Under 21 Policy Update
- February 8, 2006 - Income Support - Shelter Assistance - Recipients with Dependents
- February 8, 2006 - Income Support - Shelter Assistance - Recipients Without Dependents
- March 21, 2006 - CEYS - Revised Forms CEYS 09 and CEYS 19a
- April 4, 2006 - Income Support - "Additional Assistance" procedures added to Shelter Assistance
- July 17, 2006 - Income Support - Appendix B9 Child Benefit Adjustment Table Added
- July 21, 2006 - Income Support - Appendices B1, B2, B3, B4 and B5 Rate Tables Added
- July 31, 2006 - Income Support - Job Start Policy and Procedures
- October 2, 2006 - CEYS Employment Development Supports Policy Update
- March 30, 2007 - CEYS LMAPD Training and Employment Supports Policy Posted
- April 2, 2007 - Income Support- Appendices B1 and B2 updated to reflect rate increase
- May 4, 2007 - Income Support - Additional Topics posted to Web Manual - Private Child Care, Housekeeper Services, Dental Health Program, Hearing Aid Program.
- June 4, 2007 - CEYS - update to Wage Subsidy Policy - Graduate Employment Program eligibility criteria.
- June 22, 2007 - Income Support - Additional Topics posted to Web Manual - Vision Care, Transportation - HCS Programs, Special Food Allowances - Diabetic Food Allowance and Special Food Allowances - Other Special Foods
- June 28, 2007 - Income Support - Updates effective July 1, 2007 for CCTB, NLCB and MBNS
- September 12, 2007 - Income Support - Additional Topics posted to the Web Manual - Attachment of Wages, Bankruptcy, Household Furniture and Appliances, NL Hydro and NL Power and Payment to a Trustee

http://www.intranet.gov.nl.ca/aes/eDocuments/HRIEManuals/IncomesEmploymentSupp...
April 25, 2008 - Income Support - Security Deposit Update

May 15, 2008 - CEYS - LMAPD Training and Employment Support Services Update

June 24, 2008 - Income Support - Updates effective July 1, 2008 for CCTB, NLGB and Appendix B.9 Child Benefit Adjustment Calculation Table

July 9, 2008 - Income Support - Updated Rate Tables - Appendix B.1 and Appendix B.2

July 10, 2008 - Income Support - NLGB Policy updated to reflect changes to the upper threshold based on number of children


Sept. 10, 2008 - Income Support - Update to Shelter Assistance - Recipients with Dependents and Update to Shelter Assistance - Recipients without Dependents

Sept 16, 2008 - CEYS - Wage Subsidy Program Policy Updated

Oct 24, 2008 - Income Support - Update to Partially Exempt Income, Vision Care, Special Food Allowance - Diabetic Food Allowance, Special Food Allowances - Other Special Foods, High School Incentive Allowance, Appendix B.2 and Appendix B.5

Nov 21, 2008 - CEYS - EDS Policy Updated

December 11, 2008 - Income Support - Furniture and Appliances policy updated to reflect change in level of authority for clothes dryers.


February 6, 2009 - Income Support - Furniture and Appliances policy updated.

February 25, 2009 - Additional topics posted to the Web Manual: Support Programs available through Regional health Authorities

March 03, 2009 - CEYS - EDS Policy Updated

March 17, 2009 - Additional topics posted to the Web Manual: Special Needs - ground rent and condo fees... , with a link to the document.

May 5, 2009 Update to Household Furniture and Appliances

May 20, 2009 - Additional Topics posted to the Web Manual: Workplace Health, Safety and Compensation

May 20, 2009 - Additional Topics posted to the Web Manual: Emergency Assistance

June 30, 2009 - Family and Individual Benefits - Daily Rates for Most Commonly Used Periods

June 30, 2009 - Family and Individual Benefits - Recurring Pay Rates


- Oct. 8, 2009 - Additional Topics posted to the Web Manual: Residency Required


- Nov. 2, 2009 - Additional Topics posted to the Web Manual: Furniture and Appliances


November 19, 2009 - Additional Topics Posted to the Web Manual: Reviews and Appeals

November 19, 2009 - Additional Topics Posted to the Web Manual: Joint Custody and Shared Living Arrangements for Children

November 23, 2009 - Additional Topics Posted to the Web Manual: Other Special Needs

- December 8, 2009 - Additional Topics Posted to the Web Manual: Newfoundland and Labrador Prescription Drug Program

- December 11, 2009 - Policy Update: Income Support - Information Required to Assess/Review Eligibility

- January 4, 2010 - Additional Topics Posted to the Web Manual: Canada Pension Plan Benefits

- January 6, 2010 - Additional Topics Posted to the Web Manual: Boarder Income

- January 6, 2010 - Additional Topics Posted to the Web Manual: Pensions from Other Sources

- January 6, 2010 - Additional Topics Posted to the Web Manual: Underpayment

- January 6, 2010 - Additional Topics Posted to the Web Manual: Cost of Living Allowance in Coastal Labrador

- January 14, 2010 - Additional Topics Posted to the Web Manual: Newfoundland and Labrador Housing Corporation

- January 19, 2010 - Policy Update: Job Start

- January 20, 2010 - Additional Topics Posted to the Web Manual: Employment Insurance

- January 21, 2010 - Additional Topics Posted to the Web Manual: Change in
- Circumstances

- January 22, 2010 - Additional Topics Posted to the Web Manual: Childcare

- February 1, 2010 - Income Support - Policy Update - Burials


- February 22, 2010 - Additional Topic Posted to Web Manual: Income Support and Student Aid

- February 22, 2010 - Additional Topic Posted to Web Manual: NL Hydro and NL Power


- February 23, 2010 - Additional Topic Posted to Web Manual: Severance Pay

- February 23, 2010 - Policy Update: Non-Exempt Income


- February 25, 2010 - Additional Topic Posted to Web Manual: Municipal Taxes

- February 26, 2010 - Additional Topic Posted to Web Manual: Board and Lodging


- February 25, 2010 - Policy Update: NL Housing

- February 25, 2010 - Policy Update: Shelter Policy and Procedure

- February 25, 2010 - Additional Topic Posted to Web Manual: General Transportation


- March 4, 2010 - Policy Update: Needs Test for Income Support when an Income Source is Reduced or Terminated (60 day rule)

- March 4, 2010 - Policy Update: Needs Test when ongoing income cannot meet the cost of a requirement (30 day rule)

- March 4, 2010 - Additional Topic Posted to Web Manual: Disaster Services

- March 4, 2010 - Additional Topic Posted to Web Manual: Child Benefit Adjustment

- March 4, 2010 - Additional Topic Posted to Web Manual: Comforts Allowance

- March 5, 2010 - Additional Topic Posted to Web Manual: Payment Methods
March 5, 2010 - Policy Update: Responsibility of Applicant/Recipient

March 8, 2010 - Additional Topic Posted to Web Manual: Assignment of Case Numbers

March 11, 2010 - Policy Update: Reviews and Appeals

March 11, 2010 - Policy Update: Mandate

March 11, 2010 - Additional Topic Posted to Web Manual: Held Cheques


March 19, 2010 - Policy Update - Income Support: Overview


March 19, 2010 - Policy Update - Income Support - Non-exempt Income.

March 22, 2010 - Income Support Policy Update - Support Trusts


March 24, 2010 - Income Support Policy Update - Assets


April 20, 2010 - Income Support - Policy Update - Mother Baby Nutrition Supplement

May 10, 2010 - Additional Topics Posted to Web Manual - T5007 Supplementary Slips

May 10, 2010 - Update to Income Support Policy Manual - Transportation - General

May 10, 2010 - Update to the Income Support Policy Manual - Delegation of Authority


July 2, 2010 - Income Support - Policy Update - Canadian Child Tax Benefit 2010

July 2, 2010 - Income Support - Policy Update - Newfoundland and Labrador Child Benefit 2010

July 23, 2010 - Income Support - Other Special Needs - Policy Update
- July 30, 2010 - Income Support - Updated Child Benefit Adjustment Table
- August 5, 2010 - Income Support - High School Incentives Allowance - Policy Update
- August 9, 2010 - Income Support - Canada Pension Plan Benefits Policy Update
- August 18, 2010 - Income Support - Policy Update - Child Benefit Adjustment
- August 18, 2010 - Income Support - Policy Update - Self Employment Income
- Sept. 10, 2010 - Income Support - Policy Update - Shelter Assistance (Rent and Mortgage) Policy and Procedure
- Sept. 27, 2010 - Income Support - Policy Update - Appendix B.5 Specific - Basic and Special Needs Rates
- Sept. 28, 2010 - Income Support - Policy Update - Other Special Needs
- September 30, 2010 - Income Support - Support Applications Referral Process Policy Update
- November 10, 2010 - Income Support - Policy Update - Comfert Allowance
- December 21, 2010 - Income Support - Policy Update - Shelter Policy and Procedure
- December 29, 2010 - Income Support - Policy Update - Support Payments - Child and Spouse
- December 29, 2010 - Income Support - Policy Update - Information Required for Eligibility
- January 8, 2011 - Income Support - Policy Update - Change in Circumstance
- January 10, 2011 - Income Support - Policy Update - Application Process
- January 11, 2011 - Income Support - Policy Update - Licensed Child Care
- January 12, 2011 - Income Support - Policy Update - Vision Care
- January 24, 2011 - Income Support - Policy Update - Licensed Child Care
- January 26, 2011 - Income Support - Policy Update - Other Special Needs
- January 20, 2011 - Income Support - Policy Update - Determining Continued Eligibility - Lump Sum Payments
- March 11, 2011 - Income Support - Policy Update - Assessing Client Eligibility - Garnished Income and Attachment of Wages
- May 13, 2011 - Policy Update - Income Support - Support Programs Available through Regional Health Authorities
- May 17, 2011 - Income Support – Policy Update - Children in Joint Custody, Shared Living Arrangements or the Care/Custody of the Director of Child, Youth and Family Services
- July 1, 2011 – Income Support – Policy Update – Canada Child Tax Benefit
- September 13, 2011 – Income Support – Policy Update – Job Start
- October 20, 2011 – Income Support Policy Update – Other Special Needs
November 24, 2011 – Income Support Policy Update – Personal Care and Nursing Homes

November 25, 2011 – Income Support - Policy Update - Shelter Policy and Procedure

January 6, 2012 - Income Support - Policy Update - Special Needs Rent for Single Clients

January 11, 2012 - Income Support - Policy Update - Victims of Violence

January 11, 2012 - Income Support - Policy Update - Needs Test for Income Support when Income is Reduced or Terminated

January 11, 2012 - Income Support - Policy Update - Needs Test when Ongoing Income Cannot Meet the Cost of a Requirement

January 12, 2012 – Income Support – Policy Update – Medical Equipment and Supplies


March 22, 2012 – Income Support - Policy Update - Overpayments and Recoveries


March 29, 2012 – Income Support – Policy Addition - Integrity Measures

April 2, 2012 – Income Support – Policy Update – Medical Transportation Policy and Procedure


April 27, 2012 – Income Support - Policy Update - Payment Methods Policy and Procedure

April 27, 2012 – Income Support - Policy Update - Shelter Policy and Procedure

May 1, 2012 – Income Support – Policy Update – Special Needs Ground Rent and Condo Fees

May 1, 2012 – Income Support – Policy Update – Determining Eligibility for Non-Canadians
- June 12, 2012 – Income Support – Policy Update – Children in Joint Custody, Shared Living Arrangements, or the Care/Custody of the Director of Child, Youth and Family Services
- July 26, 2012 – Income Support – Policy Update – Child Benefit Adjustment Table 2012-2013
- September 5, 2012 - Income Support – Policy Update – Burials
- September 24, 2012 - Income Support – Policy Update – Job Start
- September 24, 2012 - Income Support – Policy Update – Overpayments
- November 19, 2012 – Income Support – Policy Update – Appendix B.5
- December 5, 2012 – Income Support – Policy Update – NL Housing

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03875
How To Use This Manual

Income and Employment Support
Policy and Procedure Manual

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HOW TO USE THIS MANUAL

Intent

The Income and Employment Support Act (IES) and Regulations are the authoritative reference for eligibility decisions. The IES manual documents policies and administrative procedures of the Income Support (IS) and Career, Employment and Youth Services (CEYS) programs.

This electronic manual is the official program policy and procedures manual of Human Resources, Labour and Employment. It is an operational document to support the decision making process of staff delivering the Income Support (IS) and Career, Employment and Youth Services (CEYS) programs. These staff are the primary consumers of this document. This manual provides further information, clarification, authority levels and direction supporting the legislation (Act and Regulations). The policy sections of this manual are intended for use only after the staff person has reviewed the legislation. Wherever the legislation is clear, there is no repetition in policy.

Although one can print the policy page by page (by right clicking on the page and choosing print) it is not intended that the full manual be printed and maintained in hard copy format. You must be aware that a printed copy is only current at the time it is printed. Hard copies will not be provided thus in order to ensure that the policy is current users need to always reference the electronic format. The electronic manual will be updated on a continuous basis and users will always be notified electronically of any changes.

Structure of Manual

The structure of this Manual is very similar in design to the Income and Employment Support Act and Regulations in that it is completed in parts with some sections having specific program applicability and other sections being applicable to all programs. Language and terms in policy reflect language and terms contained in the legislation and regulations. Each section contains an intent statement, followed by policy statements; some sections contain procedures. Subheadings are included where there are multiple policy/procedures applicable.

The list below identifies the twelve sections of the manual with a brief summary of what is contained in each section.

Part I - Introduction

This section includes a glossary of acronyms and terms used in the programs; definitions contained in the IES Act, regulations and policy; the purpose and preamble of the Act and departmental service principles.

Part II - Legislation

This section contains links to the complete IES Act; IES Regulations and Access to Information and Protection of Privacy Act. The legislation is not indexed the link will take you to the beginning of the document. Each document has a clear "Contents" section preceding the particular legislation and it is there that you can click on a link to go to a particular section.

References to other pertinent legislation will be contained in the applicable policy section.

Part III - Income Support

This section contains the mandate; overview; application process; eligibility criteria; how to determine eligibility; administration requirements; information on other related Income Support programs and related appendices, including applicable forms.

http://www.intranet.gov.nl.ca/hrle/eDocuments/HRLPManuals/Income_Employment_Su... 2011.12.05
Part IV - Employment Services

This section contains the mandate; overview; application process; eligibility criteria; how to determine eligibility, administration requirements and related appendices, including applicable forms.

Part V - Use of Income Support to Provide Employment Support

This section includes the agreement, eligibility criteria, assessment process, and the administration requirements.

Part VI - Underpayment, Overpayment, Recovery and Attachment

This section provides the financial aspects relating to the administration of an underpayment and/or overpayment.

Part VII - Appeals

Appeals can be heard for both Income and Employment Support decisions. This section identifies what can and cannot be reviewed, the internal review process and the Board process.

Part VIII - Integrity Measures

This section includes investigations; Review Cycle Process; Telephone Eligibility Confirmation; Early Detection Program; Mortgage Review; the types of Interfaces we utilize and the Role of Internal Audit - all of which ensure compliance with IS/CEYS programs.

Part IX - Administration - General

This is an overall departmental administration section which provides information on client confidentiality; departmental computerized systems i.e., CAPS, CSMS and TRIM; assignment of file numbers; retention schedules and annual reporting.

Part X - Appendices

The appendices provide additional operational information not covered in the preceding parts of the Manual.

Part XI - Index

Provides specific topic areas by alphabetical and subject headings to locate policy and includes cross-referencing for convenience.

Part XII - Manual Revisions

This part contains the Manual Revision Log Sheet which provides a listing of all revisions by revision date, part and subject header and a concise description of the change. When updates occur the previous electronic version will be removed from the site by Provincial Office. Users who will require access to an earlier version of a policy may contact Provincial Office where the official manual and subsequent revisions will be housed in a central registry.

How to Navigate the Manual

The main navigation feature of this manual is hyperlinks which are indicated by blue underlined words like this example: (this is not an active hyperlink) By clicking on the hyperlink you will be taken to another part of the same document, to another document for more information on the topic you are reading or to an outside source such as the Department's Web Page or HRSDC. The link opens a new page and you just click on the X in the upper right hand corner to close the page and return to where you were.

At the top and bottom of each page you will be provided with a navigation bar. By clicking on one of the hyperlinks you will go to the location indicated.

Top: Go to: Table of Contents | Alphabetical Index | Department Home | IS Rates
Specific policy may be located by using:
   a) the Table of Contents - by general policy topic area;
   b) the Alphabetical Index - by alphabetical subject area. (To be developed)

The Table of Contents is structured using drop down lists indicated by the following symbols

* This indicates a drop down list - when you click on it more options display. When the list is opened the plus sign changes to a minus sign.

· Indicates list items that do not open into a drop down list.

* This is an example of how the drop down list works. Click on the Plus sign to see what happens.

Click on the Minus Sign to collapse the list again.

CONTACT US

If you have comments, questions or other feedback to share about the manual please send us an e-mail via NLWIN@gov.nl.ca. Enter IES Policy Manual in the subject line.

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Page updated: August 1, 2005
GLOSSARY OF ACRONYMS AND TERMS USED IN THIS MANUAL


- A -

ABE: Adult Basic Education

Air Ambulance: HCS program that air lifts sick persons to hospital

ADM: Assistant Deputy Minister

AIDS: Acquired Immunodeficiency Syndrome

AOB: Assignment of EI Benefits

- B -

- C -

CAP: Collaborative Action Planning

CAPS: Client Automated Pay System

CCTB: Canada Child Tax Benefit

CDS: Career Development Specialist

CEIS: Career and Employment Information System

CIC: Citizenship & Immigration Canada

Client Payment Services: a section of the Finance Division responsible for the remitting pay cheques.

CNA: College of the North Atlantic

CNIB: Canadian National Institute for the Blind

CPI: Consumer Price Index

CPP: Canada Pension Plan

CRA: Canada Revenue Agency

CSMS: Client Service Management System

CSO: Client Services Officer
CTB: Child Tax Benefit

- D -

DACS:

DM: District Manager

DVA: Department of Veterans Affairs

- E -

EBSM: Employment Benefits and Support Measures

EDP: Early Detection and Prevention Program

EI: Employment Insurance

EP: Employment Plan

EPTS: Employment Program Tracking System

ESA: Enhanced Screening Assessment

- F -

FACTS, the computerized delivery system to provide financial assistance for income support and other program areas

FLMM: Forum of Labour Market Ministers

- G -

GEP: Graduate Employment Program

GIS: Guaranteed income Supplement

- H -

HCC: Health Care Card (NL PDP)

HCS: Health and Community Services

HCV: Hepatitis C Virus

HIV: Human Immunodeficiency Virus

HRLE: Human Resources, Labour and Employment

HRSDC: Human Resources Skills Development Canada


- I -

ISP: Income Security Program (federal)

ITRD: Industry, Trade and Rural Development
Investigator: a client services officer who is specialized in the business functions related to the identification, investigation and prosecution of cases of alleged fraud.

ITS: Investigator Tracking System - the statistical program used to track the activity and savings from eligibility assurance initiatives.

J -

JEEPS: Job Experience and Employment in the Public Service

K -

KIV: Keep in View - is a reminder issued by a worker or automatically generated by the computer system concerning work that has to be completed by a certain date.

L -

LMAPD: Labour Market Agreement for People with Disabilities

LMDA: Labour Market Development Agreement

N -

NCB: National Child Benefit refers to all federal/provincial child benefits and includes NLFB and CCTB

NCBS: National Child Benefit Supplement

NLCB: Newfoundland and Labrador Child Benefit

NLHHC: Newfoundland and Labrador Housing Corporation

NLWIN: Newfoundland and Labrador Work Information Network

O -

OAS: Old Age Security

P -

PETS: Position Employee Training and Skills System

PPSOL: Provincial Post-Secondary Offerings List

PS: Program Supervisor

Q -

QPP: Quebec Pension Plan

R -

RCMP: Royal Canadian Mounted Police

RD: Regional Director

RESP: Registered Education Savings Plan
RHOSP: Registered Homeowners Savings Plan
RRSP: Registered Retirement Savings Plan
RSP: Retirement Savings Plan


- S -

SAIP: Service Authorization and Invoice Processing
SEP: Student Employment Program - Level I, II, III (High School)
SIN: Social Insurance Number
SWASP: Student Works and Services Program
SWIFT: System for Wage Subsidies, Interventions and Financial Tracking

- T -

- U -

- V -

VAC: Veterans Affairs Canada

- W -

WHSCC: Workplace Health, Safety and Compensation Commission
WINS: Work Information Network Statistics System
WVA: War Veterans Allowance

- X -

- Y -

- Z -
Definitions

Note:
(A) after a definition denotes it is defined in the Act;
(R) denotes it is defined in the Regulations and
(P) denotes it is defined in Policy.


In this Manual:

-A-

Accounts Receivable (P)
means a balance owed to the department by a client; term is interchangeable with
overpayment.

Act (R)
means the income and Employment Support Act (IES Act);

Action Memo (P)
is a form used to make changes to departmental records and accounts receivable
balances on cases.

Additional Assistance (P)
is a benefit up to the amount of $81, based on individual needs, which may be granted
to an active case to cover costs over and above the basic amounts for shelter.

Adjustment (P)
is an amount of income support issued when an underpayment of income support has
previously been made.

Adult (A)
means a person 18 years of age or older and includes a person who is less than 18
years old where that person is married or is a cohabiting partner;

Apartment (P)
means a housing unit that is self contained within a larger building;

Appeal Board (A)
means the appeal board established under section 42;

Appellant (A)
means an applicant or recipient who appeals the outcome of an internal review to the
appeal board and includes a person who appeals an internal review performed under section
4.2 of the Health and Community Services Act;

Applicant (A)
means a person making an application for income or employment support under this Act
and, for the purpose of income support includes that person's spouse or cohabiting partner,
does not include an employer applicant or third party in an employment support program;

Approved Professional (P)
means a member of a professional group approved by the minister for a particular
purpose;

(P) for the purpose of employment support in reference to regulation 43(1)
includes: Audiologist, Occupational Therapist, Ophthalmologist, Physician,
Psychologist, Physiotherapist, Social Worker, Speech Language Pathologist.

(P) for the purpose of income support includes:

for medical verification, shelter for single adults and single adults 18 to <21 - Nurse, Physician, Psychologist, Social Worker;
for diabetic food allowance - Nurse, Physician or Pharmacist;
for dentures - Dentist, Dentist, Physician;
for special diet - Nurse, Physician;
for legally blind person's supplement - Physician or Social Worker with the CNIB;
for higher exemption rate for liquid assets - Nurse, Physician, or Social Worker,
for declaration by proxy - Lawyer, Physician, Social Worker;
for person requiring supportive services - Nurse, Physician, or Social Worker;
for support trusts - Nurse, Physician, or Social Worker.

Assignment of Benefit (P)
refers to the eligibility requirement that the client provide authorization to an external
agency to redirect that agency's payments to the Department rather than to the client. There
are assignments of benefits for Canada Pension, WorkSafe, Health and Safety Compensation
benefits, Employment Insurance benefits, Veteran's Affairs allowances, and Insurance
settlements;

Authorization for Service (P)
are forms verifying that an income support applicant/recipient is eligible for the provision
of a service (i.e., school books, health benefits):


-B-

Basic Assistance (P)
is the basic monthly living allowance (which includes food, clothing and shelter)
provided to individuals and/or families through the Income Support program;

Bedsitter (P)
means a rented room within a dwelling, owned by a non-relative in which the sole
occupant has exclusive use of or shared use of kitchen and bathroom facilities. The occupant
(tenant) maintains him/herself independently of others by purchasing food, preparing meals,
being responsible for their own laundry services and maintenance of the room;

Blind Person's Supplement (P)
is a benefit of Income Support granted to adult clients and dependent children who are
declared legally blind by the Canadian National Institute for the Blind;

Board and Lodging (P)
refers to an arrangement where a person pays another party for food and shelter and is not responsible for maintenance of the shelter arrangements;

Board and Lodging for Adults Requiring Additional Support (P)

is a benefit of income Support issued to an adult who due to a persistent and permanent impairment, as certified by an approved professional, requires additional support which cannot be met by the regular rates of board and lodging with non-relatives;

Boarder Income (P)

refers to partially-exempt income, determined by calculating 20% of receipts for board and lodging from a boarder who is not a relative:


-C-

Canada Child Tax Benefit (CCTB) (P)

is an income tested child benefit payable to low and middle income families based on the number of dependent children under 18 years of age and family net income in the previous year. The CCTB consists of two separate child benefits, the Child Tax Benefit (CTB) and the National Child Benefit Supplement (NCBS) and is administered by the Canada Revenue Agency;

Case (P)

is an individual or family receiving a service(s) through the income support program;

Cash Receipts (P)

refers to a three part receipt (form 14-42) issued by the district office when payments are received from clients/former clients and third party sources on a client's behalf;

Child (A)

means a person under the age of 18 years but does not include a person who is less than 18 years old and who is married or is a cohabiting partner;

Child Benefit Adjustment (R)

means an adjustment to income support as determined by an officer when applicants or recipients do not receive the maximum Canada Child Tax Benefit or the Newfoundland and Labrador Child Benefit;

Circular (P)

is a numbered written transmittal of policy and procedure from a division to all departmental staff;

Client (P)

is an individual who has applied for, has been referred for or is receiving one or more services from the department;

Coastal Labrador Allowance (P)

is a basic allowance, up to $150/month, paid to recipients with dependent children or dependent students who maintain a residence in a coastal Labrador community;

Cohabiting Partner (A)

means either of 2 persons who are cohabiting in a conjugal relationship outside of marriage;

Comforths Allowance (P)

is a benefit of income support, up to $125 per month, paid to an applicant who is hospitalized or in an emergency shelter;

Conjugal Relationship (P)

is a relationship which exists between two persons who are not married but have either economic interdependence on each other; a parental connection or a societal perception that they are a couple in the community.

Credit Balance (P)

is an amount of income support that can be issued to a recipient due to an over
recovery of an overpayment as determined by the accounts receivable balance;


-D-

Declaration (P)
refers to a legal statement of facts recorded on departmental forms which must be
signed by an applicant or recipient and witnessed by an approved professional;

Declaration By Proxy (P)
is a form (14-721) used when a trustee is necessary because a client is permanently or
temporarily incapable of managing his/her own financial affairs;

Deductible Income (P)
is the portion of income which is deducted in full from the income support benefits;

Department (A)
means the department presided over by the minister;

Dependent (R)
means a dependent of an applicant or recipient who is a child under the age of 18 years or a
dependent student;

Dependent Student (R)
means a person of 18 years of age and older who lives with a relative and attends high school;

Diabetic Food Allowance (P)
is a benefit of income support which is provided to a recipient, dependent child or dependent
student, who has been certified by an approved professional as having diabetes, to offset nutritional
requirements:


-E-

Emergency Assistance (P)
is a benefit of Basic Assistance, approved for an adult/family when there is no eligibility for
income support on the date of application;

Emergency transportation (P)
is income support issued for transportation of applicants/recipients in emergency situations
where eligibility may or may not be predetermined based on needs testing;

Employment Assessment (A)
means an assessment to identify a person’s education, training, employment history, skill and
employment barriers in order to establish readiness for employment;

Employment Plan (A)
means a written plan which identifies a person’s experience, training or upgrading needs,
employment barriers, career goals, employment options, appropriate employment supports and
includes services offered by other agencies;

Employment Status (P)
refers to the applicant/recipient’s primary reason for receiving income support;

Employment Support (A)
means services, programs and financial benefits provided by the department to assist
recipients to prepare for, assess and keep employment, including self-employment and includes other
specific supports for persons with disabilities;
Entitlement (P)

is the amount of income support issued to an applicant/recipient considering the basic benefits less recovery, income and allowable liquid assets;

Exceptional Circumstances (P)

means something that is outside normal considerations;

Excess Assets (P)

are liquid assets over and above the permissible limits;

Exempt Income (R)

means income received by an applicant or recipient which is not considered in determining eligibility for income support, provided that the income is obtained by means of

- a federal compensation payment where an applicant or recipient or his or her dependent child or dependent student has contracted AIDS through a blood transfusion,

- income from interest from cash in a bank, stocks, bonds, or dividends from a corporation or from a support trust referred to in subsection 25 (3) of the Regulations,

- a payment under the 1986-1990 Hepatitis C Settlement Agreements, unless the payment is compensation for loss of income or loss of support under section 4.02 or 6.01 of the Transfused HCV or Hemophiliacs HCV Plans,

- federal and provincial refundable tax credits received by an applicant or recipient,

- one or more of the following sources:

  - payments for children in care,
  - special child welfare allowances,
  - child welfare allowances,
  - payments for alternate family care,
  - payments for youth under a Youth Services Agreement,
  - government funded disability related supports,
  - payments received from the Voluntary Student Work and Services Program, or
  - earnings of dependent students;

Exempt Liquid Assets (P)

are types of liquid assets that are not considered when determining eligibility for income support. In some cases certain types of liquid assets, i.e., RRSPs or funds from a severance package are exempt for a specific time period;

Extended Drug Card (P)

is an NLTPD drug card provided to an individual/family for six months for any recipient who is no longer eligible for income support due to employment or increased employment;


Family/Individual Benefit

is a benefit of basic assistance provided to an adult or a family, living in their own accommodations (either owned, rented or mortgaged), or living with relatives or non relatives;

File Number (P)

is a departmental six digit number assigned to a case;

Fuel Supplement (P)

is a benefit of income support provided to an applicant/recipient who maintains a residence where heat is not included in the rent:

-G-

**Ground Rent (P)**

is a fee charged by owners of subdivisions for residential mobile homes, where the land is rented from the owner.

**Group Payee (P)**

is an agency which receives a recurring pay cheque on behalf of more than one applicant/recipient;

**Guarantee For Issue Of Duplicate Cheque (P)**

is departmental form 14-465 that must be used when a cheque has to be replaced by non recurring pay;

**Guaranteed Income Supplement Supplement (GISS) (P)**

is a benefit of income support approved for applicants/recipient who also receive the guaranteed income supplement from the old age security program;


-H-

**Heat Subsidy Program (P)**

is a heating program of the Newfoundland and Labrador Housing Corporation for its subsidized rental units;

**Held Cheque (P)**

is a recurring pay cheque that will not be released by the department to a payee until a reassessment has been completed to determine entitlement to benefits;

**Hold Order (P)**

is form 14-791 which is used to have a recurring pay cheque held at source and not released to the payee;

**Home Support Services (P)**

refers to categories of income support approved for an applicant/recipient who requires supportive services to aid independent living and is delivered by the department of health and community services;

**Housekeeping Services (R)**

means those activities provided to a recipient which are necessary to maintain a household for a period of time determined by an officer and does not include supportive services;


-I-

**Immediate Family (P)**

for the purpose of wage subsidy applications means spouse, parent, grandparent, child, sibling, in-laws, or other person residing in the employer’s household.

**Income (P)**

is revenue from any source and is classified according to exempt income, partially exempt income or non exempt income;

**Income Support (A)**

means financial benefits

- to assist in meeting the daily living expenses of a recipient and
- to assist in meeting the additional or emergency needs of a recipient,
and may include other benefits prescribed in the regulations provided by the department or other government departments or benefits provided through programs of other government departments which have a monetary value for which an applicant may, based on his or her eligibility for benefits under subparagraphs 2.(k)(i) and (ii) of the Act be eligible:

**Income Tax Refund (P)**

is a lump sum payment of partially exempt income:

**Interim Cash Receipt (P)**

is a three part receipt (form 14-42) issued by the district office when payments are received from clients/former clients and third party sources on a client's behalf;

**Invoice (P)**

is a request for payment by a third party for goods/services provided to an applicant/recipient which were previously authorized by an officer of the department;


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**Joint Custody (P)**

refers to situations where both parents have equal say in making decisions concerning their children. The arrangement may be mutually agreed upon or formalized by a court process;


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**Landed Immigrant (P)**

is a person, from another country, who has been accepted into Canada while attempting to attain Canadian Citizenship;

**Landlord/Landlady (P)**

is the owner of an apartment, bedsit, or house that can be rented to other persons;

**Liquid Assets (R)**

means:
- cash on hand or in the bank, and
- readily marketable securities and investments

but does not include:
- funds held in trust for a prepaid funeral at the time of an application for income support except where the person is requesting support with funeral expenses,
- a Registered Education Savings Plan,
- funds from severance package for the period described in subsection 26.2 of the regulations,
- funds considered exempt income under paragraph 8(a) of the regulations, or
- funds held in a support trust which do not exceed a total of $100,000;

**Lump Sum Payment (P)**

is a one time or irregular payment from an income source that may or may not be for a specific period of time;
-M-

Minister (A)

means the minister appointed under the Executive Council Act to administer this Act.

Mission Air Transportation Network (P)

is a national charitable organization that provides free air transportation for Canadians in need of medical treatment or diagnosis outside their communities, by utilizing empty seats on corporate, government, commercial and private aircraft.

Mortgage (P)

is a benefit of basic assistance paid to an applicant/recipient to cover the principal and interest for a payment related to the primary residence of the applicant/recipient.

Mother Baby Nutrition Supplement (P)

is an income tested benefit provided to pregnant women and families with children under the age of 1 year living in this province and is not part of the income support program. The pre-natal component is delivered centrally through the Mother Baby Nutrition Supplement program and the post natal component is delivered as part of the Newfoundland and Labrador Child Benefit.

Municipal Taxes and Fees (P)

is a benefit of non basic assistance that covers, for certain income support recipients, the taxes and fees levied on homeowners or occupants by the municipality or local service district for the provision of basic municipal services.

-N-

National Child Benefit Supplement (P)

is an income tested child benefit payable to low income families in Canada and delivered by the Canada Revenue Agency. Families qualify for this benefit by applying for the Canada Child Tax benefit and the amount is based on the number of dependent children under 18 years of age and family net income.

NCB Reinvestment Fund (P)

is a fund based on the estimate total amount of national child benefit supplement paid to families in receipt of income support. It funds new programs and services, such as the ncb, to assist children in low income families.

Needs Test (P)

is a procedure for determining eligibility for income support by considering the requirements and resources of the applicant/recipient.

Negotiable Assets (P)

means liquid assets.

Newfoundland and Labrador Child Benefit (NLCB) (P)

is a child benefit provided to low income families with dependent children who reside in this province to help offset the cost of caring for their children. The NLCB is administered by the Canada Revenue Agency but is funded by the Government of Newfoundland and Labrador. Families apply for the benefit in the same manner as they apply for the Canada Child Tax Benefit. It is included with the Canada Child Tax Benefit as a joint federal/provincial child benefit.

NLPDP ID Card (P)

is a card which provides authorization for an applicant/recipient to obtain drugs paid for
by the Newfoundland and Labrador Prescription Drug Program of the Department of Health and Community Services;

**Non Eligible (R)**
means a person is not receiving employment insurance benefits and has not received those benefits within the last 3 years, or has not received employment insurance maternity or parental benefits within 5 years;

**Non Exempt Income (R)**
means income received by an applicant or recipient for which no exemption applies and which is used in determining eligibility but does not include partially exempt income, and which may be obtained by means of

- payments under the Canada Pension Plan, Old Age Security benefits, Veterans' Allowance, compensation under the Workplace Health, Safety and Compensation Act, employment insurance benefits, and pensions to the applicant or recipient or to his or her dependent child or dependent student from other sources,
- income received from a support trust by a person requiring supportive services according to section 28 of the regulations
- income received from federal training allowances,
- an assessment based on 50% of the receipts from rental of rooms on property which is used by the applicant or recipient as a residence,
- an assessment of rental income based on 50% of that income after the deduction of municipal property taxes for rented real property in which the applicant or recipient does not reside,
- payments which are monetary in nature or which are quantifiable in monetary terms including payments which are by way of arrears and which are received as child or spousal maintenance or support by the applicant or recipient under a private agreement, a domestic contract or a court order,
- payments received by the applicant or recipient under the Canada-Newfoundland and Labrador Student Loan Program or successor program and designated for shelter and living expenses,
- net income received from a severance package which an applicant or recipient receives upon permanently severing from his or her employer for the period of time that the severance package is payable,
- income resulting from the sale of property or the sale of a fishing licence,
- payments received as a result of an inheritance or from an estate, and
- income from an insurance claim whether it is paid in monthly instalments or by a lump sum payment;
- in the month that the payment, income, or inheritance is received;

**Non Recurring Pay (P)**
a payment method where income and employment support benefits are processed and mailed to clients, trustees or third parties as one time issuances:


-O-

**Occupation (P)**
is the current business/employment/vocation of an applicant/recipient;
Officer (A)

means an officer of the department appointed by the minister under section 5 of the act:

Official Cash Receipt (P)

is the form received from the Central Cashier's Office, Department of Finance as acknowledgement for interim Cash Receipts issued:

Official File (P)

is the official departmental record documents/verifications pertaining to a case:

Other Special Needs (P)

is a benefit of special needs that can be approved for income support applicants/recipient for reasons of safety, health and well being and are not addressed under other aspects of income support;

Overpayment (A)

means income or employment support provided to or on behalf of a recipient or to a trustee where evidence indicates that there was no entitlement to all or part of those benefits, or which a recipient receives to meet an immediate need, and which recipient agrees, in writing, to repay all or a portion of at a future date;


-P-

Partially Exempt Income (R)

means income to which an exemption under section 12 of the regulations applies and includes:

- salary and wages of the applicant or recipient, including income obtained from self-employment;
- winnings from games of chance or a lottery;
- board and lodging income assessed based on 20% of the receipts of board and lodging income from a boarder who is not a relative and that receipt shall not be less than an amount contemplated by subsection 14 (1), or paragraph 15 (2)(a) of the regulations,
- income tax refunds,
- scholarships or bursaries, and
- incentive allowances as approved by the minister

in the month that the income, or payment is received;

Payee (P)

is the applicant/recipient, trustee, landlord/landlady or other third party who receives the income or employment support cheque;

Payment (P)

is the amount of the income or employment support cheque;

Person requiring supportive services (R)

means a person who as certified by an approved professional, requires supportive services to assist with daily living;

Personal Care (P)

(for basic assistance purposes) refers to grooming and personal hygiene costs and is included in the benefits of regular assistance and board and lodging;

Personal Information (A)

means recorded information about an identifiable individual, including;
- the individual’s name, address or telephone number;
- the individual’s age, sex, marital status or family status
- an identifying number, symbol or other particular assigned to the individual
- information about the individual’s health care status or history, including a physical, developmental or mental health disability and
- information about the individual’s education, financial or employment status or history;

Policy (P)
means directives as outlined in this manual for the delivery of income and employment support;

Prepaid Funeral (P)
are funds held in trust by a funeral home to cover the cost of the funeral of the applicant/recipient and his/her family and are considered an exempt liquid asset when receiving income support, but a resource when requesting burial expenses;

Primary Caregiver (P)
for the purpose of determining eligibility for income support, is a parent who is in receipt of the Canada Child Tax Benefit;

Primary Living Arrangement (P)
is one of the living arrangements that could be agreed upon under a joint custody where the child resides with only one parent, who is considered the primary care giver;

Procedure (P)
means the process outlined in this manual for the delivery of income and employment support;

Provincial Home Repair Program (P)
is a program delivered by the Newfoundland and Labrador Housing Corporation which assists low income homeowners to affect necessary repairs to their homes including modifications for accessibility and in the case of seniors or individuals with disabilities, to improve the utility of the dwelling;

Purchased Support Agreement (P)
is an agreement/contract entered into by a Employment Corporation and an employer to compensate the employer for providing support to an employee, who has a developmental disability, using existing employees instead of a job trainer. Funding for the agreement/contract is provided by HRLE under the Labour Market Agreement for Persons with Disabilities. The agreement is usually reviewed/renegotiated every three months;


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-R-

Real Property (P)
means the home and other major property of the applicant/recipient and family if applicable, and includes primary residence, commercial businesses, farm, land, rental property and recreational property;

Recipient (A)
means a person who receives income or employment support and, for the purpose income support, includes that person’s spouse or cohabiting partner but does not include an employer, recipient or third party in an employment support program;

Recovery (P)
is an established deduction from Income Support or Employment Support issued to an applicant/recipient, a facility or third party payee to reduce and repay an overpayment on the case;

Recurring Pay (P)
a payment method where income and employment support benefits are processed and mailed to clients, trustees or third parties from a central location semi-monthly on a continuous basis.

Refugee (P)

is a person, from another country, who enters Canada illegally and applies for Landed Immigrant Status.

Refundable Tax Credit (R)

means a tax credit which is considered to be refundable which is not required to reduce an applicant’s or recipient’s tax liability and which is paid to the applicant or recipient monthly or quarterly but does not include and income tax refund.

Registered Provider (P)

for the purpose of training means an educational institution registered with the Department of Education (or equivalent in other Provinces) to provide post-secondary courses approved by the department and/or courses which meet industry standards.

Registered Retirement Savings Plans (P)

of less than $10,000 are considered an exempt liquid asset for 90 days from the date of eligibility for income support.

Registry (P)

is the location where the official departmental records are held.

Regulations (P)

means the Income and Employment Support Regulations;

Relative (A)

means a child, parent or grandparent of an applicant or recipient;

Rent (Basic) (P)

is a benefit of basic assistance issued to an applicant/recipient, living in a rented, bed-sitting room, apartment or house, where a tenant/landlord/landlady relationship exists and where the applicant/recipient is responsible for paying the heat and/or electricity costs;

Rent (Electricity Included) (P)

is a benefit of basic assistance issued to an adult/family, when basic rent includes the electricity costs.

Rent (Heat and Electricity Included) (P)

is a benefit of basic assistance issued to an adult/family, when basic rent includes both heat and electricity costs.

Rent (Heat Included) (P)

is a benefit of basic assistance issued to an adult/family, when basic rent includes the heat costs;

Rent to Own (P)

is a formal agreement between a homeowner and a tenant wherein an agreed amount of rent is paid over a specific period of time and the tenant will own the home when the agreement conditions are fulfilled;

Reopened Case (P)
Definitions

is a case who has not received Income Support from the department in the past calendar month;

Replacement Cheque (P)

is a non-recurring cheque that is issued as a substitute for another income Support cheque;

Retention Period (P)

is the approved duration of time (years) that certain departmental forms and correspondence must be retained;

Retroactive Assistance (P)

refers to Income Support issued for a past period of eligibility, beyond 30 days;

Review Cycle (P)

is a process where the Department of Human Resources, Labour and Employment automatically sends a recipient a Review Cycle Form to re-confirm eligibility for Income Support and to ensure that all relevant information is kept current. This form is to be signed by the recipient and spouse, if applicable, and returned to the Department. Review cycles are 6 months, 1 year or 3 years;

Rounding (P)

is the process where, in cases of non-recurring pay, Regular Assistance, Board and Lodging, Recoveries, and Deductible Income is calculated to the nearest dollar value;

Running Record or Case Record (P)

is a departmental form (14-107) which must be in the physical file of the case to record significant contact with or facts about the case. This is replaced with case notes in electronic filing;


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School Books (P)

This is a service provided to clients to cover prescribed textbooks and workbooks for dependent children attending regular school. School books are provided through an Authorization for Service for School Books which authorizes the Department of Education to provide these textbooks;

Security Deposit (P)

is a benefit of Non-Basic assistance that provides an amount up to $100 in advance as a benefit under the Landlord Tenancy Act at the commencement of the rental agreement as an assurance of proper upkeep of the rental unit;

Severance Pay (P)

is a lump sum payment of non-exempt income (net) that is prorated as future income for the period of the severance package. The lump sum payment is considered exempt liquid asset for the period covered by the severance package;
Shared Living Arrangement (P)

is an arrangement where the child(ren) lives with alternate parents for a corresponding period of time. Such arrangements may vary according to each case. For example, the child may live with one parent from Monday to Friday and the other parent for the weekend.

Single Parent (P)

is a single adult, receiving Income Support in their own right, who has a dependent child (ren) living in the home and can include a child over the age of 18 attending high school and is included on the allowance.

Social Disability (P)

refers to the employment status of persons who have demonstrated an inability to find or retain employment because of one or more of the following reasons:

- Alcohol and Substance Abuse
- Habitual Conflict with the Law
- Psychological Impairments
- Lack of Formal Education and Employment Skills
- Inadequate Social Skills
- Family Circumstances (e.g., lack of family support)
- Other Social Impairments

Special Child Welfare Allowance (P)

is a benefit provided through the Department of Health and Community Services intended to offset the cost of additional services/supports incurred by a family in the maintenance of a child with a disability. This income is considered exempt income.

Special Food/Special Diet (P)

is a benefit of Basic Assistance approved to meet the increased dietary needs of a client and/or dependents.

Special Needs (P)

refers to categories of Income Support which responds to the various needs of recipients, over and above Basic Assistance and includes:

- Dentures
- Vision Care
- School Books
- Household Furniture and Appliances
- Private (Unlicensed) Day Care
- Security Deposits
- Burials
- Other Special Needs

Spouse (A)

means either of two persons who are married to each other.

Statutory Declaration of Forgery (P)

is a form that must be signed by a Payee when an original cheque has been cashed, but must be replaced because the payee declares that she did not receive or benefit from it.
Stop Payment (A)

is a process where the client services officer will request, through the Client Payment Service, that a Computer Pay Cheque, not yet received by a payee, be not cashed by the Royal Bank of Canada or the Department of Finance;

Stranded Person (P)

is a person, who is temporarily in a location with no established residence and who wishes to return to the community of normal residence, but has no or inadequate resources to arrange the transportation costs;

Student Aid (P)

is a program of financial assistance, through the Department of Education, for students of this province, to pursue a Post Secondary Education;

Subrogation of a Support Order (P)

means that a client's rights under the Support Order Enforcement Act are transferred to the Minister of Human Resources, Labour and Employment;

Subsidized Rental Programs (Public Housing) (P)

refers to low rental housing, administered by Newfoundland and Labrador Housing Corporation, in various communities in the province;

Supplement (P)

is an amount of Income Support issued to a client and/or dependents in excess of income, to increase the total income to the level of Income Support. It is also referred to as an Income Support Supplement;

Support Payment Maintenance (P)

is non-exempt income paid to or on behalf of a client or dependent by an absent spouse or parent to assist in the support of the person or family;

Support Trust (R)

means a trust fund established for the use and benefit of a person requiring supportive services as defined in paragraph 2 (g) of the regulations;

Suspension (P)

is the termination of Income Support;


T5 Supplementary Slips (T5007) (P)

is a person who rents an apartment, boarding room or house from another person;

Third Party Payee (P)

is an individual or organization (e.g., a trustee or a landlord/lady), to which a cheque may be issued on behalf of a case to pay for a service provided;

Trailer/Mobile Home (P)
is a dwelling, that is occupied as a residence by an adult or family, that can be moved as it is usually not permanently fixed to a foundation.

Trustee (A)

means a person who has the control of income support for the benefit of a recipient:


Underemployed (P)

means an individual regularly working 20 hours or less per week or working in a position not related to their academic field of study;

Underpayment (A)

means income support which, due to a departmental error, was not paid to a recipient or former recipient who was eligible for it.

Urgent Repair Program (P)

provides assistance to Income Support clients only to carry out urgent repairs, which if uncorrected, would force the occupants to leave their home.


Verification (P)

is an official record or document provided by a client to a Client Services Officer to show proof of the required information (e.g., birth certificate, income status);

Victims of Violence (P)

Persons who are Victims of Violence are individuals who have suffered family abuse and are in receipt of Income Support in the interim until they can financially support themselves.

Widow / Widower (R)

for the purpose of these regulations, applies to spouses and cohabiting partners.

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PURPOSE OF IES ACT

3.(1) The purpose of this Act is to facilitate the provision of income and employment support to eligible persons.

(2) Income support programs and services include programs and services designed to:

a. provide financial assistance to persons determined to be in need in order to assist in meeting daily living expenses, shelter, transportation to medical services and special needs;

b. provide supplementary financial assistance to eligible persons with earned income;

c. provide supplementary financial assistance to eligible families in accordance with inter-governmental funding arrangements;

d. provide support to victims of violence, including timely access to financial assistance and referrals to other services to ensure the safety of those individuals and their children; and

e. provide other programs and services that the minister may, as needs demonstrate, decide are appropriate.

(3) Employment support programs and services include programs and services designed to:

a. assist individuals to acquire the employment supports, skills and experience necessary to successfully prepare for, access and keep employment, including self-employment, and to obtain access to job opportunities and training;

b. provide for employment assessments and the development of employment plans, including programs and services designed to help meet the objectives of an employment plan;

c. provide financial assistance to assist employers in offering employment experience and on-the-job training;

d. provide grants and support to approved community agencies that offer employment services;

e. assist individuals to research, explore and make informed decisions about careers, training and employment opportunities;

f. provide for those additional supports not referred to in paragraphs (a) to (e) which are required to assist persons with disabilities prepare for, access and keep employment, including self-employment, and for the inclusion and accommodation of their unique circumstances and needs; and

g. provide other programs and services that the minister may, as needs demonstrate, decide are appropriate.
ACT PREAMBLE

WHEREAS the promotion of self-reliance and well-being, participation in community life and the alleviation of poverty are social policy goals;

AND WHEREAS the delivery of income and employment support programs shall respect the dignity and privacy of the individual and be equitable, accessible, co-ordinated and financially responsible;

AND WHEREAS people encounter circumstances that affect their self-reliance and may require income support to assist with meeting their basic needs;

AND WHEREAS people may benefit from a variety of supports and services to help develop the skills and abilities necessary to prepare for, access and keep employment;

AND WHEREAS it is recognized that persons with disabilities face unique barriers to employment;

AND WHEREAS partnerships between government, people and community groups are desirable to ensure that appropriate income and employment support services are developed and maintained.

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Page Updated: July 28, 2005
SERVICE PRINCIPLES

4. The following principles apply to the delivery of income and employment support programs and services:

(a) access to these programs and services shall be provided in a timely manner with appropriate consideration of an applicant's unique circumstances and needs, as departmental resources, including budgetary appropriations, permit;

(b) there shall be accountability through regular review of this Act and the regulations made under it;

(c) this Act, the regulations made under it, and the policies and procedures of the department, shall, to the extent possible, be available to the public upon reasonable request in a form determined by the minister; and

(d) applicants and recipients shall be treated with dignity and respect in accordance with the standards of service developed by the department.
CHAPTER I-0.1

AN ACT RESPECTING THE PROVISION OF INCOME AND EMPLOYMENT SUPPORT TO THE PEOPLE OF THE PROVINCE

(As assented to December 19, 2002)

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WHEREAS the promotion of self-reliance and well-being, participation in community life and the alleviation of poverty are sound policy goals;

AND WHEREAS the delivery of income and employment support programs shall respect the dignity and privacy of the individual and be equitable, accessible, co-ordinated and fiscally responsible;

AND WHEREAS people encounter circumstances that affect their self-reliance and may require income support to assist with meeting their basic needs;

AND WHEREAS people may benefit from a variety of supports and services to help develop the skills and abilities necessary to prepare for, access and keep employment;

AND WHEREAS it is recognized that persons with disabilities face unique barriers to employment;

AND WHEREAS partnerships between government, people and community groups are desirable to ensure that appropriate income and employment support services are developed and maintained;
Be it therefore enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:

Short title

1. This Act may be cited as the Income and Employment Support Act

Definitions

2. In this Act

(a) "adult" means a person 18 years of age or older and includes a person who is less than 18 years of age where that person is married or is a cohabiting partner;

(b) "appeal board" means the appeal board established under section 42:

(c) "appellant" means an applicant or recipient who appeals the outcome of an internal review to the appeal board and includes a person

(i) who appeals the outcome of an internal review performed under section 4.2 of the Health and Community Services Act, or

(ii) who appeals the outcome of an internal review performed under section 40 of the Pharmaceutical Services Act;

(d) "applicant" means a person making an application for income or employment support under this Act and, for the purpose of income support includes that person’s spouse or cohabiting partner, but does not include an employer applicant or third party in an employment support program;

(e) "child" means a person under the age of 18 years but does not include a person who is less than 18 years of age and who is married or is a cohabiting partner;

(f) "cohabiting partner" means either of 2 persons who are cohabiting in a conjugal relationship outside of marriage;

(g) "department" means the department presided over by the minister;

(h) "employment assessment" means an assessment to identify a person’s education, training, employment history, skills and employment barriers in order to establish readiness for employment;

(i) "employment plan" means a written plan which identifies a person’s experience, training or upgrading needs, employment barriers, career goals, employment options, appropriate employment supports and includes services offered by other agencies;

(j) "employment support" means services, programs and financial benefits provided by the department to assist recipients to prepare for, access and keep employment, including self-employment, and includes other specific supports for persons with disabilities;

(k) "income support" means financial benefits

(i) to assist in meeting the daily living expenses of a recipient, and
(ii) to assist in meeting the additional or emergency needs of a recipient,

and may include other benefits prescribed in the regulations provided by the department or other government departments or benefits provided through programs of other government departments which have a monetary value for which an applicant may, based on his or her eligibility for benefits under subparagraphs (i) and (ii), be eligible;

(i) "minister" means the minister appointed under the Executive Council Act to administer this Act;

(m) "officer" means an officer of the department appointed by the minister under section 5:

(n) "overpayment" means income or employment support

(i) provided to or on behalf of a recipient or to a trustee where evidence indicates that there was no entitlement to all or part of those benefits, or

(ii) which a recipient receives to meet an immediate need, and which the recipient agrees, in writing, to repay all or a portion of at a future date;

(o) "personal information" means recorded information about an identifiable individual, including

(i) the individual's name, address or telephone number,

(ii) the individual's age, sex, marital status or family status,

(iii) an identifying number, symbol or other particular assigned to the individual,

(iv) information about the individual's health care status or history, including a physical, developmental or mental health disability, and

(v) information about the individual's educational, financial or employment status or history;

(p) "recipient" means a person who receives income or employment support and, for the purpose of income support includes that person's spouse or cohabiting partner but does not include an employer, recipient or third party in an employment support program;

(q) "relative" means a child, parent or grandparent of an applicant or recipient;

(r) "spouse" means either of two persons who are married to each other;

(s) "trustee" means a person who has the control of income support for the benefit of a recipient; and

(t) "underpayment" means income support which, due to a departmental error, was not paid to a recipient or former recipient who was eligible for it.

2002 c1-0.1 s2; 2006 cP-12.01 s53

Purpose

3. (1) The purpose of this Act is to facilitate the provision of income and employment support to eligible persons.
(2) Income support programs and services include programs and services designed to

(a) provide financial assistance to persons determined to be in need in order to assist in meeting daily living expenses, shelter, transportation to medical services and special needs;

(b) provide supplementary financial assistance to eligible persons with earned income;

(c) provide supplementary financial assistance to eligible families in accordance with intergovernmental funding arrangements;

(d) provide support to victims of violence, including timely access to financial assistance and referrals to other services to ensure the safety of those individuals and their children; and

(e) provide other programs and services that the minister may, as needs demonstrate, decide are appropriate.

(3) Employment support programs and services include programs and services designed to

(a) assist individuals to acquire the employment supports, skills and experience necessary to successfully prepare for, access and keep employment, including self-employment, and to obtain access to job opportunities and training;

(b) provide for employment assessments and the development of employment plans, including programs and services designed to help meet the objectives of an employment plan;

(c) provide financial assistance to assist employers in offering employment experience and on-the-job training;

(d) provide grants and support to approved community agencies that offer employment services;

(e) assist individuals to research, explore and make informed decisions about careers, training and employment opportunities;

(f) provide for those additional supports not referred to in paragraphs (a) to (e) which are required to assist persons with disabilities to prepare for, access and keep employment, including self-employment, and for the inclusion and accommodation of their unique circumstances and needs; and

(g) provide other programs and services that the minister may, as needs demonstrate, decide are appropriate.

2002 cf-0-1 s3

Labrador Inuit rights

3.1 This Act and regulations made under this Act shall be read and applied in conjunction with the Labrador Inuit Land Claims Agreement Act and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the Labrador Inuit Land Claims Agreement Act, the provision, term or condition of the Labrador Inuit Land Claims Agreement Act shall have precedence over the provision of this Act or a regulation made under this Act.
Service principles

4. The following principles apply to the delivery of income and employment support programs and services:

(a) access to those programs and services shall be provided in a timely manner with appropriate consideration of an applicant's unique circumstances and needs, as departmental resources, including budgetary appropriations, permit;

(b) there shall be accountability through regular review of this Act and the regulations made under it;

(c) this Act, the regulations made under it, and the policies and procedures of the department, shall, to the extent possible, be available to the public upon reasonable request in a form determined by the minister; and

(d) applicants and recipients shall be treated with dignity and respect in accordance with the standards of service developed by the department.

PART I
GENERAL

Appointment of officers

5. The minister may appoint a person as an officer to deliver income and employment support programs and services under this Act, and an officer is responsible for the duties and functions that the minister may determine.

Protection from liability

6. An officer is not liable for anything done or omitted to be done in good faith in the exercise or performance or intended exercise or performance of a power, duty or function conferred under this Act.

Release of information

7. (1) In the course of administering this Act, the minister may collect information which may include an applicant's or recipient's personal information.

(2) Information provided by an applicant or a recipient under this Act is confidential.
(3) Notwithstanding subsection (2), the minister may exchange information necessary to determine eligibility under this Act with those individuals and entities prescribed in the regulations.

(4) Notwithstanding subsection (2), the minister may disclose personal information for a research purpose, including statistical research, only where

(a) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form;

(b) any record linkage is not harmful to the individuals that the information is about, and the benefits to be derived from the record linkage are clearly in the public interest;

(c) the minister has approved conditions relating to the following:

(i) security and confidentiality.

(ii) the removal or destruction of individual identifiers at the earliest reasonable time, and

(iii) the prohibition of any subsequent use or disclosure of that information in individually identifiable form without the express authorization of the minister; and

(d) the person to whom that information is disclosed has signed an agreement to comply with the approved conditions, this Act and government policies and procedures relating to the confidentiality of personal information.

(5) Notwithstanding subsection (2), an applicant, recipient or a person acting on his or her behalf may view his or her personal information and, where necessary, request correction of his or her personal information.

(6) For the purpose of this section, information required or provided under this Act includes information that was required or provided under the Social Assistance Act.

2002 c1-0.1 s7

Agreements, contracts

8. The minister may make and enter into

(a) agreements on behalf of the province with the Government of Canada or the government of a province of Canada or any agency of them or with a private entity or agency with respect to a matter under this Act; and

(b) contracts with third party and employer groups with respect to the provision of employment programs and services.

2002 c1-0.1 s8

Programs and pilot projects

9. (1) The minister shall provide income and employment support programs and services from funds appropriated by the legislature.

(2) In providing programs under subsection (1), the minister may provide for pilot projects.
demonstration projects and innovations in income and employment support programs and services in all or part of the province.

Electronic filing

10. In accordance with the Electronic Commerce Act, an electronic record or document, which may include an electronic signature, may be used to satisfy a requirement of this Act.

Annual report

11. The minister shall, by November 30 in a year, prepare a report on the administration of this Act for the previous fiscal year, together with a statement showing the expenditures made under this Act for that year, and shall table that report before the House of Assembly, but where the House of Assembly is not then sitting, the minister shall table that report within 30 days after the commencement of the next sitting.

Review

12. (1) The minister shall, every 5 years, perform a review of this Act and the regulations made under it, the principles upon which it is based and consider the areas in which it may be improved and report his or her findings to the Lieutenant-Governor in Council.

(2) The minister shall, every 3 years, review income support rates and report his or her findings to the Lieutenant-Governor in Council.

PART II
ELIGIBILITY

Condition of eligibility

13. (1) Prior to making an application for income support and as a condition of eligibility for income support, a person shall pursue all other financial resources available to him or her or his or her spouse or cohabiting partner.

(2) For the purpose of subsection (1), the requirement to pursue all other financial resources does not include the support referred to in section 38 of the Family Law Act.
14. (1) The eligibility of an applicant for income support shall be determined by an officer based on the information provided by the applicant under section 17, and where, based on the criteria prescribed in the regulations, the applicant’s assessed need for income support is determined to be greater than his or her income and assets, that person shall be considered to be eligible for income support.

(2) The eligibility of an applicant for employment support shall be determined based on the criteria prescribed in the regulations.

(3) The minister may offer, or an applicant or recipient may request, the following employment services:

(a) an employment assessment;

(b) the development of an employment plan; and

(c) other employment supports that are considered appropriate.

and where the appropriate resources are available, those employment services may be provided to the applicant or recipient.

(4) Where a person is determined to be eligible for employment support, that eligibility shall not be construed as requiring the minister to provide that support where the minister has determined, in the context of a budgetary allocation for the purpose, that the appropriate funds are not available to do so.

(5) The signature of an applicant’s spouse or cohabiting partner is required on the application for income support.

(6) Notwithstanding subsection (5), the minister may, in exceptional circumstances, dispense with the requirement of that subsection.

2002 c1-0.1 s14

Required to live in province

15. (1) An applicant and a recipient shall live in the province to be eligible for income and employment support.

(2) For the purpose of this section, "live in the province" means physically present in the province, but an applicant or a recipient may, for a purpose prescribed in the regulations, be temporarily absent from the province and, notwithstanding that absence, he or she is still considered to live in the province for the purpose of this Act.

2002 c1-0.1 s15

Emergency and other situations

16. Notwithstanding another provision of this Act, the minister may, in an emergency situation or to ensure the immediate health, safety or well-being of an individual or family, determine the eligibility of certain persons for income support without reference to sections 14, 15, or 17.

2002 c1-0.1 s16
Application for income or employment support

17. (1) A person shall apply for income and employment support in the manner prescribed by the regulations.

(2) An application for income or employment support shall be assessed based on the criteria prescribed by the regulations.

(3) An applicant shall provide the information required to assess his or her application in the time and manner prescribed by the regulations and an officer may

(a) with the applicant's consent, seek verification of any information supplied; and

(b) direct an applicant to supply verification of any information supplied to the officer by the applicant.

(4) A recipient shall provide the information required to assess his or her eligibility in the time and manner prescribed by the regulations and an officer may

(a) with the recipient's consent, seek verification of any information supplied; and

(b) direct a recipient to supply verification of any information supplied to the officer by the recipient.

(5) A recipient shall notify the officer immediately of any changes that may affect that recipient's eligibility for income or employment support as prescribed by the regulations.

(6) If, within the time period prescribed by the regulations, an applicant or recipient fails to consent or to comply with a direction of an officer under subsection (3) or (4), the officer may

(a) declare the applicant ineligible to receive income or employment support; or

(b) vary, suspend or cancel income or employment support provided to or for the recipient.

Duties of officers

18. (1) An officer shall, as directed by the minister.

(a) receive applications for income and employment support; and

(b) in accordance with this Act and the regulations,

(i) determine whether the applicant is eligible to receive income support and the date on which that person becomes eligible,

(ii) determine the amount of income support the applicant is eligible to receive,

(iii) determine whether the applicant is eligible to receive employment support,

(iv) advise the applicant of the amount of income support to be provided, the employment support that may be available to the applicant and the information required to be provided to ensure the continuation of that income or employment support.
(v) direct the payment of income support or the provision of employment support in the approved time period.

(vi) in the time period set by the minister, review the income support provided to the recipient and promptly advise the recipient of any changes in eligibility; and

(vii) advise the applicant or recipient of the right to appeal decisions made under this Act.

(2) The minister may designate an officer to perform investigations under this Act, and that officer may perform those investigations in the manner prescribed by the regulations.

(3) The minister may designate an officer to assist a person to obtain child or spousal support in the manner prescribed by the regulations.

2002 c1-0.1 s18

How support granted

19. (1) Income and employment support may be granted in a form and manner that an officer, with the approval of the minister, may determine.

(2) Notwithstanding subsection (1), an officer may, in accordance with the regulations, at the request of the recipient and with the approval of the minister, use funds available for a recipient's income support to provide that recipient's employment support.

(3) Where funds are used in the manner described in subsection (2), the consent of the recipient's spouse or cohabiting partner shall be obtained.

(4) Notwithstanding subsection (3), the minister may, in exceptional circumstances, dispense with the consent required under that subsection.

2002 c1-0.1 s19

Payment to trustee

20. (1) Where

(a) an applicant or recipient requests, or

(b) an officer determines, based on the criteria set out in the regulations, that an applicant or a recipient is temporarily or permanently incapable of managing his or her financial affairs,

an officer may direct that the income support, in whole or in part, be paid to another person on behalf of the recipient, and where a person has not been designated, an officer may refuse to release the income support until a person is designated.

(2) The person to whom income support is paid under subsection (1) shall be considered to be a trustee of the recipient and shall use the income support to the benefit of the person in respect of whom it was granted, and where that person fails to do so, he or she is guilty of an offence.

2002 c1-0.1 s20
Death of recipient

21. Where a person in respect of whom income or employment support is granted dies,

(a) income support shall cease at the end of the payment period of the last cheque issued before the recipient died; and

(b) employment support shall cease on the date of death.

2002 c1-0.1 s21

PART III
UNDERPAYMENT, OVERPAYMENT AND ATTACHMENT

Support improperly paid - underpayment

22. Recipient means a recipient as defined in paragraph 2 (p) and for the purpose of this Part, includes a recipient's estate, a trustee of a recipient and a former recipient of income or employment support.

2002 c1-0.1 s22

Support improperly paid - overpayment

23. Where it is discovered that, based on evidence satisfactory to the minister, a recipient has received an underpayment, the amount of the underpayment shall, for a retroactive period not more than 6 years before the date of its discovery, be paid to the recipient.

2002 c1-0.1 s23

Support improperly paid - overpayment

24. (1) An overpayment is a debt due by a recipient to the Crown in right of the province.

(2) An overpayment shall be calculated for a retroactive period not more than 6 years from the date of its discovery, but where

(a) the income or employment support was fraudulently obtained, or

(b) the income or employment support paid was agreed, in writing at the time the support was paid or in the course of its being paid, to be repayable,

this subsection shall not apply.

(3) Where an overpayment is to be recovered from a recipient

(a) receiving income support only; or

(b) receiving income and employment support.
the amount may be recovered from the income support described in paragraph 2 (k)(1) in the manner
and at the rate prescribed by the regulations.

(4) Where an overpayment is to be recovered from a recipient receiving employment
support only, the amount may be recovered from funds available for employment support for which
a person may be eligible under section 14 in the manner and at the rate prescribed by the regulations.

(5) In addition to the manner of recovery referred to in subsections (3) and (4), an
overpayment may be recovered from a person receiving income or employment support, or both
income and employment support in another manner set out in this Part.

(6) Where a person who formerly received income or employment support under this Act
has received an overpayment of that support, it may be recovered

(a) under a restitution agreement, where that person enters into a restitution agreement
under section 27; or

(b) where that person is unwilling or unable to enter into a restitution agreement or defaults
on a restitution agreement, under section 26.

(7) An overpayment of income support may be apportioned by the minister in the manner
prescribed by the regulations.

(8) Notwithstanding subsection 8(4) of the Limitations Act, the limitation period for
commencing an action to recover an overpayment under this Act shall be 6 years.

2002 c1-0.1 s24

Notice

25. Where an overpayment is discovered under this Act, the minister shall, in writing, notify the
recipient

(a) that the overpayment is a debt due to the Crown;

(b) of the amount of the overpayment and the manner of calculating the overpayment;

(c) that the overpayment may be recovered in accordance with this Part; and

(d) of the recipient’s right to appeal under section 43.

2002 c1-0.1 s25

Recovery of overpayment

26. An overpayment may, in addition to any other manner in which it may be recovered, be
recovered under subsection 24 (3) or (4) and

(a) through a restitution agreement under section 27;

(b) by a demand under section 28;

(c) through garnishment under section 29; or
(d) by filing a certificate of judgment under section 34.

Restitution agreement

27. (1) Where it is discovered that a person who no longer receives any benefit under this Act received an overpayment of income or employment support while still receiving benefits, the minister may enter into an agreement with that person for the repayment of the amount due to the Crown.

(2) The amount referred to in subsection (1) is a debt due to the Crown and, on default, is enforceable as such.

Demand and third party effect

28. (1) Where the minister has knowledge that a person is or is about to become indebted to a recipient who has an overpayment owing as a debt due to the Crown, the minister may demand of that person that the money otherwise payable by him or her to the recipient be paid, in whole or in part, to the minister on account of the recipient’s liability to repay the debt created by the overpayment.

(2) A debt referred to in subsection (1) shall not include a wage or salary owed to a recipient in the course of employment.

(3) The minister may issue a notice of the demand referred to in subsection (1) to the person who is or who is about to become indebted to the recipient.

(4) A demand referred to in subsection (3) shall be served on the person who is or is about to become indebted to a recipient by registered mail, fax or personal delivery.

(5) A person in receipt of a demand under subsection (1) is personally liable to the Crown for a debt due to the Crown

(a) to the extent of the debt owed by him or her to the recipient; or

(b) to the amount of the overpayment due by the recipient whichever is less.

(6) Where a person indebted to a recipient has complied with the minister’s demand under subsection (1), the minister’s receipt is sufficient evidence that the debt is paid to the amount reflected in the receipt.

(7) For the purpose of this section, a debt owing to the recipient includes a payment that may be owing under an insurance policy.
29. (1) An overpayment may be recovered by garnishment of money payable to the recipient by another person.

Garnishment

(2) The minister may issue a notice of garnishment to the person who owes the money to the recipient.

(3) A notice of garnishment referred to in subsection (2) shall be served on the garnishee by registered mail, fax, or by personal delivery.

(4) On receipt of the notice of garnishment, the garnishee shall immediately deliver, personally or by ordinary mail, a copy of the notice to the recipient.

(5) Failure of the garnishee to comply with subsection (4) does not make the garnishment ineffective.

(6) A notice of garnishment under subsection (2) binds the money then due and accruing due from the garnishee to the recipient in the amount required to repay the overpayment in the amount and at the rate prescribed by the regulations and set out in the notice.

(7) A garnishee shall, within 7 days of holding the money referred to in subsection (6), pay the money to the minister in the amount and at the rate prescribed by the regulations and set out in the notice.

(8) Payments made by the garnishee to the minister under a notice of garnishment discharges the obligation of a garnishee to the recipient to the amount paid.

(9) For the purpose of this section, money includes a payment under an insurance policy.

2002 c1-0.1 s29

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Dispute of garnishment

30. (1) Where the garnishee alleges that

(a) no money is owing by him or her to the recipient;

(b) the garnishee has satisfied his or her obligation to the recipient and no further money is payable from the garnishee to the recipient; or

(c) the garnishee has not received sufficient information with respect to the recipient to enable the garnishee to make deductions,

he or she shall file a statement with the minister within 10 days of service of the notice of garnishment or, when the obligation to pay the recipient has been satisfied, as the case may be.

(2) Where a statement is filed by the garnishee under subsection (1), a judge of the Trial Division may, on application by the minister within 30 days after the date the statement is filed,

(a) summarily determine whether the garnishee is liable under the notice; or

(b) order that an issue or question necessary for the determination of the liability of the garnishee be tried.

(3) A determination of a judge under this section is a judgment of the court and may be so enforced.
(4) Where a garnishee files a statement under subsection (1) and the minister does not make an application within the period specified in subsection (2), the garnishee is released from the obligation under the notice of garnishment.

2002 c1-0.1 s30

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Default of payment by the garnishee

31. (1) Unless the garnishee files a statement under subsection 30 (1), where the garnishee does not pay to the minister the amount due from the garnishee to the recipient or the amount required to be paid by the garnishee under a notice of garnishment, the minister is entitled to judgment against the garnishee by filing in the Trial Division the notice of garnishment, with proof of service, and an affidavit stating that the garnishee has not made payments required by this Act and has not filed a statement under subsection 30 (1).

(2) A judgment under subsection (1) shall include the amount of the default under the notice of garnishment, together with the costs of the application.

2002 c1-0.1 s31

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Dispute by recipient

32. (1) The recipient may apply to the Trial Division for an order setting aside or varying a notice of garnishment on the basis that the overpayment has been paid or that there is no money payable by the garnishee to the recipient.

(2) The recipient shall, in accordance with the regulations, serve notice of an application under subsection (1) on the minister.

2002 c1-0.1 s32

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Exemption from garnishment

33. On application by a recipient, a judge of the Trial Division may, where satisfied that it would be grossly unfair and inequitable to do otherwise, make an order specifying the amount of money that is exempt from garnishment.

2002 c1-0.1 s33

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Certificate of judgment

34. (1) Where a person fails to repay an amount owing that is due to the Crown under this Act, the minister may issue a certificate stating the amount due and remaining unpaid to the Crown and the name of the person by whom it is payable, and file the certificate with the Registrar of the Supreme Court.

(2) Where a certificate is filed with the Registrar of the Supreme Court under subsection (1), it is of the same effect and all proceedings may be taken on the certificate as if it were a judgment of the Trial Division for the recovery of the amount stated in the certificate against the person named in
the certificate.

(3) A person named in a certificate filed under this section may, within 30 days after the certificate is filed, apply to a judge of the Trial Division for a review, on a question of law or jurisdiction, of the certificate or the decision upon which the certificate was based.

(4) On an application under subsection (3), the judge may make any amendment to the certificate that is necessary to make the certificate accord with the judge's decision.

(5) There is no appeal from a decision of a judge made under this section.

(6) A certificate filed under this section may also be filed in the judgment enforcement registry upon the expiration of the 30 day period referred to in subsection (3) in accordance with Part III of the Judgment Enforcement Act and be enforced in accordance with that Act.

2002 c1-0.1 s34

Administration of recipient's estate

35. Where an overpayment is owed by the estate of a deceased recipient who dies without a will and no letters of probate or of administration have been granted, the Trial Division shall, on the application of the minister, grant administration of the estate to the Registrar of the Supreme Court.

2002 c1-0.1 s35

Action taken in name of minister

36. An overpayment may be recovered by the minister, and an action or other proceeding for the recovery of the overpayment may be instituted in the name of the minister.

2002 c1-0.1 s36

Attachment

37. Except for the purpose of recovering an overpayment, income and employment support are not subject to attachment or seizure in satisfaction of a claim against a recipient.

2002 c1-0.1 s37

Defence not applicable

38. The defence of change in circumstance shall not apply in an action to recover an overpayment.

2002 c1-0.1 s38

Transitional
39. (1) Overpayments of social assistance under the Social Assistance Act made before the coming into force of this Act may be recovered on the same basis and in the same manner as provided in this Act for the recovery of an overpayment.

(2) Overpayments or underpayments of social assistance under the Social Assistance Act made before the coming into force of this Act, whether discovered before or after the coming into force of this Act, shall be calculated according to the enactment in force when the overpayment or underpayment was discovered.

2002 c1-0.1 s30

Support Orders Enforcement Act, 2006

40. Under the Support Orders Enforcement Act, 2006, the minister may subrogate the amount paid to a person who receives the benefit of a support order with the consent of that person, and that subrogation does not affect that person's entitlement to income and employment support under this Act, but may affect the amount of income support that may be paid to the person under this Act.

2002 c1-0.1 ss40; 2006 cS-31.1 ss85

PART IV
APPEAL

Internal review

41. (1) The minister shall, in accordance with the regulations, appoint an officer or officers to perform an internal review of the matters referred to in subsection (2).

(2) An applicant or recipient may request an internal review of

(a) a decision with respect to income support made under the authority of this Act or the regulations;

(b) a decision respecting eligibility for, suspension or cancellation of, employment support made under the authority of this Act and the regulations; or

(c) an underpayment or overpayment.

(3) A request under subsection (2) shall be made in writing by the recipient no later than 60 days after being notified of the matters referred to in paragraph (2)(a), (b) or (c).

(4) An officer or officers appointed under subsection (1) shall perform an internal review in the manner prescribed by the regulations.

(5) An internal review shall be performed within 15 days of the receipt of the written request for it, and the results of an internal review shall be provided to the applicant or recipient who requested the review, in writing, within 5 business days of being decided, and the applicant or recipient is considered to have received the outcome of the internal review 7 business days after it has been decided.

(6) A decision of an officer or officers performing an internal review under this section shall not, under the authority of subsection 14(4), include an order to provide employment support.

2002 c1-0.1 s41
42. (1) The Lieutenant-Governor in Council shall appoint not more than 3 persons to act as an independent external appeal board:

(a) one of whom shall be a current or a past recipient of income or employment support; and

(b) none of whom shall be officers of the department or employees of the government of the province or of a board, commission, corporation or other body that is an agency of the Crown.

(2) Members appointed under subsection (1) or alternates appointed under subsection (4) shall be appointed for 3 years, shall be eligible for reappointment and shall hold office until re-appointed or until a successor is appointed.

(3) The Lieutenant-Governor in Council may designate one of the members of the board to be chairperson and another to be vice-chairperson who shall act as chairperson in the absence of the chairperson.

(4) The Lieutenant-Governor in Council may appoint no more than 3 persons who are not employees of the government of the province or of a board, commission, corporation or other body that is an agency of the Crown, as alternate members of the appeal board to act as members of the appeal board as a result of the absence, resignation, illness or death of a regular member appointed under subsection (1) at a hearing to be held under this section.

(5) One of the persons appointed as an alternate under subsection (4) shall be a current or past recipient of income or employment support and that person shall act as the alternate member for the member appointed under paragraph (1)(a).

(6) An alternate member appointed under subsection (4) is considered for the purpose of this section to be a member of the appeal board.

(7) The minister shall appoint an officer to be the secretary of the appeal board.

(8) The secretary appointed under subsection (7)

(a) shall not have voting privileges; and

(b) shall keep full records of the proceedings of the appeal board.

(9) A majority of the members of the board constitutes a quorum, one of whom shall be a member who is a current or past recipient of income or employment support.

(10) Appeals heard by the board may be conducted in person or by teleconference or video conference or other means as approved by the minister provided that, in a meeting, all participants may participate simultaneously and instantaneously.

(11) A board member participating in a meeting by teleconference, videoconference or other method approved by the minister shall be counted as a member present at the meeting for the purpose of establishing a quorum under subsection (9).

(12) Where there is a tie vote on a motion or resolution of the board, that motion or resolution shall be considered to be defeated.

2002 c.1-0.1 s42
Appeal

43. (1) An appellant may appeal, either personally or through another person acting on his or her behalf with his or her written consent, the outcome of an internal review under this Act or under section 4.2 of the Health and Community Services Act, or under section 40 of the Pharmaceutical Services Act to the appeal board.

(2) An appeal under this section shall be made in writing no more than 60 days from the receipt of the outcome of an internal review under this Act or section 4.2 of the Health and Community Services Act, or under section 40 of the Pharmaceutical Services Act.

(3) The appeal board shall

(a) acknowledge the appeal;

(b) arrange a date for hearing the appeal;

(c) give at least 7 days notice of the date, time and place fixed for hearing the appeal to the appellant and to the officers of the department who are concerned or, where an appeal is made from an internal review under section 4.2 of the Health and Community Services Act, to officials of the department administering that Act under the Executive Council Act;

(d) notify an appellant of his or her right to appear and to be represented under subsection (4); and

(e) within 30 days of receiving the appeal, hear the appeal.

(4) For the purpose of presenting his or her case and producing evidence, an appellant may appear before the appeal board on his or her own behalf or be represented by counsel or an agent of his or her choice and may accompany and appear with his or her counsel or agent before the appeal board, and this provision shall also apply where appeals are heard by teleconference, video conference or other method approved by the minister.

(5) An appellant may request, in writing, with reasons, a postponement of the hearing of an appeal for a reasonable period as determined by the board and the board may, in its discretion, grant the postponement.

(6) Where

(a) an appellant has not been granted a postponement under subsection (5); or

(b) the appellant, either in person or by his or her counsel or agent, does not attend the hearing of the appeal after being notified under this section,

the appeal board may proceed in his or her absence to examine into the matter of the appeal and to hear the witnesses and adjudicate on the matter.

(7) The board may, where the appropriate documents for consideration of the appeal have not been received, postpone the hearing until the earliest possible date after those documents have been received.

(8) For the purpose of this Act, the appeal board has the powers that are or may be conferred on a commissioner under the Public Inquiries Act.

2002 c1-0.1 s43; 2006 cP-12.01 s53
Powers of board

44. (1) On the conclusion of the hearing, the board may confirm, vary or set aside the finding or decision appealed from with power to give directions, consistent with this Act and the regulations made under it, or where appropriate, the Health and Community Services Act or the Pharmaceutical Services Act and the regulations made under it.

(a) respecting the granting, refusal, suspension, discontinuance, reduction, resumption of income support or an amount of income support that the appeal board considers appropriate;

(b) respecting an appellant’s eligibility for employment support or the suspension or cancellation of that support, but shall not make an order to provide employment support under the authority of subsection 14(4);

(c) respecting an underpayment or overpayment;

(d) respecting a matter referred to in section 41 of the Health and Community Services Act; and

(e) respecting a matter referred to in section 40 of the Pharmaceutical Services Act.

(2) Notwithstanding subsection (1), the board shall not make an order inconsistent with the rate structure for income support established in the regulations.

(2.1) Notwithstanding subsection (1), the board shall not make an order inconsistent with the benefits lists established by the minister under the Pharmaceutical Services Act.

(3) A decision of the board shall, in writing, within 5 days of its being decided, be communicated to the appellant and

(a) to the officers of the department who are concerned; or

(b) where the appeal is from an internal review under section 42 of the Health and Community Services Act, or the Pharmaceutical Services Act, to officials of the department administering that Act under the Executive Council Act.

2002 c1-0.1 s44 2006 cP-12.01 s53

Further appeal

45. (1) The outcome of an internal review

(a) respecting the granting, refusal, suspension, discontinuance, reduction, resumption of services or of the amount of income support; or

(b) respecting a person’s eligibility for or the suspension or cancellation of employment support,

shall only be appealed to the appeal board and is not subject to appeal to or review by a court of law.

(2) An appeal lies from the decision of the appeal board to a judge of the Trial Division upon a point of law, or of mixed law and fact, and the judge of the Trial Division may award costs in that appeal under this section for or against the Crown and may fix the amount of the costs.

2002 c1-0.1 s45
Special case

46. The appeal board may, before deciding the matter of the appeal, refer a question of law or of mixed law and fact raised at the hearing of the appeal for the opinion of a judge of the Trial Division, and the Rules of the Supreme Court, 1986 relating to a special case apply to a reference made under this subsection as if that reference were made by the parties to the appeal.

2002 c1-0.1 s46

Transitional

47. (1) Where, on the coming into force of this Act, the Social Services Appeal Board has begun to consider, review, hear and decide a matter but has not given its decision, the Social Services Appeal Board remains seized with the matter until it gives its decision and nothing in this Act affects the validity of that decision.

(2) Where, on the coming into force of this Act an application has been made to the Social Services Appeal Board but the board has not yet begun to consider, review, hear and decide the matter that is the subject of the application, the application shall be considered to have been made to the appeal board and that board shall consider, review, hear and decide upon that matter.

2002 c1-0.1 s47

PART V
OFFENCE AND PENALTY

Offence

48. (1) A person shall not, on behalf of himself or herself or on behalf of another person, knowingly obtain or receive income or employment support that the person or the other person is not entitled to obtain or receive under this Act.

(2) A person shall not provide a false or misleading statement in an application made under this Act or provide any false or misleading information to the minister or an officer.

(3) A person shall not knowingly aid or abet another person in applying for, obtaining or receiving any support under this Act that the person is not eligible for under this Act.

(4) A person who has committed fraud in respect of income or employment support received under this Act is guilty of an offence and, in addition to the penalty referred to in section 49, shall repay the income or employment support fraudulently obtained.

(5) A person who violates this section is guilty of an offence.

2002 c1-0.1 s48

Penalty

49. A person guilty of an offence under this Act or the regulations is liable on summary conviction to a fine of not more than $1,000.
2002 c1-0.1 s49

**Limitation period**

50. A prosecution under this Act or the regulations shall be started within 3 years from the date the offence is alleged to have been committed.

2002 c1-0.1 s50

**PART VI**
**FORMS AND REGULATIONS**

2002 c1-0.1 s51

**Forms**

51. The minister may establish forms for the purpose and administration of this Act.

**Regulations**

52. (1) The Lieutenant Governor in Council may make regulations

(a) prescribing those individuals or entities with whom or with which the minister may exchange information under subsection 7 (2);

(b) governing the manner of applying for income or employment support, the information that may be required to support the application and the time period in which it shall be provided;

(c) prescribing the eligibility criteria for income or employment support referred to in section 14;

(d) prescribing criteria for the assessment of an application for income or employment support;

(e) prescribing the purposes for which a person considered to live in the province may be absent from the province under subsection 15 (2);

(f) respecting the time and manner in which an applicant shall provide information required to assess an application;

(g) respecting the time and manner in which a recipient shall provide information required to assess the recipient’s eligibility;

(h) respecting the changes that may affect eligibility for income or employment support;

(i) respecting the time period in which an officer may act under subsection 17 (6);

(j) prescribing the rates of income support that may be granted;

(k) providing for the variance, suspension and cancellation of income or employment support.
support;

1) fixing the intervals at which and the manner in which income and employment support shall be granted;

2) respecting the manner in which an officer may assist a person to obtain child or spousal support under subsection 18 (3);

3) respecting the manner in which income support may be used in the provision of employment support under subsection 19 (2);

4) prescribing the criteria for determining temporary or permanent incapacity for the purpose of paragraph 20 (1)(b);

5) prescribing the conditions and the material proof of a fact including documents that shall be provided to determine eligibility for income and employment support;

6) respecting the appointment of an officer or officers to perform an internal review under subsection 41 (1);

7) prescribing the manner in which an internal review may be conducted under section 41;

8) prescribing the qualifications of persons for appointment as members of the appeal board;

9) prescribing the administration and procedures of the board;

10) providing for the payment by the province to members of the appeal board for remuneration and expenses;

11) providing for the payment by the province of travelling and other expenses respecting the attendance of the person appealing to the appeal board, or of his or her representative or of witnesses, including conferring on the appeal board the power to fix the expenses to be paid or to direct that no expenses be paid;

12) respecting other matters relating to the appeal board that appear necessary or desirable to ensure that applications respecting income or employment support, or other matters relating to appeals under section 43 are fully considered and dealt with;

13) prescribing a rate or formula for computing the recovery of overpayments of income or employment support;

14) respecting the manner of apportionment under subsection 24 (7);

15) respecting the choice of the method of recovery of overpayments referred to in Part III to be used to recover overpayments from current and former recipients of income or employment support;

16) prescribing the amount and rate of garnishment under section 29;

17) respecting the powers and duties of persons authorized to perform investigations under this Act;

18) prescribing the criteria to be considered when determining the existence of a conjugal relationship; and

19) generally, to give effect to the purpose of this Act.

(2) Regulations made under subsection (1) may apply generally or to a particular part of the
(3) Regulations made under this section may be made with retrospective effect.

PART VII
CONFLICT, CONSEQUENTIAL AMENDMENTS, REPEAL AND COMMENCEMENT

53. Where there is a conflict between this Act and sections 4.1 to 4.3 of the Health and Community Services Act, this Act shall prevail.

54. Subparagraph 30(2)(b)(ii) of the Access to Information and Protection of Privacy Act is amended by deleting the words "social assistance" and substituting the words "income or employment support" and by deleting the words "Social Assistance Act" and substituting the words "Income and Employment Support Act".

55. (1) Subsection 45.1(8) of the Automobile Insurance Act is amended by deleting the words "Social Assistance Act" and substituting the words "Income and Employment Support Act".

(2) Paragraph 45.17(2)(b) of the Act is amended by repealing the words "Social Assistance Act" and substituting the words "Income and Employment Support Act".

(3) Subsection 45.20(2) of the Act is amended by repealing the words "Social Assistance Act" and substituting the words "Income and Employment Support Act".

56. The Schedule to the Citizens' Representative Act is amended by deleting the words "Social Assistance Appeal Board" and substituting the phrase "An appeal board appointed under the Income and Employment Support Act".
RSNL 1990 cF-2

57. Subsection 39(4) of the Family Law Act is amended by deleting the words "Social Assistance Act" and substituting the words "Income and Employment Support Act".

2002 c1-0.1 s57

SNL 1995 cP-37.1

58. (1) The Health and Community Services Act is amended by adding immediately after section 4 the following:

Other programs and services

4.1 (1) The minister may provide those programs and services and confer those benefits as described in the Employability Assistance Agreement for Persons with Disabilities or its successor agreement.

(2) The eligibility of a person for benefits under the agreement referred to in subsection (1) shall be determined in accordance with the criteria set out in the agreement, and the minister may vary, suspend or cancel those benefits in accordance with the same criteria.

Internal review

4.2 (1) The minister shall, in accordance with the regulations, appoint a person or persons to perform an internal review of eligibility for, or variance, cancellation or suspension of benefits under section 4.1.

(2) A person may, in writing, no more than 60 days after being notified of a decision under section 4.1, request an internal review of that decision.

(3) A person or persons appointed under subsection (1) shall review matters under this Act in the manner prescribed by the regulations.

(4) An internal review shall be performed within 15 days of the receipt of the written request for it and the results of an internal review shall, in writing, within 5 business days of its being decided, be provided to the person who requested the review and that person is considered to have received the outcome of the internal review 7 days after it has been decided.

Appeal

4.3 (1) The outcome of an internal review under section 4.2 may be appealed to the appeal board appointed under the Income and Employment Support Act.

(2) The outcome of an internal review under section 4.2 shall only be appealed to the appeal board referred to in subsection (1) and is not subject to appeal to or review by a court of law.

(2) Subsection 11(f) of the Act is amended by adding immediately after paragraph (c) the following:

c.1) respecting the appointment of a person or persons to perform an internal review under section 4.2.
(c.2) with respect to the process for internal review under section 4.3:

2002 c1-0.1 s58

SNL.1991 c16
Amend

59. Subsection 43(2) of the Jury Act, 1991 is amended by deleting the words "social assistance" and substituting the words "income or employment support".

2002 c1-0.1 s59

RSNL.1990 cP-26
Amend

60. Subsection 3(1) of the Proceedings Against the Crown Act is amended by deleting the words "Social Assistance Act" and substituting the words "Income and Employment Support Act".

2002 c1-0.1 s60

RSNL.1990 cR-5
Amend

61. Subsection 11.1 of the Reciprocal Enforcement of Support Orders Act is amended by deleting the words "Social Assistance Act" and substituting the words "Income and Employment Support Act".

2002 c1-0.1 s61

RSNL.1990 c5-31
Amend

62. (1) Subsection 5(4) of the Support Orders Enforcement Act is amended by deleting the words "Social Assistance Act" and substituting the words "Income and Employment Support Act".

(2) Section 6(1) of the Act is repealed and the following substituted:

Subrogation of rights

6. (1) Where a person is in receipt of benefits under the Income and Employment Support Act, the following rights of that person with respect to a support order may, with that person's consent, be subrogated to the Crown as represented by the minister:

(a) the right to apply for a support order or a provisional order;

(b) the right to receive payments under a support order or a provisional order;

(c) the right to apply for variation of a support order; and
(d) the right to bring proceedings to enforce a support order.

(3) Subsections 61(1) and (2) of the Act are amended by deleting the words "Social Assistance Act" wherever they appear and substituting the words "Income and Employment Support Act".

(4) Subsection 61(3) of the Act are amended by deleting the words "social assistance" wherever they appear and substituting the words "income or employment support".

(5) Subsection 19(1) of the Act is amended by deleting the words "Social Assistance Act" and substituting the words "Income and Employment Support Act".

2002 c1-0.1 s62

Repeal

63. (1) The following Acts are repealed:

(a) the Rehabilitation Act;

(b) the Social Assistance Act; and

(c) the Social Services Appeal Board Act.

(2) The following regulations are repealed:

(a) the Home Support Regulations, Consolidated Newfoundland and Labrador Regulations 1029/96;

(b) the Social Assistance Civil Legal Aid Regulations, Consolidated Newfoundland and Labrador Regulation 764/96; and

(c) the Social Assistance Regulations, Consolidated Newfoundland and Labrador Regulations 1027/96.

2002 c1-0.1 s63

Commencement

64. This Act shall come into force on a day to be proclaimed by the Lieutenant-Governor in Council. (In force - Nov. 30/04)

2002 c1-0.1 s64

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NEWFOUNDLAND AND LABRADOR
REGULATION 144/04

Income and Employment Support Regulations
under the
Income and Employment Support Act
(O.C. 2004-461)

Amended:
50/05
70/05
107/05
113/05
25/06
50/06
51/06
59/06
29/07
37/07
71/07
19/08
41/08
44/08
70/08
16/09
37/09
22/10
35/11
58/11
62/11
NEWFOUNDLAND AND LABRADOR
REGULATION 144/04


(Filed November 26, 2004)

Under the authority of section 52 of the Income and Employment Support Act, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, November 23, 2004.

Robert C. Thompson
Clerk of the Executive Council

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Short title

1. These regulations may be cited as the Income and Employment Support Regulations.

Definitions

2. In these regulations,

(a) "Act" means the Income and Employment Support Act;

(b) "approved professional" means a member of a professional group approved by the minister for a particular purpose;

(c) "child benefit adjustment" means an adjustment to income support as determined by an officer when applicants or recipients do not receive the maximum Canada Child Tax Benefit or the Newfoundland and Labrador Child Benefit;

(c.1) "dependent" means a dependent of an applicant or recipient who is a child under the age of 18 years or a dependent student;

(d) "dependent student" means a person who is 18 years of age or older but under 21 years of age who lives with a relative and attends high school;

(e) "housekeeping services" means those activities provided to a recipient which are necessary to maintain a household for a period of time determined by an officer and does not include supportive services;

(f) "non-EI eligible" means a person is not receiving employment insurance benefits and has not received those benefits within the last 3 years, or has not received employment
insurance maternity or parental benefits within the last 5 years.

(g) "person requiring supportive services" means a person who, as certified by an approved professional, requires supportive services to assist with daily living;

(h) "refundable tax credit" means a tax credit which is considered to be refundable which is not required to reduce an applicant's or recipient's tax liability and which is paid to the applicant or recipient but does not include an income tax refund;

(i) "support trust" means a trust fund established for the use and benefit of a person requiring supportive services as defined in paragraph (g), and

(j) "widow or widower"; for the purpose of these regulations, applies to spouses and cohabiting partners.

144:04 s2. 50:05 s1; 51:06 s1. 57:09 s1

PART I
INCOME SUPPORT

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Application for income support

3. (1) An application for income support may be made in person or by

(a) telephone application process;

(b) mail, or

(c) other means acceptable to the minister, including electronic means where available.

(2) An application for income support shall not be considered to be received by the minister and shall not be assessed unless it is in a form and made in a manner approved by the minister.

(3) An application for income support shall be completed within 30 days and where an application has not been completed within that time period, a new application shall be made.

144:04 s3

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Residency required

4. (1) An applicant or recipient shall live in the province to be eligible for income support and to continue receiving income support.

(2) Notwithstanding subsection (1), a recipient may be absent from the province

(a) for a period of up to 60 days for a purpose approved by an officer; or

(b) for a period of more than 60 days if the absence is due to medical reasons and is approved by an officer.

(3) Where a recipient leaves the province for any reason, including work, he or she shall be eligible for income support up to and including the end of the period during which he or she last received income support.
Information which may be required to assess or review eligibility

5. (1) An applicant or recipient shall, where required for an assessment of his or her eligibility for income support, provide the following:

(a) proof of his or her personal information which may be required by an officer;

(b) information regarding his or her citizenship or residency status, including whether an applicant or recipient is a landed immigrant or a refugee claimant;

(c) his or her consent for the release of, obtaining or verifying personal information about him or her;

(d) proof of the identity of all adults and dependents residing in the home and their relationship to the applicant or recipient;

(e) verification of whether he or she is renting, boarding or has responsibility for a mortgage and the length of time for which he or she has been boarding or renting; and

(f) other information that may be required to assess eligibility as determined by an officer and the information required under this section shall be used for the purpose for which it was obtained and for no other purpose.

(2) Notwithstanding subsection (1), an officer may require, in writing, that the recipient provide additional information to assess his or her eligibility and the recipient shall comply in a manner acceptable to the minister within 30 days of the request being made by the officer.

(3) An officer may, in his or her discretion, make exceptions to the time period referred to in subsection (2).

(4) Where information is required under this section, a photcopy is considered acceptable.

(5) Where a recipient fails to comply with a request under subsection (2) in the time period prescribed in that subsection, the officer may deny, vary, suspend or cancel that recipient's income support.

Criteria to assess information

6. (1) An application for income support shall be assessed by an examination of the following criteria:

(a) the applicant's income and liquid assets;

(b) any monies held on the applicant's behalf by a person other than the applicant, his or her spouse or cohabiting partner;

(c) the applicant's age;
(d) the applicant's residency status, including whether an applicant is a landed immigrant or refugee claimant;

t (e) a determination of whether the applicant is married or is a cohabiting partner;

(f) a determination of whether the applicant is boarding or sharing shelter and utility expenses with another person; and

(g) those other criteria that the minister may determine.

(2) An officer, in assessing an application for income support, shall:

(a) request any additional information required to assess the application;

(b) verify any information required to assess an application;

(c) assess the amount and source of income which the applicant has received in the 60 days prior to the date of application;

(d) assess the applicant's income, liquid assets and any assets held on the applicant's behalf;

(e) record the transfer or sale of the applicant's real property or assets;

(f) assess the financial contribution of other adults in the home; and

(g) determine the eligibility of the applicant.

(3) Where an officer has assessed an application under subsection (2) and has determined that the applicant is

(a) eligible for income support, issue income support to him or her according to the Act, these regulations, and any policies, procedures and service standards established by the minister, or

(b) not eligible for income support, inform the applicant of the date upon which he or she may become eligible, as determined by an officer and of his or her right to request an internal review of the determination of ineligibility and pending the outcome of the internal review, of his or her right to appeal under the authority of the Act and these regulations.

144/04 s6

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Responsibilities of applicant or recipient

7. (1) An applicant or recipient shall immediately report to an officer any circumstances which may affect the applicant's or recipient's eligibility for income support, including:

(a) change of address;

(b) change in living arrangements;

(c) change in marital or cohabitation status;

(d) change in the circumstances of any dependents;
(c) change in income, liquid assets, real property or assets;

(f) absence from the province of the applicant, recipient or his or her dependents;

(g) change in the reason for the application for income support;

(h) receipt of a liquid asset;

(i) sale or transfer of assets, including any real property;

(f) change in expenses incurred in earning income;

(k) any other circumstances that the minister may determine.

(2) An officer may deny, vary, suspend or cancel income support where a circumstance referred to in subsection (1) has been confirmed and shall notify an applicant or recipient in writing of that action and shall inform the applicant or recipient of his or her right to request an internal review of that action and pending the outcome of the internal review, of his or her right to appeal under the authority of the Act and these regulations.

144/04 s7; 51/06 s3

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Definitions

8. In this Part

(a) "exempt income" means income received by an applicant or recipient which is not considered in determining eligibility for income support, provided that the income is obtained by means of

(i) a federal compensation payment where an applicant or recipient or his or her dependent has contracted AIDS through a blood transfusion;

(ii) income from interest from cash in a bank, stocks, bonds, or dividends from a corporation or from a support trust referred to in subsection 25 (3);

(iii) a payment under the 1986-1990 Hepatitis C Settlement Agreements, unless the payment is compensation for loss of income or loss of support under section 4.02 or 6.01 of the Transfused HCV or Hemophiliac HCV Plans;

(iv) a payment under the Pre-1986/Post-1990 Hepatitis C Compensation Agreement unless the payment is compensation for past loss of net income or past loss of services in the home as set out in section 2.05, 2.06 or 4.04 of that Agreement;

(v) federal and provincial refundable tax credits received by an applicant or recipient;

(iv) income tax refunds for the year 2010 or later;

(v) one or more of the following sources:

(A) payments for children in care;

(B) special child welfare allowances;

(C) child welfare allowances.
(D) payments for alternate family care,

(E) payments under a Youth Services Agreement,

(F) government funded disability related supports,

(G) payments received from the Voluntary Student Work and Services Program,

(H) earnings of dependents, or

(I) payments received from the Newfoundland and Labrador Housing Corporation Educational Incentive Allowance;

(vi) a payment received from the capital transfer under the Labrador Inuit Land Claims Agreement from December 1, 2005 to August 31, 2008;

(vii) a payment received from the Hebron Community Commemorative Fund,

(viii) a payment received under the Universal Child Care Benefit program of the Government of Canada,

(ix) payments received by an applicant or recipient with dependents under the Canada-Newfoundland and Labrador Student Loan Program or successor program.

(x) a "Common Experience Payment" and an "Additional Compensation Payment" made by the Government of Canada to former students of Indian Residential Schools, or

(xi) funds received from or accumulated in a Registered Disability Savings Plan as referred to in the Canada Disabilities Savings Act;

(b) "liquid assets" means

(i) cash on hand or in the bank, and

(ii) readily marketable securities and investments

but does not include

(iii) funds held in trust for a prepaid funeral by a funeral home at the time of an application for income support except where the person is requesting support with funeral expenses.

(iv) a Registered Education Savings Plan,

(v) funds from a severance package for the period described in subsection 26 (2),

(vi) a Registered Retirement Savings Plan for the value and period described in subsection 26 (3),

(vii) funds considered exempt income under paragraph (a), or

(viii) funds held in a support trust which do not exceed a total of $100,000;

(c) "non-exempt income" mean income received by an applicant or recipient for which no exemption applies and which is used in determining eligibility but does not include partially exempt income, and which may be obtained by means of
(i) payments under the Canada Pension Plan, Old Age Security benefits, Veterans’ Allowance, compensation under the Workplace Health, Safety and Compensation Act, employment insurance benefits, and pensions to the applicant or recipient or to his or her dependent from other sources.

(ii) income received from a support trust by a person requiring supportive services according to section 25.

(iii) income received from federal training allowances.

(iv) an assessment based on 50% of the receipts from rental of rooms on property which is used by the applicant or recipient as a residence.

(v) an assessment of rental income based on 50% of that income after the deduction of municipal property taxes for rented real property in which the applicant or recipient does not reside.

(vi) payments which are monetary in nature or which are quantifiable in monetary terms including payments which are by way of arrears and which are received as child or spousal maintenance or support by the applicant or recipient under a private agreement, a domestic contract or a court order.

(vii) payments received by an applicant or recipient without dependents under the Canada-Newfoundland and Labrador Student Loan Program or successor program.

(viii) net income received from a severance package which an applicant or recipient receives upon permanently severing from his or her employer for the period of time that the severance package is payable.

(ix) income resulting from the sale of property or the sale of a fishing licence.

(x) payments received as a result of an inheritance or from an estate, and

(xi) income from an insurance claim whether it is paid in monthly instalments or by a lump sum payment:

in the month that the payment, income, or inheritance is received; and

(d) "partially exempt income" means income to which an exemption under section 12 applies and includes

(i) salary and wages of the applicant or recipient, including income obtained from self-employment.

(ii) winnings from games of chance or a lottery.

(iii) board and lodging income assessed based on 20% of the receipts of board and lodging income from a boarder who is not a relative and that receipt shall not be less than an amount contemplated by subsection 14 (1), or paragraph 15 (2)(b).

(iv) income tax refunds for the year 2009 or earlier.

(v) scholarships or bursaries, and

(vi) incentive allowances as approved by the minister

in the month that the income, or payment is received.
Determining eligibility of an applicant

9. (1) A person shall, in accordance with section 13 of the Act, pursue all other financial resources available to him or her or his or her spouse or cohabiting partner as a condition of eligibility for income support.

(2) An applicant's eligibility for income support shall be determined based on an examination of his or her liquid assets and if those assets exceed the limits referred to in sections 25 and 26, the applicant shall not be eligible for income support.

(3) Where an applicant's liquid assets do not exceed the limits referred to in sections 25 and 26, an applicant's eligibility for income support shall be determined by evaluating his or her financial situation for the 60 days preceding his or her application according to the following formula:

Basic Requirements + 40% of CBA is greater than or equal to Income - Deductions

Where:

Basic Requirements is the amount for maintaining a residence referred to in subsection 13 (1), plus the amount for shelter referred to in paragraph 16 (1) (a) or (b) if applicable, for the 60 day period before the date of application, or the amount referred to in subsection 14 (1) or (2) for the 60 day period before the date of application.

CBA is a child benefit adjustment referred to in paragraph 19 (1)(g) if the applicant is entitled to it.

Income is the applicant's total net income calculated according to paragraphs 8 (c) and 8 (d) minus the deduction for expenses incurred in earning that income referred to in section 11.

Deduction is the deduction referred to in section 11.

(4) An applicant who is not entitled to income support according to subsection (3) may be reconsidered on the date on which his or her income during the past 60 days has decreased to the level set out in subsection (3).

(5) Notwithstanding another provision of this section, where an applicant is applying for income support due to job action at the workplace, he or she shall not be eligible for income support.

Effect of lump sum payment on continued eligibility

10. (1) A recipient is ineligible for income support in the month where a lump sum payment of

(a) partially exempt income less the exemptions described in section 12; or

(b) non-exempt income

exceeds the recipient's monthly entitlement.
(2) A recipient considered to be ineligible for income support under subsection (1) may be reconsidered on the date when the amount by which his or her lump sum payment, less the maximum permissible limit of liquid assets described in sections 25 and 26, less an amount determined by the minister which may be subtracted from a lump sum payment for a health or disability related expense, less the monthly entitlement is reduced to zero by the calculated daily amount described in subsection (3).

(3) The calculated daily amount is the amount of income support described in subsection 13 (1) less the amount in subsection 13 (2) if applicable or subsection 14 (1) or 14 (2) or section 15 plus the amount in section 16 if applicable, plus 40%, less the income described in paragraph 8 (c) or 8 (d), divided by 30.

144-04 s10

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Deduction

11. An officer may authorize a deduction from partially exempt income described in subparagraph 8 (d)(i) in a case where, in order to earn that income, expenditure was incurred.

144-04 s11

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Exemptions

12. The following exemptions shall be applied to partially exempt income in the month it is received:

(a) for the sum of income described in subparagraphs 8 (d)(i), (ii) and (iii)

(i) for a single adult, 100% of income up to $75 plus 20% of income in excess of $75,

(ii) for 2 or more persons, 100% of income up to $150 plus 20% of income in excess of $150,

(iii) for a person requiring supportive services, 100% of income up to $150, plus 20% of income in excess of $150, and

(iv) for 2 or more persons where at least one person is a person requiring supportive services, 100% of income up to $250, plus 20% of income in excess of $250;

(b) for income described in subparagraph 8 (d)(iv), for a recipient, up to $500 a year;

(c) for income described in subparagraph 8 (d)(v), for a recipient, up to $5,000 a year; and

(d) for income described in subparagraph 8 (d)(vi), in the case of applicant or recipient, up to $115 a month.

144-04 s12, 50:05 s2, 41:08 s1

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Maintaining a residence
13. (1) The monthly amount of income support for an applicant or recipient who is renting or owns a residence is up to

<table>
<thead>
<tr>
<th>1 adult without dependent children</th>
<th>$492</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 adult without dependent children but with one dependent student</td>
<td>$696</td>
</tr>
<tr>
<td>1 adult without dependent children but with two dependent students</td>
<td>795 plus $11 for each additional dependent student</td>
</tr>
<tr>
<td>1 adult with dependent children</td>
<td>$639</td>
</tr>
<tr>
<td>1 adult with dependent children and one dependent student</td>
<td>$684</td>
</tr>
<tr>
<td>1 adult with dependent children but with two dependent students</td>
<td>795 plus $11 for each additional dependent student</td>
</tr>
<tr>
<td>2 adults without dependent children</td>
<td>$696</td>
</tr>
<tr>
<td>2 adults without dependent children but with one dependent student</td>
<td>795 plus $11 for each additional dependent student</td>
</tr>
<tr>
<td>2 adults with dependent children</td>
<td>$684</td>
</tr>
<tr>
<td>2 adults with dependent children and one dependent student</td>
<td>795 plus $11 for each additional dependent student</td>
</tr>
</tbody>
</table>

(2) The amounts under this section are reduced by the following amounts

(a) where the applicant or recipient resides in an apartment or a house

(i) where heat and electricity are included, $76 a month,

(ii) where heat only is included, $49 a month, or

(iii) where electricity only is included, $27 a month;

(b) where the applicant or recipient resides in a bed sitting room

(i) where heat and electricity are included, $61 a month,

(ii) where heat only is included, $49 a month, or

(iii) where electricity only is included, $12 a month.

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Maximum monthly income support - based on living

14. (1) The monthly amount of income support for an applicant or recipient who is boarding with a non-relative is

http://www.assembly.nl.ca/Legislation/sr/Regulations/ra040144.htm 2011-12-06
1 adult  without dependent children          $4292
1 adult  without dependent children but 696
         with one dependent student
1 adult  without dependent children and 795 plus 111 for
         two dependent students  each additional
dependent student
1 adult  with dependent children          639
1 adult  with dependent children and     684
         one dependent student
1 adult  with dependent children and     795 plus 111 for
         two dependent students  each additional
dependent student
2 adults without dependent children       696
2 adults without dependent children and   795 plus 111 for
         one dependent student  each additional
dependent student
2 adults with dependent children          684
2 adults with dependent children with     795 plus 111 for
         one dependent student  each additional
dependent student

(2) The monthly amount of income support for board and lodging for an applicant or
recipient who is boarding with a relative is

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1 adult  without dependent children          $5298
1 adult  without dependent children but      591
         with one dependent student
1 adult  with dependent children              525
1 adult  with dependent children and         684 plus 111 for
         one dependent student  each additional
dependent student
2 adults without dependent children          591
2 adults without dependent children but       795 plus 111 for
         with one dependent student  each additional
dependent student
2 adults with dependent children              684
2 adults with dependent children and          795 plus 111 for
         one dependent student  each additional
dependent student

35 11-82

Income support for persons 30 years of age or younger

15. (1) Notwithstanding section 13, the monthly amount of income support for a single person
under the age of 30 years who is renting or owns a residence and who has no barriers or impairments
which would limit that person’s pursuit of employment or training as determined by an officer is
$237.

(2) Notwithstanding section 14 and subsections (1) and (3), the monthly amount of income

http://www.assembly.nl.ca/Legislation/sr/Regulations/rc040144.htm  2011-12-06
support for board and lodging of a single person under the age of 30 years who, as determined by an
officer, has no barriers or impairments which would limit that person's pursuit of employment or
training

(a) who is boarding with a relative is $113; or

(b) who is boarding with a non-relative is $163.

(3) Notwithstanding subsection 14(1) and paragraph 2(b), the monthly amount of income
support for a single person under age 30 who, as determined by an officer, has barriers or
impairments which limit that person's pursuit of employment or training is $467.

35/11 s3

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Rent or mortgage

16. (1) The maximum monthly income support

(a) for rent is

(i) for an adult living alone in a rented room or apartment, an amount up to $149, or

(ii) for 2 or more people in a rented room or apartment, an amount up to $372; and

(b) for mortgage is

(i) for an adult, for the principal and interest on a mortgage for the purchase of a
principal residence or for financing the repair of a principal residence, an amount up
to $149, or

(ii) for 2 or more people, for the principal and interest on a mortgage for the purchase
of a principal residence or for financing the repair of a principal residence, an amount
up to $372.

(2) Where an applicant's or recipient's income support has been reduced under subsection 13
(2), the amounts under subsection (1) are increased by the amount of the deductions referred to in
subsection 13 (2) but in no case shall the total amount exceed the actual amount required by the
applicant or recipient for shelter.

(3) Notwithstanding subsection (1),

(a) for a widow or widower with no dependents who is an applicant or recipient, a
maximum monthly amount for rent or mortgage up to $372;

(b) for a recipient who was receiving income support under subparagraph (1)(a)(ii) or (1)(b)
(ii) but who becomes alone because

(i) that recipient has separated from his or her spouse or cohabiting partner, or

(ii) that recipient has experienced the departure from the residence of all dependents
a maximum monthly amount up to $372; or

(c) where a recipient cannot, due to a mental, physical or social impairment as certified by
an approved professional, reside with any other person, a maximum monthly amount up
to $372.
(4) In addition to the income support referred to in this section, an officer may grant additional income support up to but not exceeding $100 a month but in no case shall the amount of support under this section exceed the actual amount required by the applicant or recipient for shelter.

144-04 s16; 50:05 s6; 51:06 s8; 41:08 s2

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Start up allowance

17. Where an applicant or recipient who was a victim of violence leaves an abusive relationship, he or she may, as determined by an officer, be eligible for the following income support as a contribution to the costs of making the transition from that relationship to a new residence:

<table>
<thead>
<tr>
<th>Back to Top</th>
<th>Number of adults</th>
<th>Number of dependent children</th>
<th>Island Start-Up Allowance</th>
<th>Coast of Labrador Start-Up Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>one</td>
<td>no dependent children</td>
<td>$500</td>
<td>$600</td>
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<tr>
<td>one</td>
<td>one dependent child</td>
<td>600</td>
<td>750</td>
<td></td>
</tr>
<tr>
<td>one</td>
<td>2 dependent children</td>
<td>700</td>
<td>900</td>
<td></td>
</tr>
<tr>
<td>one</td>
<td>3 dependent children</td>
<td>900</td>
<td>1,150</td>
<td></td>
</tr>
<tr>
<td>one</td>
<td>4 dependent children</td>
<td>1,000</td>
<td>1,300</td>
<td></td>
</tr>
<tr>
<td>one</td>
<td>5 dependent children</td>
<td>1,200</td>
<td>1,550</td>
<td></td>
</tr>
<tr>
<td>one</td>
<td>6 dependent children</td>
<td>1,300</td>
<td>1,700</td>
<td></td>
</tr>
<tr>
<td>one</td>
<td>7 dependent children</td>
<td>1,500</td>
<td>1,950</td>
<td></td>
</tr>
</tbody>
</table>

144-04 s17; 50:05 s7

Determination of support

18. (1) When determining the amount of income support to be granted under these regulations, an officer shall deduct from the total income support to which the applicant or recipient is entitled under section 13, 14 or 15 and section 16 if applicable,

(a) all non-exempt income; and

(b) all partially exempt income minus

(i) the deduction described in section 11, and

(ii) the exemptions described in section 12.

(2) Notwithstanding subsection (1), where a person under the age of 21 years is applying for income support while boarding with a relative and that person, as determined by an officer, has no barriers or impairments which would limit that person's pursuit of employment or training, the financial resources of that person's parents or legal guardians shall be considered in determining the amount of income support to be granted.

http://www.assembly.nl.ca/Legislation/sr/Regulations/rc040144.htm 2011/12/06
(3) An officer may only grant income support to an employable person between the ages of 18 and 21 years who is living with a relative if

(a) that employable person's parents or legal guardians are receiving income support; or

(b) the combined income of that employable person's parents is below the maximum income threshold for the Newfoundland and Labrador child benefit as determined by the Newfoundland and Labrador Child Benefit Regulations, 2004 under the Income Tax Act, 2000.

(4) Subsections (2) and (3) shall not apply where the person under the age of 21 years referred to in those subsections has, in the opinion of an approved professional, a barrier or impairment which would limit his or her pursuit of employment or training.

144/04 s18

Other income support

19. (1) Other monthly income support for which an applicant or recipient may be eligible is:

(a) a fuel supplement for an applicant or recipient maintaining a residence in Labrador, up to a maximum of $90, where the cost of heat is not included in the amount of rent;

(b) a fuel supplement for an applicant or recipient maintaining a residence on the island portion of the province, up to a maximum of $50, where the cost of heat is not included in the amount of rent;

(c) for housekeeping services where the person providing the service is a relative, up to a maximum of $239;

(d) for housekeeping services where the person providing the service is not a relative, up to a maximum of $298;

(e) where licensed child care is unavailable or does not meet the needs of the particular child as determined by an officer, up to $400 for the first child and up to $200 for each additional child for private unlicensed child care;

(f) for an applicant or recipient who is receiving the guaranteed income supplement, an amount of $105, but where an applicant and his or her spouse or cohabiting partner are both receiving the guaranteed income supplement, an amount of $55;

(g) a child benefit adjustment in an amount approved by the minister;

(h) for a recipient maintaining a residence in a coastal Labrador community, an amount of $150;

(i) an amount of $89 for each recipient or dependent receiving income support who is legally blind as certified by the Canadian National Institute for the Blind or an approved professional;

(j) an amount of $60 for each recipient or dependent with diabetes receiving income support where that person's diabetes has been certified by an approved professional;

(k) for an applicant or recipient boarding with non-relatives who requires additional support due to a persistent and permanent social impairment as certified by an approved professional, an additional amount up to $362:
(1) for items of special need, an amount determined by the minister;

(m) for

(i) a dependent student, or

(ii) a single person between the ages of 18 and 21 who is maintaining a household and receiving income support in his or her own right and

who is in full-time attendance at high school, an amount determined by the minister not to exceed the maximum amount for one child provided under the Canada Child Tax Benefit and the Newfoundland and Labrador child benefit;

(n) for a recipient with a dependent who begins employment, a payment of $250 once in a 12-month period; and

(o) for a recipient without a spouse, co-habiting partner or dependent who begins employment, $125 once in a 12-month period.

(2) Where an applicant or recipient who has no spouse, co-habiting partner or dependent students is hospitalized or in an emergency shelter approved by the minister

(a) the applicant may receive an amount of income support up to $125 a month; and

(b) the recipient may continue to receive income support under subsection (1) or sections 13 and 16 if applicable, or section 14 or 15 for 90 days from the date of admission, and after that time period, he or she may, on the approval of an officer continue to receive income support for an additional 90 days under paragraph 16 (b) if applicable, and an amount of income support up to $125 a month; or

(3) Where an applicant or recipient with dependants is hospitalized or admitted to an emergency shelter approved by the minister, that applicant or recipient may receive or continue to receive income support under subsection (1) or sections 13 and 16 if applicable, or section 14 or 15, and effective the month following the month of admission, the applicant or recipient may receive an additional amount of income support up to $125 a month.

(4) Notwithstanding paragraph (2)(b), the minister may, in certain circumstances, extend the time period for which the recipient referred to in that subsection may receive income support under subsection (1) or section 13 or 16 if applicable, or section 14 or 15.

(5) Other income support for which an applicant or recipient may be eligible is:

(a) for transportation, an amount determined by the prevailing commercial rates;

(b) for board and lodging for temporary periods only, a daily amount that the minister may approve;

(c) for a recipient who has been receiving income support continuously for at least 90 days, the arrears of outstanding municipal taxes and fees levied by a municipality or local service district retroactive to the date the recipient began receiving income support; and

(d) a contribution towards a security deposit of up to three-quarters of a month’s rent based upon rent which shall not exceed the maximum amount permitted in these regulations.

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http://www.assembly.nl.ca/Legislation/sr/Regulations/rc040144.htm
Frequency and manner of payment

20. (1) Income support may be paid

(a) daily;

(b) semi-monthly;

(c) monthly; or

(d) at an interval determined by the minister.

(2) Notwithstanding another provision of this Part, a recipient's income support may be used to provide his or her employment support in the manner referred to in section 44.

144/04 s20

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Special needs - furniture

21. (1) An applicant or recipient may, at the discretion of an officer, be eligible for special needs assistance for the following items of furniture:

(a) for electric stoves, up to $300;

(b) for refrigerators for applicants or recipients with dependents, up to $400;

(c) for washers, for applicants or recipients with dependents, up to $300;

(d) for beds, for the dependents of applicants or recipients only
   (i) up to $125 towards the cost of the mattress,
   (ii) up to $75 towards the cost of a box spring, or
   (iii) up to $200 for a bed;

(e) for a crib or for a crib mattress or for both, up to $100.

(2) All amounts referred to in this section include HST.

144/04 s21: 51/06 s10

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Special needs - eye examinations

22. (1) Vision care in the form of an eye examination may be provided to

(a) a recipient who has been receiving income support for a period of at least 3 months; or

(b) an applicant who was receiving a level of income equal to the level of income support for which he or she may have been eligible for the 3 months preceding the request for vision care, plus the cost of vision care.
(2) Special needs assistance for vision care for an eligible applicant or recipient covers no more than one eye examination every 36 months except where there is a medically verified eye disease or condition, then more frequently than every 36 months.

(3) Special needs assistance for vision care covers one eye examination every 12 months for dependents.

(4) The amount for eye examinations is $55.

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Special needs - eye glasses

23. (1) Vision care in the form of eye glasses may be provided to

(a) a recipient who has been receiving income support for a period of at least 3 months; or

(b) an applicant who was receiving a level of income equal to the level of income support for which he or she may have been eligible for the 3 months preceding the request for vision care, plus the cost of the vision care.

(2) Special needs assistance for eye glasses may be provided to an eligible applicant or recipient every 36 months except where there is a medically verified eye disease or condition which would warrant more frequent changes, then more often as medically indicated.

(3) Dependents may be covered for eyeglasses once every 12 months if there is a verified change in the dependent’s prescription.

(4) Repairs to eyeglasses may be considered at the discretion of an officer and frames shall be reused where possible.

(5) Notwithstanding subsection (4), the cost for repair of eye glasses shall not exceed one half the amount special needs assistance for eyeglasses.

(6) Special needs assistance for eye glasses shall be

(a) for single vision eye glasses, up to $125; or

(b) for bi-focal eye glasses, up to $175.

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Special needs - dentures

24. (1) Where a recipient has been receiving income support for a 6 month period and that recipient, including his or her dependents, has a special needs assistance requirement for dentures, the recipient may receive the following:

(a) the maximum amounts where denture service is provided by a dentist are, for

(i) an upper set, including laboratory fees, up to $718,

(ii) a lower set, including laboratory fees, up to $718,
(iii) a complete set, including upper, lower and laboratory fees, up to $1118,

(iv) partial dentures including laboratory fees, up to $360,

(v) an immediate post extraction insertion, up to $532,

(vi) a reline including laboratory fees, up to $211, and

(vii) repairs at an amount of $42 per 15 minutes to maximum of $120; or

(b) the maximum amounts where denture service is provided by a denturist are, for

(i) an upper set, up to $580,

(ii) a lower set, up to $580,

(iii) a complete set, including upper and lower set, up to $931,

(iv) a re-line, up to $127.

(v) repairs at an amount of $34 per 15 minute maximum, up to $90; and

(vi) partial dentures, including laboratory fees, up to $300.

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Support trust

25. (1) An officer may grant income support to an applicant or recipient over the age of 18 years who requires supportive services and for whose use and benefit there is a support trust provided that

(a) the support trust does not exceed a total of $100,000; and

(b) the person requiring supportive services annually uses the total interest income from the support trust, plus at least 2% of the capital of the support trust; and

(c) the support trust is established and maintained in a manner and under terms and conditions that the minister may establish or approve.

(2) Where the income described in the support trust is used in the manner referred to above, it shall be considered exempt income and does not affect an applicant or recipient's eligibility for income support.

(3) Where the income described in the support trust has not been used in the manner prescribed in subsection (1), it shall be considered non-exempt income and deducted from the income support for which a recipient is considered eligible in a manner determined by an officer.

(4) Notwithstanding subsection (3), the minister, in exceptional circumstances, may dispense with the requirements of that subsection.

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Maximum permissible liquid assets

26. (1) An officer may grant income support to an applicant or recipient if his or her liquid assets do not exceed the maximum permissible limit of

(a) for one person, $2,000; and

(b) for 2 or more people, combined liquid assets of $3,500.

(2) Notwithstanding subsection (1), a severance package

(a) is exempt from the provisions of this section for the covering period of the severance package; and

(b) after the period referred to in paragraph (a) has expired, shall be considered a liquid asset.

(3) Notwithstanding subsection (1), a Registered Retirement Savings Plan owned by an applicant or recipient which is valued at less than $10,000

(a) is exempt from the other provisions of this section for the first 90 days in which an recipient receives income support; and

(b) after the period referred to in paragraph (a) has expired, shall, where the Registered Retirement Savings Plan may be liquidated, be considered a liquid asset.

[44:04 s26: 62:11 s1]

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Where death is involved

27. (1) An officer may grant to the relative of a deceased person or the representative of a deceased person an amount for the burial of the deceased not exceeding

(a) for an adult or dependent 12 years of age or older, an amount of $2,229;

(b) for a dependent under 12 years of age, an amount of $1,302;

(c) for a still-born child, an amount of $744;

(d) for an adult or a dependent 12 years of age or older for a traditional funeral with casket, cremation and burial, an amount of $2,338;

(e) for a dependent under 12 years of age for a traditional funeral with casket, cremation and burial, an amount of $1,532;

(f) for an adult or a dependent for a traditional funeral with no casket, but with cremation and burial, an amount of $2,025.

(2) Notwithstanding subsection (1), an officer may also grant to a person referred to in subsection (1)

(a) an amount not exceeding $195 with respect to clothing for the burial of a deceased person where no appropriate clothing is available;

(b) a distance charge of $0.95 a kilometre, where the body of a deceased person is being
transported, for each kilometre in excess of 8 kilometres;

(e) the amount of cemetery charges incurred in burial of a deceased person;

(d) the cost of a plastic pouch for the transportation of a deceased person; and

(c) an additional sum that an officer considers reasonable for extraordinary and out-of-pocket expenses due to special circumstances.

(3) An officer, when determining the amount for funeral expenses, shall deduct

(a) any income to which the deceased person was entitled in the month of his or her death;

(b) any monies held in trust for the deceased person's funeral expenses;

(c) any money held in a bank, credit union or other financial institution by the deceased at the time of his or her death; and

(d) a death benefit from any source to which the estate of the deceased person is entitled.

(4) In determining an amount under subsection (3), an officer shall consider the income and assets of the deceased person's spouse or cohabiting partner.

144/04 s27, 51/06 s14

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Emergencies, disasters and other circumstances

28. (1) Where income support is required as a result of circumstances that, in the opinion of an officer, create an emergency situation, the officer may grant the income support that is necessary to meet the emergency needs of the applicant or recipient.

(2) Where income support is required because of a disaster in the community as determined by the minister, the officer may grant the income support that is necessary to meet the needs of the person related to the disaster.

(3) Where income support is required for a person who has been a victim of violence, an officer may grant the income support necessary to ensure the safety of those individuals and their dependents.

144/04 s28, 51/06 s15

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Review of eligibility

29. The amount of income support payable to a recipient shall be reviewed by an officer periodically in order to determine the continued eligibility of the recipient and may also be reviewed at the request of the recipient.

144/04 s29

PART II
EMPLOYMENT SUPPORT

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Employment support

30. (1) An applicant or recipient may be considered for employment supports and services contingent upon

(a) that person's eligibility for particular employment supports and services; and

(b) the availability of resources to provide those employment supports and services.

(2) Eligibility for employment support under sections in this Part which consider income support status may be extended to

(a) a person who meets the eligibility criteria for income support prescribed by the Act and the regulations but who may not be receiving income support;

(b) a former recipient of income support who has an employment plan with the department; or

(c) a person applying for employment support who is a dependent of

(i) a recipient of income support; or

(ii) a person referred to in paragraph (a) or (b).

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Financial employment supports

31. (1) Financial employment supports may be offered through

(a) wage subsidies;

(b) linkages with community based employment agencies;

(c) employment development supports;

(d) employment supports for persons with disabilities; and

(e) any other employment supports and services that may assist applicants or recipients prepare for, access and keep work.

(2) Employment supports may vary for applicants and recipients in order to address their different circumstances and needs, and the eligibility of those applicants or recipients may depend on the type of employment support for which he or she has applied.

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Application for employment support

32. (1) An application for employment support may be made in person or by

(a) telephone application process:
(b) mail; or

(c) by other means acceptable to the minister, including electronic means where available, and an applicant shall provide the information that an officer may require to assess the application.

(2) An application for employment support shall not be considered to be received by the minister and shall not be assessed unless it is in a form or made in a manner approved by the minister.

(3) An application for employment support shall be completed within 30 days and where an application has not been completed within that time period, a new application shall be made.

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Residency required

33. (1) An applicant and recipient shall live in the province to be eligible for employment support.

(2) Notwithstanding subsection (1), a recipient may be temporarily absent from the province for the purpose of training, education or employment supported by an individual’s employment plan and that absence shall, before the recipient leaves the province, be approved by an officer.

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Criteria to assess application

34. (1) An applicant for employment support shall participate in an assessment and planning process which is satisfactory to the minister.

(2) An application for employment support shall be assessed on criteria which may include

(a) whether an applicant has participated in the assessment and planning process referred to in subsection (1);

(b) the individual’s interests, motivation, preferences, aptitude and goals with regard to self-sufficiency and support needed to prepare for, access and keep employment;

(c) barriers preventing participation in training, employment supports and employment and services required to address those barriers;

(d) the applicant’s qualifications and employment background, including his or her education, training, the location and circumstances of his or her last work experience and any transferable skills he or she may have;

(e) the applicant’s previous experiences in employment support and the outcomes of other interventions, including details of his or her attendance at those interventions;

(f) whether the intervention for which the applicant has applied builds on, but does not duplicate, previous interventions to help the applicant progress with his or her employment plan;
(g) links with other supports as required;

(h) labour market opportunities; and

(i) those other criteria which may be specific to the particular program of employment support for which the applicant wishes to be considered.

144/04 s34

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Information which may be required to assess or review eligibility

35. (1) The information which may be required in an application for employment support includes an applicant's

(a) personal information;

(b) citizenship or residency status, including whether an applicant or recipient is a landed immigrant or refugee claimant;

(c) consent for release, obtaining or verifying information about him or her;

(d) financial information that may be required by the minister; and

(e) other information that may be required to assess eligibility as determined by an officer.

(2) For the purpose of determining eligibility for employment support, an officer may assess whether an applicant is eligible for or receives income support or receives employment insurance or other benefits or supports under Part II of the Employment Insurance Act (Canada).

(3) In order to assess an application for employment support material proof of the following may be required:

(a) certification of the disability by an approved professional where an applicant is a person with a disability as defined in subsection 43(1);

(b) an applicant's required personal information;

(c) a written employment offer to the applicant; and

(d) other information that may be required by the minister.

(4) Where information is required under this section, a photocopy is considered acceptable.

(5) An applicant or recipient shall, within 30 days from the original date of the application for employment support, comply fully with an officer's request for documentation to determine the applicant or recipient's eligibility for employment support.

(6) An officer may, in certain circumstances, make exceptions to the time period referred to in subsection (5).

(7) Where an applicant or recipient fails to comply with the requirements of subsection (5), and no exception has been made under subsection (6), an officer may deny, vary, suspend or cancel an applicant's or recipient's employment support.

144/04 s35
Responsibilities of an applicant or recipient

36. (1) An applicant or recipient shall immediately report to an officer any circumstances which may affect the applicant or recipient's eligibility for employment support, including:

(a) change in transportation expenses;

(b) change in intervention participation;

(c) change in employment status;

(d) change in income;

(e) the absence of the applicant or recipient from the province; and

(f) any other circumstances that the minister may determine.

(2) An officer may deny, vary, suspend or cancel employment support where a circumstance referred to in subsection (1) has been confirmed and shall notify the applicant or recipient in writing of that action and of his or her right to request an internal review of the decision of the officer and pending the outcome of the internal review, of his or her right to appeal under the authority of the Act and these regulations.

144/04 s36

Wage subsidy programs

37. (1) Under the authority of section 8 of the Act, the minister or an officer designated by the minister may enter into agreements with for profit or not for profit employers on wage subsidy programs.

(2) Employment support under this section shall be determined by negotiation between the employer and the minister or an officer designated by the minister.

(3) Employers shall pay local prevailing wage rates.

(4) In order to be eligible under this section, an applicant or recipient

(a) shall be legally entitled to work in Canada;

(b) shall not be an immediate family member of the employer, owner or operator;

(c) shall not be part of the regular staff, including seasonal staff, of the employer, owner or operator;

(d) shall be unemployed or underemployed and actively seeking work;

(e) shall meet any other specific eligibility criteria established by the minister for particular wage subsidy programs, which may include a requirement that

(i) the applicant or recipient be receiving income support referred to in subparagraph 2 (k)(i) of the Act;

(ii) the applicant or recipient shall not be currently employed, receiving a federal or
provincial pension, workplace health, safety and compensation benefits, employment insurance benefits or another benefit prescribed by the minister.

(iii) the applicant or recipient be non-EI eligible, and

(iv) the applicant or recipient have an employment plan and

(i) shall meet any other eligibility requirements prescribed by the Act or these regulations.

(5) The employer in a wage subsidy program solely determines whether an eligible applicant or recipient may be employed by him or her.

(6) In exceptional circumstances, the minister or an officer designated by the minister may vary or suspend

(a) the terms and conditions of a wage subsidy agreement; or

(b) the prohibition contained in subparagraph (4)(c)(ii) or (iii).

(7) Notwithstanding the requirement contained in subparagraph (4)(c)(i), eligibility under this section may be extended to an applicant or recipient who meets the criteria prescribed in subsection 30(3).

144/04 s37; 50/05 s12; 51.06 s17

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Employment development supports

38. (1) An applicant or recipient may be eligible for employment development supports in order to further their employment plan.

(2) In order to be eligible under this section, an applicant or recipient shall

(a) be receiving or be eligible to receive income support under subparagraph 2(k)(i) of the Act;

(b) reside in the province;

(c) have an approved employment plan;

(d) be non-EI eligible; and

(e) meet any other applicable eligibility criteria prescribed by the Act or these regulations.

(3) Notwithstanding paragraph (2)(d), the minister or an officer designated by the minister may dispense with the requirements of that paragraph in exceptional circumstances.

(4) An eligible applicant or recipient may receive an amount of employment development support as approved by the minister or an officer designated by the minister which may include:

(a) a placement support allowance;

(b) short term training;

(c) work supports; and

(d) financial supports for assessment, counselling and testing services.
(5) Notwithstanding the requirement contained in paragraph (2)(a), eligibility under this section may be extended to an applicant or recipient who meets the criteria prescribed in subsection 30(2).

144/04 s38, 50/05 s13, 51/06 s18

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Placement support allowance

39. (1) A placement support allowance may be available to an eligible applicant or recipient for the purpose of

(a) literacy skills development;

(b) adult basic education;

(c) short term training referred to in subsection 40(1); and

(d) Employment Exploration and Training.

(2) In order to qualify for a placement support allowance, an applicant or recipient shall participate in a program approved by an officer.

(3) Eligible applicants or recipients may receive the following employment support under this section

(a) an annual start up allowance;

(b) a monthly stipend; and

(c) transportation costs by the most economical and appropriate means.

(4) Eligibility under this section may be extended to an applicant or recipient who meets the requirements of this section and who

(a) is receiving income support; or

(b) meets the criteria prescribed in subsection 30(2).

144/04 s39, 50/05 s14, 51/06 s19

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Short term training

40. (1) Where an applicant or recipient applies to participate in a course that is less than 13 weeks in duration and that program is ineligible for student assistance or Labour Market Development Agreement Skills development funds, the applicant or recipient may be eligible for employment support for the costs of that training.

(2) An applicant or recipient personally ineligible for student aid assistance wishing to enter a training program which is eligible for student aid assistance shall not be assisted.

(3) Notwithstanding subsection (1), the minister or an officer designated by the minister may dispense with the requirement contained in that subsection.
(4) The training referred to in subsection (1) shall be directly related to the employment needs of the applicant or recipient and that person’s employment opportunity, and the applicant or recipient shall provide a written confirmation of that employment opportunity.

(5) Training under this section shall be provided by a registered provider.

(6) Eligibility under this section may be extended to an applicant or recipient who meets the requirements of this section and who

(a) is receiving income support; or

(b) meets the criteria prescribed in subsection 30(2).

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Work supports

41. (1) An applicant or recipient may be eligible for work supports directly associated with his or her work placement.

(2) Work supports under this section may include:

(a) work clothing and other work related essentials;

(b) occupation specific tools;

(c) the cost of transportation for an applicant or recipient only, by the most economical and appropriate means, to relocate to a place of work; and

(d) fees, dues or certificates that may be required.

(3) Eligibility under this section may be extended to an applicant or recipient who meets the requirements of this section and who

(a) is receiving income support; or

(b) meets the criteria prescribed in subsection 30(2).

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Assessment and counselling

42. (1) An applicant or recipient may be eligible to receive funding to pay for career, academic, psychological or physical assessments to support employment placements or placements within adult basic education, training, or employment programs.

(2) Eligibility under this section may be extended to an applicant or recipient who meets the requirements of this section and who

(a) is receiving income support; or

(b) meets the criteria prescribed in subsection 30(2).
Employment supports for people with disabilities

43. (1) For the purpose of determining eligibility for services under this section, "person with a disability" means a person who, because of a persistent and permanent physical, sensory, speech, communication, psychological, psychiatric, developmental or other disability, demonstrates significant challenges in accessing education, training or employment.

(2) Notwithstanding subsection (1), where the definition in that subsection limits a person’s ability to participate in the Labour Market Agreement for Persons with Disabilities, the Labour Market Agreement for Persons with Disabilities shall apply.

(3) A person with a disability may be eligible for employment supports and services to acquire the skills, experience and supports necessary to successfully prepare for, access and keep work.

(4) Employment support under this section may be provided under the Labour Market Agreement for Persons with Disabilities or its successor agreement or through other employment supports and services for persons with disabilities.

(5) Where an applicant or recipient

(a) self-identifies as having a disability; and

(b) that applicant or recipient demonstrates, to the satisfaction of an officer, that the disability poses significant challenges to the applicant or recipient in accessing education, training or employment

that applicant or recipient may be eligible to participate in Labour Market Agreement for Persons with Disabilities supports and services or supports and services under a successor agreement or in other employment supports and services for persons with disabilities.

(6) Supports and services for which an applicant or recipient may be eligible under this section include:

(a) job training support for an eligible applicant or recipient with a developmental disability;

(b) training services, to be eligible for which an applicant or recipient shall have significant challenges in accessing education, training or employment as a result of their disability;

(c) enabling supports, including maintenance, transportation, tuition and other needs;

(d) assessment services;

(e) restorative services, including support for wheelchairs, prosthetics and other aids; and

(f) tools and equipment, including support for tools, special clothing, equipment, special aids and modifications to physical structures as approved.

PART III
GENERAL
Use of income support to provide employment support

44. (1) A recipient's income support may, under the authority of subsection 19(2) of the Act and according to this section, be used to provide his or her employment support.

(2) Where a recipient has an employment plan approved by an officer which confirms that the use of income support to provide employment support is appropriate and where that recipient has been receiving income support for 3 consecutive months, that recipient shall enter into an agreement regarding the manner in which that use may be undertaken.

(3) An agreement referred to in subsection (2) shall contain:

(a) a provision outlining the limits of the use of income support for employment support;

(b) a statement that the recipient has no eligibility for additional income support during the period in which the use of income support for employment support is in place; and

(c) evidence of the spouse or cohabiting partner's consent for the use of the recipient's income support to finance his or her employment support.

(4) A maximum of 3 month's entitlement of income support may be used to provide a recipient's employment support.

(5) Income support funds which are to be used to provide employment support may be paid

(a) in a lump sum; or

(b) in instalments

to the maximum of eligibility.

(6) Where a recipient is provided with additional income support during the time period for which he or she has already received income support under this section, that additional income support shall be considered an overpayment and shall be recovered in the manner prescribed by the Act and these regulations.

(7) Notwithstanding another provision of this section, the minister may, in exceptional circumstances, vary the time periods referred to in subsections (2) and (4).

Conjugal relationship

45. (1) In order to determine whether cohabiting partners as defined by the Act share a conjugal relationship, an officer shall evaluate

(a) the economic interdependence of the 2 people;

(b) the parental connections of the 2 people based on the evidence of shared dependents or whether they share parental roles; or

(c) the societal perception of the 2 people, including whether they present themselves as a couple in the community.
and if the officer so determines based on the criteria referred to above, a conjugal relationship shall, for the purpose of these regulations, be considered to exist.

(2) Where a conjugal relationship has been determined to exist under subsection (1), the financial resources of the cohabiting partner shall be evaluated and the income support of an applicant or recipient may, as determined by an officer, be confirmed, denied, varied, suspended or cancelled accordingly.

144/04 s45; 51:06 s25

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Investigations

46. (1) An officer shall, in determining continued eligibility for income or employment support, verify the information provided by the applicant or recipient as required under these regulations to assess eligibility.

(2) Where a determination of eligibility is incomplete or unsatisfactory or new information regarding the eligibility of an applicant or recipient has come to the attention of and been verified by an officer, an officer may, under the authority of subsection 18(2) of the Act, perform those investigations that are necessary to determine an applicant's or recipient's eligibility for income or employment support.

(3) An officer performing an investigation

(a) may

(i) access the applicant's or recipient's personal information that may be necessary to complete the investigation,

(ii) contact third parties to obtain information about an applicant or recipient to complete an investigation,

(iii) make visits to an applicant's or recipient's residence to obtain information to complete an investigation,

(iv) at the conclusion of the investigation, recommend that an applicant's or recipient's income or employment support be confirmed, denied, varied, suspended or cancelled under the authority of these regulations, or

(v) make a referral for prosecution where there is evidence that an applicant or recipient has committed an offence under section 48 of the Act; and

(b) shall

(i) only conduct an investigation of a recipient on the approval of a manager,

(ii) identify himself or herself as an officer and describe the purpose of the contact,

(iii) interview an applicant or recipient personally where possible,

(iv) at all times provide the applicant or recipient with the opportunity to respond,

(v) complete the investigation within 4 months of it being assigned,

(vi) only disclose personal information to third parties for the purpose of obtaining facts
related to an investigation, and

(vii) not disclose the identity of third parties without their permission to do so

and, in addition to the powers and duties prescribed in this subsection, an officer may, with the approval of the minister, do those other things necessary to complete an investigation.

(4) An officer who has received a recommendation from an officer performing an investigation under this section shall

(a) confirm, deny, vary, suspend or cancel the income or employment support of the applicant or recipient who was the subject of the investigation; and

(b) inform the applicant or recipient in writing of any action taken under paragraph (a) and of his or her right to request an internal review of that action and pending the outcome of the internal review, of his or her right to appeal under the authority of the Act and these regulations.

144 04 s46

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Temporary or permanent incapacity

47. Whether an applicant or recipient is permanently or temporarily incapable of managing his or her financial affairs shall be determined by an officer based on an assessment of the applicant or recipient which shall include

(a) a recommendation by the applicant's or recipient's parents, guardians or others as the minister may determine, together with an opinion by an approved professional with supporting documentation;

(b) an opinion by an approved professional alone, with supporting documentation; or

(c) a determination by the court.

144 04 s47

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Other powers and duties of officers

48. (1) A support applications social worker may assist any person, including recipients of income or employment support, to obtain child or spousal support where appropriate.

(2) A support applications social worker may, under subsection (1),

(a) assess potential eligibility for child or spousal support;

(b) provide information about child or spousal support;

(c) assist a person completing an application for child or spousal support;

(d) provide information about the court and court documents, Child Support Guidelines and how they are applied;

(e) provide general information about the support orders enforcement process:
(f) explain departmental policies; and

(g) do those other things that are appropriate in his or her capacity as an officer appointed by the minister.

(3) A support applications social worker referred to in this section may appear in court on behalf of the minister where authorized to do so by an Act of the province.

144/04 s48

Information exchange

49. For the purpose of determining eligibility for income or employment support and under the authority of section 7 of the Act, the minister may exchange information with the entities listed in the Schedule.

144/04 s49

PART IV
UNDERPAYMENT, OVERPAYMENT AND RECOVERY

Rate of recovery

50. (1) Where an overpayment has accrued, the minister may recover that overpayment

(a) where a recipient receives income support only, at a rate of 5% of the recipient's income support referred to in section 13, 14 or 15;

(b) where a recipient receives employment support only, at a rate of 5% of the recipient's employment support;

(c) where a recipient receives both income and employment support, at a rate of 5% of the recipient's income support referred to in section 13, 14 or 15.

(2) The employment support referred to in this section includes monetary employment support only.

(3) Notwithstanding subsection (1), the minister may, in his or her discretion,

(a) recover the overpayment at a rate lower than the rate prescribed in that subsection; or

(b) decline to recover the overpayment.

(4) Notwithstanding subsection (1), where a child benefit adjustment is paid to a recipient under paragraph 19 (1)(g) and that recipient receives a retroactive payment of the Newfoundland and Labrador child benefit or the Canada Child Tax Benefit, or both benefits with respect to the same period, the amount of child benefit adjustment that was paid or the retroactive payment, whichever is less, shall be recovered in full from the recipient's income support entitlement.

144/04 s50

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Apportionment

51. (1) Where an overpayment of income support accrues during a marriage or cohabitation, it shall be apportioned equally between the recipient and the recipient's spouse or cohabiting partner for the time period during which they both received the benefit of that overpayment of the income support during the marriage or cohabitation.

(2) Subsection (1) applies notwithstanding the subsequent dissolution of the marriage or cohabitation.

(3) Notwithstanding subsection (1), the minister may, in exceptional circumstances, vary the manner of apportionment prescribed in that subsection.

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Certificate of judgment

52. A certificate of judgment referred to in section 34 of the Act shall only be issued against former income support recipients who have an overpayment.

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Set off

53. Where a former recipient who is owed money from an underpayment according to section 23 of the Act also owes a debt to the Crown in the form of an overpayment under section 34 of the Act, the money owing to the Crown may be recovered from the money owing to the former recipient and the remainder, if any, shall be paid to the former recipient.

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Amount and rate of garnishment

54. The amount and rate of garnishment under section 29 of the Act shall be the same as that under section 49 of the Judgment Enforcement Regulations under the Judgment Enforcement Act.

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PART V
APPEALS

Request for internal review

55. (1) An applicant or recipient may request that a decision of an officer be reviewed by an officer or officers appointed by the minister to perform an internal review.

(2) A request under subsection (1) shall be in writing.
Internal review

56. (1) An internal review shall be performed in the time period referred to in subsection 41(5) of the Act and the outcome of an internal review shall be communicated to the applicant or recipient in the time period referred to in that subsection.

(2) A communication referred to in subsection (1) shall include

(a) the reasons for the finding or decision;

(b) a notice specifying the right of appeal to the appeal board;

(c) the time within which the right of appeal may be exercised;

(d) the appeal procedure;

(e) the manner in which an appeal may be conducted; and

(f) that the applicant or recipient may access his or her appeal file in anticipation of the appeal, including any record of the appeal.

Appeal to the appeal board

57. An applicant or a recipient aggrieved by the outcome of an internal review may, in writing, appeal that outcome to the appeal board under section 43 of the Act in the time period referred to in that section.

Board practice and procedure

58. The board may set its policy and procedure but it shall, at all times,

(a) receive sworn evidence in relation to an appeal; and

(b) give clear reasons, in writing, for its decisions.

Remuneration and costs

59. (1) The rate of remuneration of appeal board members for meetings convened under the Act and regulations shall be according to the rates of remuneration for boards, commissions and agencies
(2) The members of the appeal board shall, in accordance with government policy, be paid all travel, accommodation and other expenses necessarily incurred by them in carrying out their duties under the Act and regulations.

(3) The department may, in the most reasonably economic manner, support the reasonable costs of an appellant relating to an appeal, but those costs shall not include any fees for legal services.

144/04 s.59

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Shorter time period by agreement

60. Notwithstanding section 43 of the Act, where there is an agreement among all the parties to the appeal, the hearing of an appeal may be rescheduled with less than 7 days notice.

144/04 s.60

PART VI
COMMENCEMENT

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Commencement

62. These regulations shall come into force on the date the Income and Employment Support Act comes into force.

144/04 s.62
Schedule

Entities or Agencies With Whom or With Which
The Minister May Exchange Information under
subsection 7(3) of the Act

Federal Government Departments including:

Department of Citizenship and Immigration
Department of Finance
Department of Health
Department of Human Resources and Social Development
Department of Indian Affairs and Northern Development
Department of Justice Canada
Department of Labour
Department of National Revenue
Department of Social Development
Department of Veterans Affairs

Federal Agencies, including:

Atlantic Canada Opportunities Agency
Canada Revenue Agency
Insurance Bureau of Canada

Provincial Government Departments including:

Department of Education
Department of Finance
Department of Government Services
Department of Health and Community Services
Department of Innovation, Trade and Rural Development
Department of Justice
Department of Municipal and Provincial Affairs

Government departments of other provinces or territories of Canada including any self-governing aboriginal entities

Provincial Agencies, including:

http://www.assembly.nl.ca/Legislation/sr/Regulations/rc040144.htm

2011/12/06
Newfoundland and Labrador Housing Corporation

Regional Health and Community Services and Integrated Boards under the Health and Community Services Act

Workplace Health, Safety and Compensation Commission

Memorial University

College of the North Atlantic

Private post secondary institutions affiliated with employment support programs

Community Agencies affiliated with employment support programs

Employers affiliated with employment support programs

144-94 Sch. 59 96 s2

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Income Support Program Mandate

Intent


Mandate

- The mandate of the Income Support program encompasses a broad range of services to persons who apply for or receive income support benefits including the provision of financial benefits for:
  - basic personal needs (i.e., food, clothing and shelter);
  - non-basic needs (i.e., health benefits such as drug card, medical transportation) and
  - emergency social services.

Delivery

- The Director of Income Support is responsible for the overall mandate of the Income Support program.

- The Income Support division is responsible for the planning, development and strategic direction of policies relevant to the provision of Income Support benefits.

- The Income Support Program is delivered by personnel in offices across the province.

- Most decisions on applicant/recipient requests are made through these offices. Staff must be aware of the full range of services available within and outside the Department and ensure that
financial services are delivered in accordance with the policies and regulations of the Income Support Program.

- The Regional Manager of Income and Social Supports as well as Client Services Managers within departmental offices are responsible for overseeing the delivery of the Income Support Program.

- The Regional Manager of Income and Social Supports is ultimately responsible for the delivery of all programs in these offices and the management of all personnel who deliver the program.

- The Regional Director is responsible for overseeing, managing, and coordinating all the services provided by offices within the Region as well as budget and program monitoring.

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Page updated: March 2, 2010
Income Support Overview

Intent

To provide a basic overview of the Income Support Program.

Overview


- The Income Support Program includes provision for preventative measures (i.e., referrals to Career, Employment and Youth Services) as well as financial benefits.

- The Income Support Program provides:
  - financial assistance with daily living expenses (i.e., food, shelter, clothing) and other special needs such as medical transportation and health related benefits;
  - assistance to move from Income Support to employment;
  - assistance in securing spousal and child support;
  - assistance to provide a safe and secure environment for persons leaving violent family situations;
  - financial support to low-income families and individuals through the Newfoundland and Labrador Child Benefit and the Mother Baby Nutrition Supplement;
  - flexibility, through additional, emergency and special needs benefits to meet the needs of recipients who require special consideration due to exceptional circumstances;
the determination of eligibility for other services such as drug card coverage, medical supplies and equipment for clients on behalf of partner departments;

- response to emergency and disaster situations in partnership with community agencies.

- Any Canadian citizen, including a temporary resident or a refugee protection claimant, who is an adult (18 and over) residing in Newfoundland and Labrador, regardless of the length of time, may apply for Income Support benefits.

- Applicants can apply for Income Support benefits by completing an application on the prescribed forms and mailing them to the Department, apply in person and have a Client Services Officer assist them in completing the application or the applicant can apply over the phone where the application is completed electronically and mailed to the applicant to be signed and returned.

- Applicants must be prepared to provide evidence of need by demonstrating they have explored, within the limits of their ability and circumstances, every possibility of self support.

- Applications will take into account the applicants' requirements and resources and how these resources meet the needs of the applicants.

- Client Services Officers are responsible to determine what additional information may be necessary to establish eligibility and to keep records of the relevant information in the official record for the applicant.

- Income Support benefits are granted when the requirements as defined under the Regulations exceed the resources of the applicant.

- Client Services Officers must respond in accordance with departmental service standards to the requests of applicants and be prepared to make referrals to specialized services, where necessary, as well as provide Income Support benefits when eligibility has been established.

- Client Services Officers, Client Services Managers and Regional Managers must always inform recipients of their right to have any Departmental decision reviewed concerning the refusal, variation or suspension of Income Support benefits or other requests.
Income Support Application Process

Intent

This section outlines policy and procedures for an applicant to apply for Income Support benefits.

Regulations

3.(1) An application for income support may be made in person or by

(a) telephone application process;

(b) mail; or

(c) other means acceptable to the minister, including electronic means where available.

3.(2) An application for income support shall not be considered to be received by the minister and shall not be assessed unless it is in a form and made in a manner approved by the minister.

3.(3) An application for income support shall be completed within 30 days and where an application has not been completed within that time period, a new application shall be made.

4.(1) An applicant or recipient shall live in the province to be eligible for income support and to continue receiving income support.

Policy

- Applicants for Income Support must be 18 years of age or older and include a person who is less than 18 years old where that person is married or is a cohabiting partner.

- Applicants can call a toll free number for their area and complete the Application for Income Support form over the phone. These phone numbers can be found on the following website: http://www.hrle.gov.nl.ca/hrle/income-support/application.html
Once the application is completed, it is mailed to the applicant (and spouse if applicable) to verify, sign and return the information to the Department of Human Resources, Labour and Employment, with the required supporting documentation.

- Applicants can also obtain a printed version of the application by:
  - visiting a local office
  - contacting a local office by phone and requesting the application be sent to them in the mail
  - printing one from the Departmental website at [http://www.hrle.gov.nl.ca/hrle/income-support/application.html](http://www.hrle.gov.nl.ca/hrle/income-support/application.html)
- In the case of printed applications, applicants (and spouses if applicable) must submit the application and any supporting documentation to the Department for assessment.
- The effective date of a telephone application is when it is completed over the phone. The effective date of a mailed application is when received by the Department.
- Where clients have not provided all required documentation within 30 days from the date of the initial application, a new application will be required.

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### Procedures

**Client Services Officers must:**

- When requested by an applicant, mail out the Application for Income Support and the Rights, Responsibilities, and Client Consent (form XFO010), giving the appropriate mailing address to return the completed application and form. Include the covering letter - "INFORMATION FOR APPLICANTS."
- When an applicant is applying for income support benefits over the phone:
  - complete the required information in CAPS,
  - mail out the completed personalized Application for Income Support form along with the Rights, Responsibilities and Client Consent form to the applicant for signing and verification of the data completed on the electronic application;
  - print and include the personalized check list letter contained in CAPS which identifies the documentation to be submitted.
- When an applicant wishes to apply in person, set up an appointment time and place and ensure the applicant is seen within 15 minutes of the appointment time.
- Ensure the Application for Income Support and the Rights, Responsibilities and Client Consent form are retained as part of the official record.
- Verify that all dates of birth and Social Insurance Numbers entered into CAPS are correct.
- Contact the client when additional information is required, or verifications have not been received as part of the initial application process. In the case of information which the client has a period of time to submit (ie. verification of birth within 60 days), complete a KIV for this information. Where this documentation has still not been received within the applicable time periods, no further income support benefits should be issued. If there are extenuating circumstances, the approval of a client services manager is required to extend income support benefits beyond the period as determined above.
- In assessing an application, a CSO should determine if there may be eligibility for other sources of income based on the client's situation – i.e., a widow should be encouraged to apply for survivor benefits from CPP and possibly the Widowed Spouses Allowance from OAS, depending upon her age. Where such eligibility may exist, clients are to apply for this income and provide verification of the outcome.

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### Authority Level
Client Services Officer
- Process all applications for Income Support benefits
- Verify all documentation submitted

Client Services Manager
- Approve the extension of income support benefits where documentation has not been provided within the application time frames.
MANAGING CLIENT INFORMATION/CLIENT CONFIDENTIALITY

Intent

To understand policies and procedures relating to how client information is collected, stored and released.

Regulations

Information which may be required to assess or review eligibility

5. (1) An applicant or recipient shall, where required for an assessment of his or her eligibility for income support, provide the following:

(a) proof of his or her personal information which may be required by an officer;

(b) information regarding his or her citizenship or residency status, including whether an applicant or recipient is a landed immigrant or a refugee claimant;

(c) his or her consent for the release of, obtaining or verifying personal information about him or her;

(d) proof of the identity of all adults and dependants residing in the home and their relationship to the applicant or recipient;

(e) verification of whether he or she is renting, boarding or has responsibility for a mortgage and the length of time for which he or she has been boarding or renting; and

(f) other information that may be required to assess eligibility as determined by an officer.
and the information required under this section shall be used for the purpose for which it was obtained and for no other purpose.

Information exchange

49. For the purpose of determining eligibility for income or employment support and under the authority of section 7 of the Act, the minister may exchange information with the entities listed in the Schedule.

Act

Release of information

7. 

(1) In the course of administering this Act, the minister may collect information which may include an applicant’s or recipient’s personal information.

(2) Information provided by an applicant or a recipient under this Act is confidential.

(3) Notwithstanding subsection (2), the minister may exchange information necessary to determine eligibility under this Act with those individuals and entities prescribed in the regulations.

(4) Notwithstanding subsection (2), the minister may disclose personal information for a research purpose, including statistical research, only where

(a) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form;

(b) any record linkage is not harmful to the individuals that the information is about, and the benefits to be derived from the record linkage are clearly in the public interest;

(c) the minister has approved conditions relating to the following:

(i) security and confidentiality,

(ii) the removal or destruction of individual identifiers at the earliest reasonable time, and

(iii) the prohibition of any subsequent use or disclosure of that information in individually identifiable form without the express authorization of the minister; and

(d) the person to whom that information is disclosed has signed an agreement to comply with the approved conditions, this Act and government policies and procedures relating to the confidentiality of personal information.

(5) Notwithstanding subsection (2), an applicant, recipient or a person acting on his or her behalf may view his or her personal information and, where necessary, request correction of his or her personal information.

(6) For the purpose of this section, information required or provided under this Act includes information that was required or provided under the Social Assistance Act.
Policy

The Income Support Program values a client’s right to privacy and is committed to the protection of personal information. The collection, use and disclosure of all client information must be done so under the provisions of the Access to Information and Protection of Privacy Act (ATIPPA).

Collecting Information

- An integral part of the income support application includes the client providing personal information, and also their consent for HRLE to verify information contained in the application. This information is essential to ensure eligibility for benefits and the appropriate delivery/referral of programs and services. Please see the policy Information Required to Assess/Review Eligibility for further information.
- The Rights, Responsibilities and Client Consent form, in line with the Access to Information and Protection of Privacy Act (ATIPPA), outlines:
  - Why HRLE collects information – to assess the household’s eligibility for income support benefits; to determine the amount of assistance; to identify employment, medical and other service needs; and to prevent and detect fraud.
  - That the authority is valid for two taxation years prior to the year of the signature, the current taxation year, and each subsequent taxation year for which assistance is required.
  - Who HRLE staff can contact to seek information – departments, agencies or persons having information about clients pertaining to their individual needs, income, assets, employment (including Record of Employment documents), marital status or any entitlement to benefits under other programs. Examples include, but are not limited to, Human Resources and Skills Development Canada – Service Canada; provincial departments of Education, Justice, Health and Community Services and Finance; and financial institutions such as banks.
- Applicants/Recipients (including spouses/partners) are required to sign the Rights, Responsibilities and Client Consent form as a condition of applying for and receiving income support benefits. This form is also completed:
  - As reviews are completed on recurring pay cases or
  - When there is a break in assistance

Once returned to the Department, these forms must be placed in TRIM.

- When applications/reviews are completed by telephone, staff must explain the purpose of the Rights, Responsibilities and Client Consent form to all applicants/recipients to ensure their understanding and consent.
  - The signed Rights, Responsibilities and Client Consent form must be signed and returned by the client after the telephone application is completed.
  - Clients can be directed to the online facts sheet regarding personal information for further clarification in these cases.
  - If a client’s consent is needed to obtain information prior to the Rights, Responsibilities and Client Consent form being dated, signed and returned; verbal consent can be obtained. It is crucial that the verbal consent be documented in CAPS.
  - A case note must be made in CAPS to confirm that the Rights, Responsibilities and Client Consent form has been reviewed and that verbal consent has been provided.
- When clients refuse to consent and will not sign the Rights, Responsibilities and Client Consent form, they should be advised that their application/review cannot be processed and any benefits that they are receiving will be suspended. Their refusal must also be documented in CAPS.
• Clients have the ability to withdraw their consent at any time by contacting or writing to their local office of Human Resources, Labour and Employment. While this will cease inquiries concerning information after the date of the withdrawal of the consent, the Department retains the right to verify any eligibility for benefits for the period when the client actually received benefits.

• When an applicant/recipients is unable to manage their own affairs due to a documented physical, social, psychiatric or developmental limitation, a trustee must be appointed. A trustee must provide all relevant information and consent on behalf of the applicant/client, and be provided with information regarding the client as required. Please refer to the policy on trustees for further information.

Verifying Client Information

• As the Income Support Program is means tested and provides financial benefits, it is essential that all client information be verified appropriately and in line with the Department’s eligibility assurance policies.

• With the client’s consent and provision of identifiers such as MCP and social insurance numbers, HiLE is able to interface with other provincial/federal government departments to obtain the financial information necessary to assess the client’s eligibility in relation to specified income sources.

Release of Client Information

• Information provided to outside agencies or third parties including family, friends or advocates can only be provided with a client’s written or verbal consent except in the following circumstances:
  o With a warrant, court order, or subpoena
  o When a person’s health or safety is at risk. Examples include when Child, Youth and Family Services is conducting an assessment/investigation relating to a child in need of protection, a Regional Health Board is conducting an assessment/investigation under the Neglected Adults Act, or when a client threatens the safety of another individual (including staff persons or the Minister) and the police must be contacted
  o To notify a next of kin of injury or illness
  o When a client’s MHA contacts the Department and is advocating with the clients consent to assist that client in resolving an issue
  o Sections 39-42 of the Access to Information and Protection of Privacy Act outline when personal information should be disclosed
  o It is still advisable, when possible, to get written documentation to place in the client’s file (i.e. a copy of a warrant, a letter from Child, Youth and Family Services, a signed consent from an MHA).

• If a staff person is uncertain about releasing client information to a third party, they should discuss the case directly with a program supervisor. The Department’s ATIPP coordinator (the Director of Policy, Planning and Evaluation) can be contacted for direction.

Privacy Breach

• A privacy breach is an incident that puts a record of personal information at risk of harm. Breaches usually involve unauthorized disclosure of personal information, either intentionally or by mistake.

• A privacy breach can occur if information is lost, stolen or misdirected.
• If private information has mistakenly been disclosed to an unauthorized source (i.e. e-mail sent to wrong person, fax sent to wrong number, client information provided to a third party without client consent) the situation requires immediate action. In these instances, staff should:

  o notify their supervisor who should then contact the ATIPP coordinator. The staff person, their supervisor and the ATIPP coordinator (Director of Policy, Planning and Evaluation) should then determine:

    ▪ If personal information is involved in the disclosure
    ▪ If it’s an unauthorized disclosure and,
    ▪ If there is risk involved with the disclosure (physical, financial, security)

  o record details of the possible breach;
  o retrieve the disclosed information right away;
  o in consultation with the manager and ATIPP coordinator, notify the appropriate individuals (depending upon the circumstances, clients, Office of the Chief Information Officer, RNC or other relevant persons); and
  o evaluate the situation to determine how the error was made and how to prevent it from re-occurring.

Releasing Information

• There are two types of requests for release of information:

  **Formal Requests**

  o These types of requests come mostly from media or the official opposition and are usually not in relation to individual client information.
  o Those who make formal requests for information must complete an Access to Information Request application form and pay a fee of $5.
  o When these types of requests are made or received at the district office, the individual and/or their application should be directed to the ATIPP coordinator who will deal with their inquiry.

  **Informal Requests**

  o These types of requests come from clients who wish to access information in their own files.
  o Clients have a right to view the information that we have collected about them and have received from them. The following guidelines must be followed when a client requests access to information contained in their Income Support file:

    ▪ As the spirit of ATIPPA is to encourage the regular release of information, clients can request information from their own files verbally, and do not have to make a written request or pay a fee.
- When clients make requests, they should be encouraged to specify documents that they are seeking, or provide time frames relating to the information that they require if possible. This is important as some client files are sizable and the process of reviewing/printing all of the information would be very time consuming.
- The requested information should be copied; however, any personal information regarding other individuals that is contained in the documents should be vetted prior to releasing the information to the client.
- All original documents should be maintained in the client file.
- Once copies are made, the CSO should meet with the program manager to review the information prior to its release. All information must be carefully assessed to ensure it is appropriately vetted and contains information that only relevant to the client requesting it.

- When there is confusion about the release of client information, either formally or informally, the program manager should consult with the ATIPP coordinator.

Authority Level

Client Services Officer
Client Services Manager – review of complete files prior to release to client
- consultation with ATIPP coordinator re any breaches

Page updated on December 30, 2010
RESIDENCY REQUIRED

Intent

- This section outlines the conditions surrounding the residency requirements for the client in order to apply or continue to receive Income Support Benefits.

Regulations

- Residency required

  4. (1) An applicant or recipient shall live in the province to be eligible for income support and to continue receiving income support.

  (2) Notwithstanding subsection (1), a recipient may be absent from the province

  (a) for a period of up to 90 days for a purpose approved by an officer; or

  (b) for a period of more than 90 days if the absence is due to medical reasons and is approved by an officer.

  (3) Where a recipient leaves the province for any reason, including work, he or she shall be eligible for income support up to and including the end of the period during which he or she last received income support.

Policy

Moving to another province from NL

- Any resident of Newfoundland & Labrador who moves to another province/territory of Canada to take up residence, will be the responsibility of that other province/territory.

- Clients who leave Newfoundland and Labrador to take up residence in another part of Canada or who are on an extended visit, are only eligible for Income Support in Newfoundland and Labrador to the end of the pay period of the departure. Any Income Support beyond the pay period is an overpayment. Clients who leave the province for confirmed employment are eligible for an overlap of 30 days assistance, as is the case when the employment is located within the province.

Moving to NL from another province

- Applicants to the income support program, who recently arrived from another province/territory of Canada, had some other source of income/support in the past 60 days. In these cases the file is referred to the Early Detection and Prevention Program to ensure that the source of income is verified prior to eligibility being finalized.
• If families with dependent children move to Newfoundland & Labrador, the expectation is that they apply for the Newfoundland and Labrador Child Benefit. As long as the child (ren) is a resident on the 15th of the month, the family is eligible for the Newfoundland and Labrador Child Benefit.

Visiting another province

• Clients, who are absent from the province for a **purpose as approved by a worker**, can continue to receive Income Support Benefits in Newfoundland and Labrador for a period of sixty days. These reasons may include medical treatment or consultations, short visits with family etc.
• Beyond sixty days, there is no further eligibility for benefits unless the reason for the visit is related to medical treatment and has been prior approved by HRLE. Any income support benefits which were paid beyond sixty days must be considered an overpayment.
• Clients who are required to visit another province for medical or hospital treatment are not considered residents of that province for Income Support purposes. The Income Support Benefit payments will continue from HRLE as long as general eligibility still exists.
• For clients who apply from outside of Canada, please refer to the policy section - **Determining Eligibility - Landed Immigrants/Refugees [Non Canadians]**.

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**Authority level**

Client Services Officer

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Revision date – October 1, 2009
INFORMATION REQUIRED TO ASSESS/REVIEW ELIGIBILITY

Intent

This Section outlines the supporting documentation required to accompany the Application for Income Support Form 14-857.

Regulations

5. (1) An applicant or recipient shall, where required for an assessment of his or her eligibility for income support, provide the following:

(a) proof of his or her personal information which may be required by an officer;

(b) information regarding his or her citizenship or residency status, including whether an applicant or recipient is a landed immigrant or a refugee claimant;

(c) his or her consent for the release of, obtaining or verifying personal information about him or her;

(d) proof of the identity of all adults, children and dependent students residing in the home and their relationship to the applicant or recipient;

(e) verification of whether he or she is renting, boarding or has responsibility for a mortgage and the length of time for which he or she has been boarding or renting; and

(f) other information that may be required to assess eligibility as determined by an officer

and the information required under this section shall be used for the purpose for which it was obtained and for no other purpose.

(2) Notwithstanding subsection (1), an officer may require, in writing, that the recipient provide additional information to assess his or her eligibility and the recipient shall comply in a manner acceptable to the minister within 30 days of the request being made by the officer.

(3) An officer may, in his or her discretion, make exceptions to the time period referred to in subsection (2).
(4) Where information is required under this section, a photocopy is considered acceptable.

(5) Where a recipient fails to comply with a request under subsection (2) in the time period prescribed in that subsection, the officer may deny, vary, suspend or cancel that recipient's income support.

Policy

- Rights, Responsibilities and Client Consent form
  - Applicants/recipients, including the spouse/partner, are required to sign this authorization (form XF001Q) as a condition of receiving Income Support benefits for all new and reopened applications, and when reviews are completed for recurring pay cases.

  - The schedule in the Income and Employment Support Regulations identifies the federal and provincial government departments and agencies where information can be exchanged in order to determine eligibility for Income Support.

  - The original of this form is to be maintained as part of the official record and a copy can be provided to the applicant/recipient, if requested.

- Verification of Birth
  - All applicants for Income Support must produce official verification of birth dates from a birth certificate or a baptismal certificate, a MCP Card (with date of birth on card), driver's license, passport, or Citizenship, Immigration, Naturalization or Canadian Land Grant Resident Papers, for all family members (i.e., spouse/partner and dependent children/students living in the family home) as part of the application for Income Support. Hospital cards are not acceptable for newborns.

  - The applicant/recipient is responsible for the costs of obtaining certificates.

  - Verification must be provided within sixty (60) days of the date of application and before a case is transferred to recurring pay.

Note: For persons who are Victims of Violence, verification must be provided within 90 days.

- Form 14-735 - Verification of Birth form, properly completed and in the physical file prior to 1998 04 01, is still acceptable for past verifications.

For internal use of this Department, the form "Application for Verification of Birth" can
be submitted to Vital Statistics and the verified information is acceptable if the form is fully completed and signed by the Registrar of Vital Statistics.

- **Verification of Income**
  - Verification of income of the applicant and/or spouse is required for the sixty (60) day period preceding the date of application, as well as any current or anticipated income to be received from any source.
  - Note: Persons who are *victims of violence* are not required to provide confirmation of the income of their spouse/ex-spouse.
  - Acceptable documents include a cheque stub or other official document from the employer(s) showing the applicant’s name, Social Insurance Number, all deductions and the covering period of the payment, or a copy of the *Record of Employment* or official letter from the employer if employment was terminated.
  - If an income source was terminated, (e.g., Employment Insurance benefits), a copy of the last cheque stub is needed. All verifications must be kept as part of the official record. A photocopy of such verification is acceptable.
  - The applicant/recipient is responsible for obtaining the necessary verification.
  - In exceptional circumstances, Income Support benefits can be provided for a period up to seven (7) days without verification. Beyond 7 days, approval of the Client Services Manager is required.

- **Verification of Assets**
  - If an applicant/recipient has liquid assets in a bank or other institution, verification of the current balance is required with the Application for Income Support form 14-857.
  - Access to Account form 14-716 can be used and updated bank books or chequing account statements are acceptable.
  - The cash surrender value of life insurance, bonds, RRSP's, mutual funds, etc., is required. Any liquid asset which can be converted to cash is to be assessed. Clients who indicate that they have RRSP’s which are “locked in” must be able to verify that there is no way to access these funds. In many cases, the money is available but a penalty would apply, or there is provision to access a percentage of the funds under a hardship clause.
  - Any cost incurred to obtain the required documentation is the responsibility of the applicant/recipient.
  - Receipts from automated banking machines are not acceptable.

- **Liquid Asset Considerations**
  - Persons who are *victims of violence* may have, at the discretion of the client services officer, up to 90 days to verify their assets.
- Consideration must always be given to the ability of the applicant to access these assets legally or safely.

- In these situations, the client services officer should discuss the circumstances with their client services manager/district manager.

- A client services officer can assist in this process through a 'Release of Information' which can be sent to the appropriate financial institution(s).

- Only Registered Education Savings Plans (RESP's) held by applicants prior to applying for Income Support and recognized by the Canada Revenue Agency are considered exempt liquid assets.

- Any other savings for educational purposes will not qualify for this exemption.

- Registered Retirement Savings Plans (RRSP's), up to the maximum permissible limit of $10,000.00 are only exempt for the first 90 days after Income Support benefits begin.

- Note: One cannot use lump sum payments i.e., child support or any other income source, to purchase RESP's (RRSP's) while completing an application for or in receipt of Income Support.

- Applicants who have their liquid assets in the possession/custody of another person must also have these liquid assets verified.

- For applicants with a joint bank account, the full amount must be considered the liquid asset of the applicant unless the client services officer receives verification/affidavit statement from the person(s) named on the account, indicating how much they have contributed to this bank account.

- The approval of the Client Services Manager is required to exempt the portion of the funds allotted to the other person.

- **Fixed Asset Considerations**

  - Assets such as vehicles, land or residences are not considered as assets in relation to income support eligibility. Should these assets be sold, however, money received by the applicant/client will be considered as income in the month received. Sometimes clients indicate that they have transferred property without receiving compensation, have sold it at a nominal fee, or at an unrealistically low price. Any client who claims to have transferred or sold property in this manner should be assessed as receiving proceeds at a fair market value, and income support benefits must be adjusted in relation to eligibility and liquid assets as above. The market value may be determined through a municipal council, real estate agent or other person who would have the knowledge and ability to make such an assessment. Verification is required to ensure property or other fixed assets have not been disposed of when reviews are completed.

- **Social Insurance Number (SIN)**

  - The Social Insurance Number card is the primary verification of the Social insurance
Number.

- Applicants (including spouses/partners) for Income Support must produce valid SIN cards.
- The signature on the SIN card should correspond with the signature on the application for Income Support.
- In the absence of the SIN card, the following is required:
  - a federal document with the applicant's or spouse's name and SIN on it, or
  - authentication of the applicant's or spouse's SIN in writing from an official issuing agency.
- For cases without a valid SIN, only non-recurring income support benefits can be provided. A verified SIN is mandatory before a case can be transferred to recurring pay.
- Cases without a valid SIN are excluded when conducting interfaces such as Employment Insurance and Canada Pension Plan.
- Continued inability to produce a valid SIN may result in discontinuation of income support benefits.

- Medical Care Plan (MCP) Card

  As the MCP # is the primary identifier for the Newfoundland and Labrador Prescription Drug Program, clients should provide these numbers for all members of the family who will be covered on the allowance. While there is provision to assist families without MCP #’s and to provide drug coverage, such cases cannot be transferred to recurring pay without the MCP #’s keyed into CAPS.

Procedures

- Client Services Officers must:
  - key all information directly to the screens in CAPS. Information provided by clients will be scanned into TRIM by DPU staff
  - KIV cases when additional information is required, or where verifications have not been received as part of the initial application process
  - suspend/close any case if required information is not received within the allotted time period
  - maintain as part of the official record; any DACS produced forms or Income Support mail-back forms
• ensure applicants/recipients understand the content of the Rights, Responsibilities and Client Consent form and provide them with a copy if requested

• prepare a brief covering letter outlining the specific details of the request and the return address of the district office when forwarding a Rights, Responsibilities and Client Consent form/release of information to outside agencies

Authority Level

• Client Services Officer
  o approve the documents submitted

• Client Services Manager
  o may approve exemption of the portion of the funds allotted to the other person in situations of where there is a joint bank account
  o may approve the provision of Income Support benefits beyond 7 days where there is no verification of income on record
  o may extend the time frame for persons who are Victims of Violence to provide supporting documentation

Page updated: July 4, 2011
Responsibility of Applicant/Recipient

Intent
To identify the responsibilities of the applicant or recipient in relation to income support eligibility.

Regulations

Responsibilities of applicant or recipient

7. (1) An applicant or recipient shall immediately report to an officer any circumstances which may affect the applicant's or recipient's eligibility for income support, including:

(a) change of address;
(b) change in living arrangements;
(c) change in marital or cohabitation status;
(d) change in the circumstances of any dependants;
(e) change in income, liquid assets, real property or assets;
(f) absence from the province of the applicant, recipient or his or her dependents;
(g) change in the reason for the application for income support;
(h) receipt of a liquid asset;
(i) sale or transfer of assets, including any real property;
(j) change in expenses incurred in earning income;
(k) any other circumstances that the minister may determine.

(2) An officer may deny, vary, suspend or cancel income support where a circumstance referred to in subsection (1) has been confirmed and shall notify an applicant or recipient in writing of that action and shall inform the applicant or recipient of his or her right to request an internal review of that action and pending the outcome of the internal review, of his or her right to appeal under the authority of the Act and these regulations.

Determining eligibility of an applicant
9. (1) A person shall, in accordance with section 13 of the Act, pursue all other financial resources available to him or her or his or her spouse or cohabiting partner as a condition of eligibility for income support.

Review of eligibility

29. The amount of income support payable to a recipient shall be reviewed by an officer periodically in order to determine the continued eligibility of the recipient and may also be reviewed at the request of the recipient.

Policy

Completion of an accurate application

- The Application for Income Support is to be completed in full by the applicant and spouse where applicable. The declaration to be signed at the end of the application indicates that the answers must be true to the best of the applicant's knowledge and identifies the requirement to report any change in client circumstances.

  "I/we declare that the information and answers given to the questions on this Application are true to the best of my/our knowledge. I/we understand that this information will be used to determine eligibility for Income Support and/or to obtain Employment Services, and may be subject to verification by Departmental staff.

  I/we agree that all changes in circumstances are to be reported to a Client Services Officer at the HRLE Office for my region immediately, including changes in income, family size, living arrangements, etc.

  I/we understand that knowingly making false and misleading statements is an offence. Persons making false declarations may be subject to prosecution."

- In addition to this form, applicants are responsible to provide all supporting documentation as requested by HRLE, in order to have the application assessed.

Requirement to Report Any Changes in Circumstances

- As part of the application process for income support benefits, applicants (and recipients upon review of their benefits) are required to sign the Reporting Requirements and Release of Information Form and retain one copy for their records. The document outlines the following statement:

  "I agree to report to the Department of Human Resources, Labour and Employment any changes in my circumstances or the circumstances of my spouse (legal or common law) or dependent children, that may affect my eligibility for assistance or the eligibility of my spouse or dependent children. I understand that some examples of such changes are changes in address, receipt or expected receipt of money, goods or other assets from any source, number of dependents, marital status and living arrangements. I agree that if I am in doubt as to whether any change in circumstances will affect such eligibility, I am to report the same in any event to the Department of Human Resources, Labour and Employment."

Requirement to Pursue all Other Sources of Income

- Where applicants or recipients may be eligible for any other source of income, they are required to apply for or obtain such income. This includes but is not limited to Employment Insurance benefits, child or spousal support, Workplace Health and Safety Compensation benefits, Canada Pension Plan benefits (including early retirement benefits available at age 60) and the conversion of liquid assets (with the exception of RRSP's under $10,000 which can be retained for a period of 90 days). Failure to apply for such benefits or access assets may result in income support benefits being denied or suspended.

Requirement to Participate in Reviews of Eligibility
Periodically eligibility of income support cases will be reviewed. In completing these reviews, recipients will be responsible for completing review documents as provided and also to submit any supporting documentation as required. Failure to submit these documents may result in the interruption of benefits.

Authority Level

Client Services Officer
SUPPORT APPLICATIONS REFERRAL PROCESS

Intent

To provide guidelines for staff to assist an applicant/recipient to seek and obtain child and/or spousal support.

Regulations

8. In this Part,

(c) "non-exempt income" means income received by an applicant or recipient for which no exemption applies and which is used in determining eligibility but does not include partially exempt income, and which may be obtained by means of

(vi) payments which are monetary in nature or which are quantifiable in monetary terms including payments which are by way of arrears and which are received as child or spousal maintenance or support by the applicant or recipient under a private agreement, a domestic contract or a court order.

9. (1) A person shall, in accordance with section 13 of the Act, pursue all other financial resources available to him or her or his or her spouse or cohabiting partner as a condition of eligibility for income support.

Overview

Section 37(1) of the Family Law Act states that "Every parent has an obligation to the extent the parent is capable of doing so, to provide support for his or her child". Any person applying for or in receipt of income support benefits must pursue all other financial resources available to him or her or a cohabitating partner. Applicants/Recipients with dependent children (up to the age of 19 years or older, if circumstances warrant) or a couple with dependent children with an absent parent, are required where practical, to seek child support.

The Department of Human Resources, Labour and Employment has partnered with Family Justice Services (FJS) to provide information and assistance to applicants/Recipients in obtaining support for their children and/or themselves. FJS also offers a child support recalculation service to assist parents in maintaining a fair amount of child support for their child in future years. Please see the Child Support Recalculation Service Website for further information.
Family Justice Services will operate under the Child Support Guidelines which promotes the best interest of the child.

The Support Enforcement Agency located in Corner Brook, was established by the Department of Justice to assist in the enforcement of support orders.

Policy

General

- Information on child support as non-exempt income can be referenced under the Non-exempt Income Section - Support Payments (Child and Spousal).

- Income Support benefits can be provided to all new and active cases for a limited period of time (90-120 days) while the applicant/recipient applies for financial support from the other parent/spouse, unless an exemption is made (i.e., other parent is in receipt of Income Support).

- The CSO should ensure that support payments are reviewed annually, unless a recalculation clause is included in a previous order or registered domestic contract.

- Support cases can be referred to Family Justice Services through a Request for Service form or a direct referral can be made through the CAPS system depending on regional practices.

- If the income support applicant does not comply with the referral to Family Justice Services or does not engage in their services, all income support benefits may be suspended or redirected to the local HRLE office.

- Support payments must be considered as non-exempt income and deducted in full from the amount of eligibility for income support entitlement.

- If it is verified that support payments are registered with the Support Enforcement Agency and payments have not been received within 10 calendar days of the due date, adjustments can be made to the client's income support entitlement.

Methods of Support Payments:

Support may be paid in the following ways:

- directly to the parent by the absent parent
- to the Support Enforcement Agency which forwards the payment to the parent
- to a third party on behalf of the client (a landlord, bank, etc.)

In all three cases above, the amount of support income is deducted from the client's income support entitlement.
Referrals for Support

The FJS Request for Service form should be completed on applicants/recipient where the following apply:

- All new and active cases where there is potential for child and/or spousal support
- Active cases where the amount of support has not been reviewed by FJS or the court in the past twelve months, unless the recalculation clause is included in the existing order/agreement
- Cases where one spouse is not the biological parent of the child(ren) and there is potential for support from the absent birth parent
- Applicant/recipient is requesting a referral be made to FJS
- Cases where a child has been removed from the file but child support is still in pay to an applicant/recipient
- If a client identifies that whereabouts of the absent parent or paternity is unknown, a Request for Services should still be made to FJS

Exceptions to Referral

All Request for Services forms should be forwarded to FJS with the following exceptions:

- The other parent is in receipt of income support benefits
- The other parent is incarcerated
- The applicant/recipient is pregnant but child is not yet born
- The other parent is deceased

Note: CSSO should establish a KIV date based on the circumstances for the exception, except in the case where the other parent is deceased.

Special Circumstances

- Unknown Paternity
  - These cases shall be referred to FJS to determine any avenues which may be open to establish paternity including paternity testing, and also for the provision of information regarding the Child Support Guidelines, unless this issue was previously addressed by FJS and there is no change or new information.

- Unknown Whereabouts
Prior to referring these cases to FJS, the CSO shall provide the applicant/recipient with suggested methods of obtaining information with respect to the whereabouts of the other parent such as through family, friends, employers, internet searches, etc.

Should the “Note to HRLE” form completed by FJS still indicate an unknown whereabouts, the CSO should KIV the case annually to obtain updated information and determine if another referral to FJS is necessary.

- **Victims of Violence**
  - If the applicant/recipient indicates there are violence issues involving the other parent, the CSO should refer to policy relating to services available to individuals who are victims of violence to advise the applicant/recipient of the services available.
  - The CSO shall advise the applicant/recipient of services offered by FJS to determine if they wish to complete a Request for Services at that time. If not, the CSO would need to address it and when this case should be KIV’d for future discussion of child and/or spousal support and possible referral.

- **Matrimonial Property**
  - An applicant/recipient who has issues involving matrimonial property shall be encouraged to seek legal advice regarding the division of their property. Financial proceeds from settled property are to be considered when determining eligibility for Income Support benefits. FJS does not address division of property issues.

**Procedure**

When there is potential for support, the Client Services Officer should:

- Advise the applicant/recipient of the requirement to seek support, and that payments will affect his/her income support benefits.

- When appropriate, forward the FJS Request for Service form to the client for completion to determine the potential for obtaining support, and KIV the return date.

- Forward a copy of the completed Request for Service form to the Document Processing Unit for filing and forward the original to the local FJS office.

- If the applicant/recipient does not comply with the referral to FJS or does not engage in their services, the Client Services Officer may redirect the client’s cheque to the local HRLE office or suspend further income support benefits.

- Enter into CAPS any support income as non-exempt income. This income will be deducted in full from the income support entitlement.

**Expenses Incurred in Obtaining a Support Order**

Recipients may incur expenses in their efforts to obtain a support order. Such expenses may include transportation or paternity testing. The following procedure is to be followed when a request for such expenses is made to a CSO.
• Transportation

If necessary, transportation may be provided for a recipient to meet with a Legal Aid lawyer or a Department of Justice lawyer, to discuss support or to attend court hearings relating to support.

Transportation may also be provided for HRLE clients to attend Parent information sessions at Family Justice Services and the initial intake appointment regarding child support when it is recommended by a Support Applications Social Worker. The district’s transportation policy would apply. Transportation may be paid to see Family Justice Counselors as per the medical transportation policy.

• Paternity Testing

The court may order paternity testing to be completed, or FJS may arrange such testing at the request of the parent. For recipients of income support benefits, there is provision through the income Support program to cover the costs of some or all of these tests, under certain conditions. Please see policy on Other Special Needs.

• Service of Documents

  o When HRLE clients are required to pursue the issue of support, there is a requirement that the other party be served notice. Normally, this is done by registered mail and the cost incurred is the responsibility of the applicant/recipient.

  • In some circumstances, personal service of documents may be required by someone other than a family or friend. When advised by FJS that this cost is incurred, payment of this cost may be authorized using special needs.

Authority Level

Client Services Officer – special needs (paternity testing, service of documents)

Client Services Manager – permanent exemptions for referral to Family Justice Services (other parent deceased)

Sept. 27, 2010
DETERMINING ELIGIBILITY FOR INCOME SUPPORT - OVERVIEW

- Prior to making an application for income Support and as a condition of eligibility for income support, a person shall pursue all other financial resources available to him or her or his/her spouse or cohabitating partner.

- An Income Support Needs Test occurs when one encounters an income reduction, income loss, increased expense or has never had any income.

- An Application for Income Support is required from all applicants in order to determine eligibility for (a) Basic Income Support and/or (b) Special Needs and Health Related Items.

- Any eligibility consideration allows for a person to have liquid assets and certain income resources.

- Certain liquid assets have permissible limits, for example registered retirement savings plans and allowable cash on hand or in the bank.

- There are three categories of income: exempt, partially exempt and non exempt income.
  - Exempt Income provides one the ability to keep those monies and they are not considered a deduction.
  - Partially Exempt Income allows the department to calculate certain deductions from earnings; exemptions for expenses incurred while working; provision of incentive allowances; and provides the ability for the individual to keep a portion of scholarships or money earned by providing board and lodging to a non-relative.
  - Non Exempt Income provides for no exemptions of any kind and such sources of income (i.e., CPP) are deducted dollar for dollar from the monthly requirements.

- Monthly requirements are considered and prescribed in requirements to include "up to"
amounts for basic benefits (such as food, clothing, shelter) and any additional supplementary benefits (i.e., vision care) one may be entitled to upon assessment of specific criteria.

- **Basic Income Support** is determined as follows:
  - The Income Support Needs Test compares the resources (income and assets) against the requirements of the applicant prior to the Date of Application and determines eligibility based on the request.
  - If the request is for Basic Income Support, the Income Support Needs Test uses an assessment tool which considers the resources (income and assets) and the requirements of the applicant in the 60 days previous to the Date of Application. Please refer to the following sections of the manual, as applicable, for further specifics:
    - Determining Eligibility - Single Persons Under 21
    - Determining Eligibility - Families and Single Persons 21 and Older
  - If the applicant is deemed to be not eligible on that date, the client services officer can determine a date when the applicant may be eligible for Income Support benefits, providing no new income is received.
  - This process is used for all applicants applying for full basic Income Support benefits or an Income Support supplement to their income.

- **Eligibility for Special Needs and/or Health Related Items** is determined as follows:
  - The Income Support Needs Test uses an assessment tool which considers the resources (income and assets) and the requirements including the cost of the requested item(s) (i.e., drugs) for the 30 days prior to the Date of Application and determines if an applicant is eligible for a contribution towards the cost of the requested item(s) or for the full amount of the requested item(s).

For further specifics please refer to Determining Eligibility - Families and Single Persons 21 and Older.
Income Support Needs Tests

There are two Needs Tests used in the Income Support Program to determine eligibility for benefits and services.

- The most commonly used needs test is the eligibility assessment used for the application for basic income support benefits, also called the "60 day rule". This assessment takes into account the income of the applicant and family during the past 60 days and determines an eligibility date. For applicants who are determined to be eligible, the benefits that they may receive within the income support allowance may be different than the requirements used to determine an eligibility date.

- The needs test used when applicants are requesting a specific item (i.e. medical transportation) takes into account income for the past 30 days, also known as the "30 day rule", which is projected into the next 30 days. The assessment also considers the basic income support requirements as well as the cost of the item being requested.

- These needs tests are only completed where the applicants' liquid assets at the time of application fall below the prescribed rates defined in Regulations.

Needs Test when there has been no income or an income source is reduced or terminated (60 Day Rule): Determining an Eligibility Date

- Income support benefits are provided only after all other possible income sources have been explored and/or exhausted.

- Income support benefits are only provided to a person(s), who is eligible as determined by the Needs Test. This test includes all income and requirements of the family.

- Applicants must complete the Application for Income Support

- The Needs Test is used to calculate the applicants/recipient requirements and their resources in order to determine an eligibility date. The Client Services Officer totals requirements of the applicant(s), using the rates defined in Regulations plus a 40% eligibility adjustment and compares it to the income of the applicant(s) for the 60 days previous to the date of application.

- Requirements which can be included in the assessment are identified in Regulation 9 of the IES Regulations.

- Applicants are eligible for income support benefits/services when their liquid assets fall under
the permissible amounts, as defined in Regulations and the total cost of their requirements plus the adjustment exceed their income (partially exempt income and non exempt income).

- Full verification of the client's resources (liquid assets and income) is required.
- The applicant may be eligible on the date of application or may have an eligibility date determined by CAPS. The future eligibility date cannot be more than 30 days from the date of the current application.
- In order for CAPS to accurately determine a future eligibility date, it is critical that CSO's record income for the correct covering periods and the correct frequency (ie. weekly vs. bi weekly vs. one-time etc). Initially CAPS will total all income received in the past 60 days and compare it to the total requirements for the same period. Where a client is not eligible on the date of application, CAPS will then prorate the income over the period the income was earned and only assess the portion of income assigned to the days within the 60 day assessment period.
- The requirements used to determine the eligibility date may be different than the requirements which will be issued depending upon changes in circumstances of the clients and the Regulations which identify the requirements to be used in determining the eligibility date.

Needs Test When Ongoing Income Cannot Meet the Cost of a Requirement (30 Day Rule)

- There are four areas when this needs test would be used:
  - Medical Transportation
  - Hearing Aids
  - Vision Care
  - Burials.

- Applicants must complete the Application for Income Support
- Eligibility is established for these items, by totaling the basic requirements, adding in the cost of the specific item requested and deducting the resources of the applicant(s) for the past 30 days.
- Assuming there will be no change in the requirements and resources of the applicant(s), the requirements and resources are projected ahead for the next 30 days.
- For requests for medical transportation, burials and vision care, eligibility is established for these items, by totaling the basic requirements, adding in the cost of the specific item requested and deducting the resources of the applicant for the past 30 days.
- If the total requirements, including the cost of the items requested, are greater than total resources, the applicant is eligible for a contribution towards the cost of the item or the total cost of the item, whichever is less.

Note: Once there is eligibility for an item and the request is resolved, the cost of that item cannot be included to determine eligibility for other items.

- If the request is for hearing aids and there is eligibility for at least $1.00, the CSO can provide an Authorization for Health Benefits to the applicable Regional Health Authority.
- Full verification of the resources (liquid assets and income) and the cost of the non-basic need item are required.
- The Client Services Officer must record the information in a case note.
• Full verification of the resources (liquid assets and income) and the cost of the non-basic need item are required.
• If it is determined that the applicant is eligible for medical transportation or vision care, any disposable income would be assessed as a contribution towards that item and the case is then considered as equivalent to an income support case in terms of resources. As a result, the applicant(s) would be entitled to a drug card for the same covering period of eligibility. This would also apply to cases eligible for burial costs where there is a remaining dependent. Please note that this would not apply to cases eligible only for hearing aids as there is no financial contribution required under this program, and the applicant would have income above IS rates, even after eligibility for the hearing aid is confirmed. These clients should be referred to the NLPDP for drug card coverage.
• The client services officer must record the information in a case note.

Authority Level

Client Services Officer
CALCULATING AND ESTIMATING INCOME

Intent

To provide direction in determining net income for various pay cycles.

Policy

Given the various payment of income options (i.e., weekly, bi-weekly, monthly etc.) it is necessary to calculate a client's income to match the covering period of income support benefits.

Non-recurring Pay Cases

When income support benefits are issued through non-recurring pay, all net income is calculated on a daily basis. Daily income is then multiplied by the number of days in the covering period to determine the net income to consider when calculating income support eligibility.

The formula to be used is:

- Daily Income = \frac{\text{Weekly Income}}{7}
- or \quad \frac{\text{Bi-weekly income}}{14}
- or \quad \frac{\text{Monthly Income} \times 12}{365}
- or \quad \frac{\text{Semi-monthly income} \times 24}{365}

Total Income to be considered = \text{Daily Income} \times \text{the number of days in the income support covering period.}

Recurring Pay Cases

When income support benefits are paid through the recurring pay, all net income must be calculated on a semi-monthly basis. Semi-monthly income can be calculated in two ways:
1. Daily income, as calculated for non-recurring pay cases above, multiplied by 15.208 i.e., 365 days x 24 semi-months, or
2. Monthly income ÷ 2

The formula to be used is:

\[ \text{Semi-monthly Income} = \frac{\text{Monthly Income}}{2} \]

or \[ \text{Daily Income} \times 15.208 \]

**Estimating Income**

Client Services Officers are often required to estimate income of individuals in receipt of income support benefits such as fisherpersons and other seasonal workers. It is important to be as accurate as possible in these estimates, in order to minimize an overpayment or underpayment. When an overpayment does occur, the Client Services Officer must set up the amount as an Account Receivable and recover through normal procedures. Furthermore, an adjustment may be granted in areas, as per criteria for underpayments.

**Determining Eligibility for Cases with Income and Income Support Benefits During the Previous Assisted Period**

When a person in receipt of income support benefits makes a second consecutive request for benefits, any income received during the previous assisted period must be taken into consideration when determining the amount of assistance that will be granted for the next covering period.

**Example:** Mr. Smith applied for and was given income support benefits for a thirty day period on September 1. On October 1, he returns his mail-back form and reported he had a net income of $400 in the previous assisted period.

How this income is assessed will depend upon the source of the income and if the income will continue.

- If the income is earnings, there is an allowable overlap of 30 days from the date employment started. The client would be eligible for full income support benefits for those 30 days which will cover some days in the October covering period. Where the earnings will continue, the income would be projected for the period after the 30 days have elapsed. The projection should be based on the normal hours that the client is expected to work in that covering period. (i.e. if the client initially only worked 20 hours per week but is now working 40 hours, the projection should be based on 40 hours). All relative deductions, expenses and earnings exemptions apply.
- Where the earnings were casual, were earned in a period of less than 30 days and have terminated, no income will be projected based on the allowable 30 day overlap.
- Where the income consists of non-exempt income such as pensions, Employment Insurance benefits etc., that income should be projected into the next covering period. As well, given that eligibility for full income support benefits only extended to the receipt of the first payment of that income, there is a possibility that the client has been overpaid for the month of September. In these cases, it will be necessary to set up an overpayment on the client’s file.
- Regardless of the type of income, where the income is overlapped in the beginning and then terminates, the client will not be eligible for full income support benefits immediately after the last income is received. In these instances, the client will be expected to manage on their last cheque, for a period equivalent to the covering period of their cheque - i.e., where earnings are paid every 2 weeks, eligibility for full income support
benefits will not be considered until 2 weeks after the receipt of the last pay cheque. In the case of EI benefits, adjustments cannot be considered until 2 weeks after the last covering period of EI benefits, regardless of the date the cheque is received and whether or not the cheque is for 1 week or 2 weeks of benefits.

Child/Spousal Support Payments as Legitimate Deductions from Income

In the case of an applicant or recipient who is required to make support payments on behalf of children or a former spouse, the amount of these payments can be considered as a legitimate deduction from income where the client can verify the existence of the court order/agreement and that the monthly payment has been made. This applies to current monthly payments as well as garnishments of income due to support arrears. Clients who find themselves in these situations must be encouraged to make arrangements to vary such agreements or orders while in receipt of income support benefits. The deduction of these expenses is meant only to be an interim measure until the orders can be varied.

Authority Level

Client Services Officer

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Page updated: February 18, 2010
EXEMPT INCOME

Intent

To identify sources of income, and the incurred liquid assets from these sources of income, that are not considered when determining eligibility for Income Support.

Regulations

8. In this Part

(a) "exempt income" means income received by an applicant or recipient which is not considered in determining eligibility for Income Support, provided that the income is obtained by means of

(i) a federal compensation payment where an applicant or recipient or his or her dependent has contracted AIDS through a blood transfusion;

(ii) income from interest from cash in a bank, stocks, bonds, or dividends from a corporation or from a support trust referred to in subsection 25 (3);

(iii) a payment under the 1986-1990 Hepatitis C Settlement Agreements, unless the payment is compensation for loss of income or loss of support under section 4.02 or 6.01 of the Transfused HCV or Hemophiliac HCV Plans;

(iv) 1 a payment under the Pre-1986/Post-1990 Hepatitis C Compensation Agreement unless the payment is compensation for past loss of net income or past loss of services in the home as set out in section 2.05, 2.06 or 4.04 of that Agreement;

(iv) federal and provincial refundable tax credits received by an applicant or recipient;

(iv) income tax refunds for the year 2010 or later;

(v) one or more of the following sources:

(A) payments for children in care;

(B) special child welfare allowances;

(C) child welfare allowances,
(D) payments for alternate family care.

(E) payments under a Youth Services Agreement.

(F) government funded disability related supports.

(G) payments received from the Voluntary Student Work and Services Program.

(H) earnings of dependents, or

(i) payments received from the Newfoundland and Labrador Housing Corporation Educational Incentive Allowance.

(vi) a payment received from the capital transfer under the Labrador Inuit Land Claims Agreement from December 1, 2005 to August 31, 2009.

(vii) a payment received from the Hebron Community Commemorative Fund.

(viii) a payment received under the Universal Child Care Benefit program of the Government of Canada.

(ix) payments received by an applicant or recipient with dependents under the Canada-Newfoundland and Labrador Student Loan Program or successor program.

(x) a "Common Experience Payment" and an "Additional Compensation Payment" made by the Government of Canada to former students of Indian Residential Schools, or

(xi) funds received from or accumulated in a Registered Disability Savings Plan as referred to in the Canada Disabilities Savings Act.

Policy

- In addition to the income sources identified in the regulations, income from Board and Lodging from a relative is also to be considered exempt income.
- The following are examples of Federal and Provincial benefits and refundable tax credits which are considered exempt income:
  - The Canada Child Tax Benefit (CCTB)
  - Newfoundland and Labrador Child Benefit (NLCB)
  - Mother Baby Nutrition Supplement to the NLCB
  - Income Tax Refunds (for taxation year 2010 onward)
    - Income tax refunds for the taxation year 2010 onward are assessed as exempt income and will not affect income support eligibility.
  - Rebates of the Harmonized Sales Tax (H.S.T.), Goods and Services Tax (G.S.T.)
The GST/HST credit is a tax-free quarterly payment that helps individuals and families with low and modest incomes offset all or part of the GST or HST that they pay.

**The Federal Fuel Tax**

- The Federal Fuel Tax provides individuals with a rebate of a portion of the federal sales tax paid on gasoline and diesel fuel purchased for off highway use in activities specified by the Excise Tax Act.

**Disability Tax Credit and the Child Disability Tax Credit**

- The Disability Tax Credit is a credit that reduces the income tax that a person with a disability has to pay.

**Provincial Fuel Rebates**

- The Home Heating Rebate is for families with a net income in 2009 of $40,000 or less and who incur costs to heat their home. Households with income up to $35,000 will be eligible to receive a maximum rebate amount of $300 if the primary source of heat is heating oil, stove oil or propane, $200 for other sources such as electricity, wood or wood products, and $500 for Coastal Labrador communities regardless of the source of heat. Individuals and families with income between $35,000 and $40,000 will also receive assistance, however the rebate will be reduced on a sliding scale.

**The Newfoundland and Labrador Low Income Seniors Benefit**

- The Newfoundland and Labrador Seniors' Benefit is a refundable tax credit for low income seniors (65+ years) paid in October on the same cheque as the GST/HST credit. The Low Income Seniors' Benefit is indexed on an annual basis utilizing the Consumer Price Index. Effective for 2009, whether single or as a couple, seniors with net income of up to $25,983, are eligible to receive a maximum benefit of $798. The amount of the benefit will be phased out as net income increases between $25,983 and $32,827.

**Pre-1988/Post-1980 Hepatitis C Compensation Agreements**

- These compensation agreements were designed for individuals infected with Hepatitis C from the Canadian blood system before January 1, 1988, and after July 1, 1990. When an applicant/recipient identifies having received a payment under this agreement, the worker should determine the actual benefit received. Where the compensation is for other than loss of past income or services, the payment will not be considered as an asset or income in determining eligibility for income support benefits.

**Registered Disability Savings Plans (RDS)**

- A Registered Disability Savings Plan is a trust arrangement between a holder and a Canadian trust company. It provides for the long term needs of an individual.
with a prolonged and severe physical or mental impairment. Monetary payments can be placed in the Plan by the beneficiary themselves, a family member or any other authorized individual. In addition, these beneficiaries may be eligible for payments under the Disability Savings Grant program. The maximum amount permitted under the Plan is $200,000.

- Any documentation provided to indicate that an applicant/client has such a fund would need to clearly show that the money is housed in an official Registered Disability Savings Plan.
- It is possible that clients may have money in both an RDSP as well as a Support Trust. Clients would be permitted to have the maximum allowed as per Regulations in each of the funds before there would be any impact on their income support eligibility.

- **Working Income Tax Benefit (WITB)**

  - The Working Income Tax Benefit is a refundable tax credit for eligible working low-income individuals and families. The WITB includes an additional disability supplement for eligible recipients.

- **Parental Support Benefit (PSB)**

  - The Parental Support Benefit (PSB) is a $100 monthly benefit available to residents of the province for 12 months after their child's birth, or for 12 months after an adopted child is placed in the home on or after January 1, 2008. Where there are multiple births or adoptions, benefits are available for each child.

- **Progressive Family Growth Benefit (PFGB)**

  - The Progressive Family Growth Benefit provides a $1,000 lump sum payment to all residents of the province who give birth to a baby or have a child placed with them for adoption on or after January 1, 2008.

- **Universal Child Care Benefit (UCCB)**

  - The Universal Child Care Benefit is designed to help Canadian families by supporting their child care choices through direct financial support. The UCCB is for children under the age of 6 years and is provided in monthly installments of $100/per child.

**Procedure**

- Applicants/Recipients should be encouraged:
  - to apply for all appropriate benefits, such as the Canadian Child Tax Benefit, to supplement their Income Support benefits, and
  - to file their income tax refunds prior to May of each calendar year in order to receive all appropriate benefits such as income tax refunds and GST/HST rebates.

- Client Services Officers should inform single parents who are recently separated that they
should advise CRA of their separation in order to have the amount of their child benefits reassessed.

- In instances whereby clients are eligible for the Working Income Tax Benefit (WITB) and/or Income Tax refunds (2010 taxation year and onward) Client Services Officers should:
  - ensure that these payments are considered as exempt income and do not impact upon client eligibility for Income Support Benefits.

Page updated June 29, 2011
Earnings of Dependent Children/Dependent Students

Intent

To outline the impact of earnings of dependent children/students on Income Support eligibility.

Regulations

2. In these regulations,

(c.1) "dependent" means a dependent of an applicant or recipient who is a child under the age of 18 years or a dependent student;

8. In this Part

(a) "exempt income" means income received by an applicant or recipient which is not considered in determining eligibility for income support, provided that the income is obtained by means of

(v) one or more of the following sources:

(A) payments for children in care,

(B) special child welfare allowances,

(C) child welfare allowances,

(D) payments for alternate family care,

(E) payments under a Youth Services Agreement,

(F) government funded disability related supports,

(G) payments received from the Voluntary Student Work and Services Program,

(H) earnings of dependents, or

(I) payments received from the Newfoundland and Labrador Housing Corporation
Educational Incentive Allowance:

POLICY

- Dependent children (under 18 years of age) who work are not to be removed from the family case, and their earnings are not to be considered as a resource for the family.
- Other sources of income paid on behalf of children (i.e., child support, CPP benefits for children of disabled or deceased contributors, etc.) will be assessed as family income.
- As children turn 18 years of age, they are to be removed from the family case. Where the child remains in high school, he/she can be added back to the family file as a 'dependent student' and the High School Incentive Allowance provided. Where the child turns 18 during July or August and future attendance at school cannot be verified, the child can be added back as a dependent student. All dependent students are removed from family files at the end of August so future eligibility will depend upon verified school attendance.
- As with dependent children, the earnings of dependent students will not be considered as a resource for the family and will not be assessed in relation to income support eligibility.
- As dependent children/students finish school or turn 18 years of age and are not in school, they are to be considered as independent adults and can apply for income support benefits in their own right.

Authority Level

Client Services Officer

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Page updated: December 17, 2009
Boarder Income

Intent
To outline the impact of boarder income on Income Support Eligibility.

Act/Regulations

Act

2. In this Act

(q) "relative" means a child, parent or grandparent of an applicant or recipient;

Regulations

8. In this Part

(a) "exempt income" means income received by an applicant or recipient which is not considered in determining eligibility for income support, provided that the income is obtained by means of:

(v) one or more of the following sources:

(A) payments for children in care,

(B) special child welfare allowances,

(C) child welfare allowances,

(D) payments for alternate family care,

(E) payments under a Youth Services Agreement,

"partially exempt income" means income to which an exemption under section 12 applies and includes

http://www.intranet.gov.nl.ca/hrle/eDocuments/HRLEM manuals/Income_Employment_Su... 2011/12/05
(i) salary and wages of the applicant or recipient, including income obtained from self-employment,

(ii) winnings from games of chance or a lottery,

(iii) board and lodging income assessed based on 20% of the receipts of board and lodging income from a boarder who is not a relative and that receipt shall not be less than an amount contemplated by subsection 14 (1), or paragraph 15 (2) (b).

Policy

- Income from boarders who are relatives is considered as exempt income and does not impact income support eligibility. Note that relative is defined as a child, parent or grandparent of an applicant or recipient.

- Income from boarders who are not relatives is assessed as partially exempt income. The monthly amount of boarder income to be assessed should not be less than board and lodging amounts found in section 14(1) or 15(2)(b) of the IES Regulations. Of this amount, only 20% will be assessed as income and the appropriate earnings exemptions then apply.

- Income from payments for children in care, special child welfare allowances, child welfare allowances, payments for alternate family care, and payments under a Youth Services Agreement are all considered exempt income and will not be assessed in relation to income support eligibility. In such cases, the individual on whose behalf these payments are being made, are not to be added to the income support file.

Authority Level

Client Services Officer
ASSETS

Intent

To identify how assets impact eligibility for Income Support benefits.

Regulations

Regulation 6 (a) identifies income sources which are exempt and the accumulation of liquid assets from these sources is exempt as well.

5. (a) "exempt income" means income received by an applicant or recipient which is not considered in determining eligibility for income support, provided that the income is obtained by means of:

(i) funds received from or accumulated in a Registered Disability Savings Plan as referred to in the Canada Disabilities Savings Act, s of

6. (b) "liquid assets" means

(i) cash on hand or in the bank, and

(ii) readily marketable securities and investments

but does not include

(iii) funds held in trust for a prepaid funeral by a funeral home at the time of an application for income support except where the person is requesting support with funeral expenses,

(iv) a Registered Education Savings Plan,

(v) funds from a severance package for the period described in subsection 26 (2),

(vi) a Registered Retirement Savings Plan for the value and period described in subsection 26 (3),

(vii) funds considered exempt income under paragraph (a), or

(viii) funds held in a support trust which do not exceed a total of $100,000.

Regulation 25 identifies the maximum amount of liquid assets exemption for funds held in a Support
Trust.

Maximum permissible liquid assets

26. (1) An officer may grant income support to an applicant or recipient if his or her liquid assets do not exceed the maximum permissible limit of

(a) for one person, $3,000, and

(b) for 2 or more people, combined liquid assets of $5,500.

(2) Notwithstanding subsection (1), a severance package

(a) is exempt from the provisions of this section for the covering period of the severance package; and

(b) after the period referred to in paragraph (a) has expired, shall be considered a liquid asset.

(3) Notwithstanding subsection (1), a Registered Retirement Savings Plan owned by an applicant or recipient which is valued at less than $10,000.

(a) is exempt from the other provisions of this section for the first 90 days in which an recipient receives income support; and

(b) after the period referred to in paragraph (a) has expired, shall, where the Registered Retirement Savings Plan may be liquefied, be considered a liquid asset.

Policy

- If liquid assets are above the amounts listed in the regulations, applicants/recipients are not eligible for Income Support. In these situations, the applicant/recipient is not eligible to be reconsidered for income support until his/her asset amounts are below the prescribed limits.

- Exempt Liquid Assets are liquid assets not considered a resource when calculating eligibility for Income Support. This includes assets derived from sources of income which are considered as exempt income (Please refer to policy on Exempt Income).

- When considering requests for burial expenses of a deceased recipient with no surviving immediate family (spouse and/or dependent children/student) no exemption can be applied to the liquid asset as the full amount of the liquid assets is considered as a resource when determining eligibility for burial expenses.

- Liquid assets which are a result of receipt of a severance package are considered exempt liquid assets but non-exempt income for the covering period of the severance. (i.e. a client who receives severance pay of $4,000 which was equivalent to 10 weeks work at $400 per week; an assessment would not be made for liquid assets of $4000, but the client would be deemed to have non-exempt income of $400 per week for the 10 week period. Any income support eligibility would be considered only as a supplement to the severance, regardless if
the client exhausted the income prior to the end of the 10 weeks).

Verification of Assets

- If an applicant/recipient has liquid assets in a bank or other institution, verification of the current balance is required with the Application for Income Support Form 14-857.
- In the case where the client's liquid assets upon application would indicate that the client is ineligible, but the statement is dated back more than a week, the client should be provided the opportunity to obtain a more recent verification of the current balance. However, where the banking statement provided shows significant withdrawals or deposits within the 60 day time frame being assessed for income, staff should be satisfied that all income for the case has been reported and that withdrawals were legitimate, as opposed to disposing of assets in order to be eligible for income support benefits.
- Access to Account Form 14-716 can be used and updated bank books or chequing account statements are acceptable. Receipts from automated banking machines are not acceptable.
- The cash surrender value of life insurance, bonds, RRSP's, mutual funds, etc., is required. Any liquid asset which can be converted to cash is to be assessed.
- Applicants who have their liquid assets in the possession/custody of another person must also have these liquid assets verified.
- For Applicants with a joint bank account, the full amount is to be considered the liquid asset of the applicant, unless the Client Services Officer receives verification/sworn statement from the person(s) named on the account indicating how much they have contributed to this bank account. Client Services Manager approval is required to exempt the portion of the funds allotted to the other person.
- Any cost incurred to obtain the required documentation is the responsibility of the applicant/recipient.
- Persons who are Victims of Violence, may have, at the discretion of the Client Services Officer, up to 90 days to verify their assets.
  - Consideration must always be given to the ability of the applicant to access these assets legally or safely.
  - In these situations, the Client Services Officer should discuss the circumstances with their Client Services Manager.
  - Client Services Officer can assist in this process through the 'Release of Information' which can be sent to the appropriate financial institution(s).

Registered Retirement Savings Plans (exempt assets for 90 days)

- Registered Retirement Savings Plans (RRSP's), up to the maximum permissible limit of $10,000.00 are exempt for the first 90 days after Income Support Benefits begin. After that date, they must be assessed as a liquid asset and if greater than the amount identified in Regulations 25 (1), the Income Support benefits should be terminated.
- Clients cannot use lump sum payments i.e., child support or any other income source to purchase RESP's/RRSP's while completing an application for or in receipt of Income Support.
- Clients who indicate that they have RRSP's which are "locked in", must be able to verify that there is no way to access these funds — in many cases, the money is available but a penalty would apply, or there is provision to access a percentage of the funds under a hardship clause.
Registered Education Savings Plans (exempt asset)

- Only Registered Education Savings Plans (RESP’s) held by applicants prior to the application for Income Support and recognized by the Canada Revenue Agency are considered exempt liquid assets. Any other savings for educational purposes will not qualify for this exemption.

Registered Disability Savings Plans (exempt asset)

- A Registered Disability Savings Plan (RDSP) is a trust arrangement between a holder and a trust company in Canada which would provide this service. The plan is meant to provide for the long term needs of an individual who has a prolonged and severe physical or mental impairment. Money can be placed in the plan by the beneficiary themselves, a family member or any other authorized individual. In addition, these beneficiaries may be eligible for payments under the Disability Savings Grant program. The maximum amount permitted under the Plan is $200,000. Further information on the criteria of these plans can be found at http://www.cra-arc.gc.ca/ctes/gtprd/rdsp/la-
sng.html.

- Funds in this plan are considered as an exempt asset. Likewise, they are to be considered as exempt income in the event that a client withdraws funds from the Plan. Any documentation provided to indicate that an applicant/client has such a fund would need to clearly show that the money is housed in an official Registered Disability Savings Plan.

- It is possible that clients may have money in both an RDSP as well as a Support Trust. Clients would be permitted to have the maximums allowed as per Regulations in each of the funds, before there would be any impact on their income support eligibility.

Prepaid Funerals (exempt asset)

- Funds held in trust by a funeral home under the Prepaid Funeral Services Act to offset the cost of his or her funeral will be considered an exempt liquid asset indefinitely and will not be considered a resource when calculating eligibility for income support benefits for the recipient. However, when considering assistance with burial expenses, the amount held in trust by the funeral home for the recipient (deceased) for the prepaid funeral must be deducted in full from the amount provided by the Department.

Excess Liquid Assets

- If liquid assets are above the amounts listed in the Regulations, applicants/recipient are not eligible for income support benefits. However, an eligibility date when the individual/family can re-apply for income support benefits is to be established, with the expectation that individuals/families are required to use these assets to meet their ongoing needs. The Client Services Officer is to calculate a date of eligibility by dividing the basic income support requirements + 40% into the balance of liquid assets in excess of the permissible limit. Increasing the basic requirements by 40% essentially implies that individuals are not required to live at income support levels during the period they are not in receipt of income support benefits. When the individual/family re-applies for income support on that date, verification of liquid assets again must be obtained. If the amount is still above the exemption limit, then no eligibility exists.
Fixed Assets

- Assets such as vehicles, land or residences are not considered as assets in relation to income support eligibility. Should these assets be sold however, money received by the applicant/client will be considered as income in the month received.
- Verification is required to ensure property or other fixed assets have not been disposed of when reviews are completed.

Property Transfers

- Clients may indicate that they have transferred property without receiving compensation, have sold it at a nominal fee, or at an unrealistically low price. Any client who claims to have transferred or sold property in this manner should be assessed as receiving proceeds at a fair market value, and income support benefits must be adjusted in relation to eligibility and liquid assets as above. The market value may be determined through a municipal council, real estate agent or other person who would have the knowledge and ability to make such an assessment.

Subsidized Residents of Personal Care and Nursing Homes, and Home Support Clients

- Clients who receive subsidized services from the Regional Health Authorities and who request supplementary benefits from HRLE must abide by the liquid asset limits identified in the IES Regulations. These asset limits may be different than the Department of Health and Community Services uses in determining eligibility for their subsidies. HRLE staff must verify the asset amounts in relation to requests from these individuals.

Support Trusts

- A Support Trust is a trust fund where the capital and interest are considered exempt when determining eligibility for Income Support benefits and other disability-related support services, i.e., Home Support Services, Special Assistance Program, etc., provided the beneficiary is a person requiring supportive services to aid independent living. Please see Support Trusts policy for more details.

Procedure

The Client Services Officer must:

- verify all liquid assets, regardless of the source, reported on the Application for Income Support
- KIV all cases where the source of the liquid assets is a RRSP or Severance Pay.
- where liquid assets (partially and/or non-exempt) are greater than the maximum permissible limit, advise the applicant they are not eligible for income support on the date of application and determine a date when the applicant can reapply using the calculation formula outlined in Determining Continued Eligibility for Recipients - Lump Sum Payments.
Authority Level

Client Services Officer

Client Services Manager - may approve exemption of the portion of the funds allotted to the other person in situations where there is a joint bank account.

Page updated: July 4, 2011
SUPPORT TRUSTS

Intent

To provide a guideline to allow an applicant/recipient requiring supportive services to have a trust fund that will be considered exempt when determining eligibility for Income Support.

Regulation

25.

(1) An officer may grant income support to an applicant or recipient over the age of 18 years who requires supportive services and for whose use and benefit there is a support trust provided that

(a) the support trust does not exceed a total of $100,000; and

(b) the person requiring supportive services annually uses the total interest income from the support trust, plus at least 2% of the capital of the support trust; and

(c) the support trust is established and maintained in a manner and under terms and conditions that the minister may establish or approve.

(2) Where the income described in the support trust is used in the manner referred to above, it shall be considered exempt income and does not affect an applicant or recipient's eligibility for income support.

(3) Where the income described in the support trust has not been used in the manner prescribed in subsection (1), it shall be considered non-exempt income and deducted from the income support for which a recipient is considered eligible in a manner determined by an officer.

(4) Notwithstanding subsection (3), the minister, in exceptional circumstances, may dispense with the requirements of that subsection.
Overview

- A support trust can be established by parents who have adult children with disabilities currently receiving financial supports from government for use when they are no longer around to support them.

- The support trust can be used to provide supports and services that meet additional needs of these youth/adults beyond the basic supports provided by government.

Policy

- A Support Trust is a trust fund where the capital and interest, are considered exempt when determining eligibility for Income Support and other disability-related support services, i.e., Home Support Services, Special Assistance Program, etc., provided the beneficiary is a person requiring supportive services to aid independent living.

- A Support Trust is intended for the use of the beneficiary and, as such, funds from the trust fund must be used to enhance the well-being of the beneficiary (recipient).

- In most cases, at least three people are involved when a trust fund is established: the settlor who creates the trust fund; the trustee, whose duty is to carry out the terms of the trust fund; and the beneficiary, for whose benefit the trust fund is created. In some cases, the beneficiary may also be in a position to be part of the decision-making process in the administration of the trust fund.

- The maximum permissible limit for a Support Trust is set at $100,000 in liquid assets (including capital and interest) at any given time. This limit can be obtained through one or multiple contributions.

- This maximum permissible limit is in addition to permissible limits for singles and families as per regulation 26.

- When a client is above the permissible limits, there is no eligibility for income support benefits.

- Proof that the applicant/recipient is a person requiring supportive services is required and can be obtained through the Regional Health Authority which will complete an assessment by an approved professional i.e., a Social Worker.

- In most cases, this information is readily available through the Regional Health Authority as a vast majority of these individuals are already known to them.

- In order to consider a trust to be a Support Trust, the following information is required:
  - Date when the trust fund was set up;
  - Name of the Trust Fund;
  - Name of the Trustee;
  - Name of witness;
  - Name of the beneficiary;
  - Name of settlor;
• Name of institution, i.e., bank or trust company where the capital of the trust is kept;
• Present balance of the trust, and
• Any other conditions of the trust such as directions outlined by the settlor for the trustee to carry out.

• Conditions Attached to a Support Trust

• To ensure Support Trusts are used for their intended purpose, a minimum of 2% of the capital plus the annual interest must be spent annually to purchase items and/or services for the recipient.

• In the event this amount is not spent on the recipient, the value of the 2% of the capital plus the annual interest will be considered as non-exempt income and deducted from the recipient's income Support benefits.

• The revenue from the Support Trust (2% of capital + interest) can be used to provide for any item/service deemed to enhance the well being of the beneficiary (recipient), i.e., trips to visit relatives, furniture, recreational pursuits, clothing etc.

• Trustees must provide the appropriate information concerning the trust fund and provide an annual statement outlining the details of the trust, such as the capital at the beginning of the year, the interest earned and the details of the funds spent on the beneficiary (recipient) throughout the year.

• In the event the capital in a trust fund is below or is reduced to an amount that is below the maximum permissible limit amounts listed in Regulation 26(1), the requirement the individual/family to spend 2% of the capital plus the annual interest would no longer apply.

• As Support Trusts are created for the benefit of the recipient, the residual value of the trust fund is to be used to offset any funeral expenses of the beneficiary (recipient).

Procedures:

• The Client Services Officer must

  • Inform the applicant/recipient and/or representative that they are responsible to obtain the information from the approved professional

  • Ensure the information from the approved professional clearly indicates the applicant/recipient meets the criteria of requiring supportive services.

  • Ensure the information provided by the approved professional includes;

    • the date in which the assessment was completed,

    • the date when the assessment was approved, and

    • an indication if and when another assessment is required.
- Ensure the trustee is aware of his/her obligations in providing the required information and that failure to provide the required information can result in the Income Support benefits being discontinued.

- Forward the appropriate documentation and supporting information, plus verification from the approved professional through the appropriate management levels to the Regional Manager of Income and Social Supports for approval.

- Give families notice (in writing) when a review is required, to ensure the appropriate documentation is obtained in a timely fashion.

- Advise the trustee he/she is required to provide proof of the financial circumstances of the trust account, less expenses, if any, spent on the beneficiary.

The Regional Manager of Income and Social Supports:

- May wish to discuss the documentation obtained with the Income Support Division and/or the Department of Justice for an opinion to ensure the Trust Fund meets the guidelines of a Support Trust.

- Must inform the beneficiary and/or the trustee in writing of the approval and any conditions surrounding the approval.

- Will have discretion in evaluating the expenditure spent in the past year from the trust fund to ensure that income from the trust is being used for the benefit of the beneficiary.

- Ensure cases are reviewed annually on the anniversary date, or earlier if necessary, to ensure the conditions of the Support Trust are being met.

- Ensure Client Services Managers maintain a review system as these cases are to be managed outside the regular review process.

Authority Level

Client Services Officer
Client Services Managers – maintain a review system of support trusts.
Regional Manager of Income and Social Supports - Approve submissions as meeting the criteria of a support trust; inform the Trustee of the approval and conditions; evaluate expenditures within the trust.

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Page updated: March 19, 2010
NON-EXEMPT INCOME

Intent

To provide direction in determining net income when the source of the income is considered to be non-exempt.

Regulations

B. (c) "non-exempt income" means income received by an applicant or recipient for which no exemption applies and which is used in determining eligibility but does not include partially exempt income, and which may be obtained by means of

(i) payments under the Canada Pension Plan, Old Age Security benefits, Veterans' Allowance, compensation under the Workplace Health, Safety and Compensation Act, employment insurance benefits, and pensions to the applicant or recipient or to his or her dependent child or dependent student from other sources,

(ii) income received from a support trust by a person requiring supportive services according to section 25,

(iii) income received from federal training allowances,

(iv) an assessment based on 50% of the receipts from rental of rooms on property which is used by the applicant or recipient as a residence,

(v) an assessment of rental income based on 50% of that income after the deduction of municipal property taxes for rented real property in which the applicant or recipient does not reside,

(vi) payments which are monetary in nature or which are quantifiable in monetary terms including payments which are by way of arrears and which are received as child or spousal maintenance or support by the applicant or recipient under a private agreement, a domestic contract or a court order,
(vii) payments received by the applicant or recipient under the Canada-Newfoundland and Labrador Student Loan Program or successor program and designated for shelter and living expenses.

(viii) net income received from a severance package which an applicant or recipient receives upon permanently severing from his or her employer for the period of time that the severance package is payable.

(ix) income resulting from the sale of property or the sale of a fishing licence,

(x) payments received as a result of an inheritance or from an estate, and

(xd) income from an insurance claim whether it is paid in monthly instalments or by a lump sum payment:

in the month that the payment, income, or inheritance is received:

Policy

- Non-exempt income is income, to which no exemption or deduction can be used to reduce the amount, and the full amount of income is deducted from the income support payment.

- In addition to the income sources identified in the Regulations the following sources of income are also to be considered non-exempt:
  - Interest plus 2% of the capital from a Support Trust not used for the beneficiary
  - Special Compensation Packages for Fisherpersons, Fishplant Workers, and other Fishery Workers
  - Pensions of any kind from other countries after converted to Canadian currency
  - Strike Pay

Procedures

- The Client Services Officer must deduct the full amount of the income from the income support entitlement.

Authority Level

Client Services Officer

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Page updated: March 19, 2010
Canada Pension Plan Benefits

Intent

To outline the resources that may be available to individuals under the Canada Pension Plan, and their effects on eligibility for income support benefits.

Regulations

8.(c) "non-exempt income" means income received by an applicant or recipient for which no exemption applies and which is used in determining eligibility but does not include partially exempt income, and which may be obtained by means of

(i) payments under the Canada Pension Plan, Old Age Security benefits, Veterans’ Allowance, compensation under the Workplace Health, Safety and Compensation Act, employment insurance benefits, and pensions to the applicant or recipient or to his or her dependent child or dependent student from other sources,

9. (1) A person shall, in accordance with section 13 of the Act, pursue all other financial resources available to him or her or his or her spouse or cohabiting partner as a condition of eligibility for income support.

Overview

The federal Canada Pension Plan (CPP) is financed through contributions by employees, employers and the self-employed. It provides benefits to members of the Canadian workforce when they retire (as early as age sixty years old) and to their survivors in the event of their death. It also provides disability benefits should contributors become severely disabled, and lump sum benefits for burial expenses. For more information, please review the Service Canada website at: http://www.servicecanada.gc.ca/eng/sc/cpp/index.shtml

- Retirement Pension
A retirement pension is payable upon application by a contributor who is at least sixty years old. The monthly amount depends on the level of earnings during the contributing period and the age at which one applies for a pension. Retirement pensions are normally taken at age sixty-five. Persons who opt for the pension before turning sixty-five get a reduced benefit, whereas persons who opt after age sixty-five receive an annual increased benefit.

If a pension is taken before age sixty-five, it will not be readjusted to a full pension when the individual reaches age sixty-five. It will, however, include any annual cost of living adjustments.

Prior to April 2012, applicants/recipients of income support benefits were required to apply for CPP Retirement benefits at age 60. Effective 2012 this is no longer the case, and applicants/recipients can decide at which age they will apply for CPP Retirement benefits.

- Clients who are eligible for any other form of CPP benefits such as CPP Disability are still required to apply for these benefits. The April 2012 change relates only to CPP Retirement.
- Clients who currently receive CPP Retirement benefits will continue to have this income deducted from their income support entitlement. Clients who cancel their CPP Retirement benefits in order to apply at a later date will not have the CPP income deducted if they provide verification that these benefits are no longer in pay.
- Applicants/recipients who choose to apply for their Retirement benefits while in receipt of income support will have the income assessed in terms of their income support eligibility.
- CPP Retirement benefits are still considered as non-exempt income.

Effective January, 2012 all individuals, including income support clients, can apply for and receive their Canada Pension Plan without stopping work or reducing their earnings. This is a change from previous practice whereby Service Canada would apply a "work cessation test" for all applicants.

The maximum monthly retirement pension (commencing at age sixty-five) is found at [Canada Pension Plan Retirement Pension](https://www.canada.ca/en/service-canada/cpp/cpp-retirement-pension.html). An estimate of the retirement pension a person could expect to receive at any time between ages sixty and seventy years of age may be obtained by contacting a Service Canada Client Services Centre at telephone 1-800-277-9814.

### Survivor's Benefit

- To be eligible for the Survivor's Benefit, the surviving partner can be either the conjugal or married partner of the deceased. The amount of the benefit is related to the deceased contributor's calculated Retirement Pension.

- If the surviving spouse is thirty-five years or older, the rate of benefits will depend on their exact age, whether they are disabled, and if they have dependent children. If the surviving spouse is under age thirty-five with no disabilities and no children, and does not become disabled, this benefit is not paid until the individual turns sixty-five.

- The Survivor's Benefit will continue if the surviving spouse remarries.
• Disability Benefit
  o A Disability Benefit is payable to a disabled CPP contributor and to their dependent child(ren).
  o In order for a contributor to become eligible for a Disability Pension, they must:
  - be under age sixty-five,
  - deemed as disabled according to the Canada Pension Plan legislation; and
  - have contributed to the Plan in four of the last six years (or three of the last six years where the applicant has paid into CPP for 25 years.)
  o To be deemed disabled, the individual must have a physical or mental impairment that is both severe and prolonged. The term severe means that the applicant is unable to regularly pursue any substantially gainful employment. The term prolonged means that the disability is likely to be of an indefinite duration.
  o The rate of the benefit includes a fixed amount that everyone receives, plus an amount based on how much an individual contributed to the CPP during his/her entire working career.

• Children’s Benefit
  o Monthly benefits are provided for dependent children if the contributor becomes disabled or dies. Dependent children are the birth children, legally adopted children, or children in the custody and control of the contributor. The children must be under eighteen years, or between eighteen and twenty-five years and in full time attendance at school or university.
  o The benefit is a flat monthly amount for each child. A child may receive up to two flat rate benefits if both parents were contributing to the CPP and are deceased and/or disabled, and all conditions of eligibility are met with respect to both benefits.
  o A child between the ages of eighteen and twenty-five years will be eligible for benefits while attending full time school or university, paid directly to him/her. If the child is under age eighteen, the benefit is paid directly to the parent.

• Death Benefit
  o The Canada Pension Plan (CPP) Death Benefit provides a one-time payment to, or on behalf of, the estate of a deceased contributor. If there is no estate, the person responsible for the funeral expenses, the surviving spouse or common-law partner or the next of kin may be eligible, in that order.
  o The amount of the death benefit depends on how much, and for how long, you paid into the Plan. Canada Pension Plan first calculates the amount that your Canada Pension Plan retirement pension is, or would have been if you had been
age 65 when death occurred. The death benefit is equal to six months’ worth of this “calculated” retirement pension, up to a maximum of $2,500.

- Combined Benefits
  - Retirement/Survivor’s Pensions
    - A contributor can receive both a Retirement and a Survivor’s Pension if both spouses contributed to the plan. The amount of the combined pensions depends on the contributor’s age at the time of eligibility for each pension.
  - Disability/Survivor’s Pensions
    - A contributor can receive both a Disability and a Survivor’s Pension if both spouses contributed to the plan.

- Sharing a Retirement Pension
  - Spouses in an ongoing relationship may share their CPP Retirement payments earned during their life together. Both spouses must be at least sixty years of age and each must have applied for any CPP Retirement Benefits to which they may be entitled. If only one is a CPP contributor, the pension can still be shared. The portion of the shared benefit will depend on the time the couple has lived together.

- Division of Pensionable Earnings
  - The Canada Pension Plan legislation allows for the division of unadjusted pensionable earnings upon marriage breakdown. Application for credit splitting must be made within four years from the date of separation.
  - Eligibility conditions for the division of pensionable credits differ depending on the situation giving rise to the division. Details with respect to these conditions may be obtained by contacting Service Canada at one of their offices throughout the province, or by telephone at 1-800-277-9914.

Policy

- Effective April 2012, applicants and recipients are no longer required to apply for CPP Retirement benefits at age 60. As this change is in effect for CPP Retirement benefits only, applicants and recipients must still apply for all other benefits under the Canada Pension Plan to which they may be entitled (e.g. Survivor’s Benefit, Disability Benefit, Children’s Benefit and Death Benefit).
• CPP benefits must be considered as non-exempt income. The amounts received from Retirement, Disability, Survivors, or Children’s Benefits must be deducted from any income support payments. This includes benefits received by the client, the spouse, and all dependent children under the age of eighteen. Children under eighteen years of age must be included in the income support requirements, with the Children’s Benefits (CPP) included as income.

• Since there is a waiting period for CPP and there are often retroactive payments, CPP makes provision for repayments to the Dept. of Advanced Education and Skills for any income support benefits advanced to a client who is about to become eligible for CPP. However, the client must have applied for or be in the process of applying for CPP benefits for the repayment to occur.

• In instances whereby a CSO is aware that a client has applied for CPP, the Consent to Deduction and Payment form must be completed and forwarded to Service Canada immediately.

Yearly Review of Canada Pension and Income Support eligibility

• CPP benefits increase each year on January 1 if there are increases to the cost of living as measured by the Consumer Price Index. Offices will be notified in advance indicating what the new rates will be in January. Recurring pay cases that have a CPP income source will be adjusted automatically by provincial office. However, staff will need to manually verify CPP amounts for all non-recurring pay cases that have CPP as an income source.

Canada Pension Plan Children’s Benefits on Behalf of Children/Adults between ages 18 and 21 years

• When a child who has been included in CPP benefits for the family becomes eighteen years of age, the child will be paid their CPP benefits directly. CSOs must be aware of this, particularly as it relates to applicants under the age of twenty-one who apply for income support benefits in their own right and also in removing the child and the child’s income from the family’s income support entitlement.

• Where the child who turns eighteen remains in high school and continues on the family’s file as a dependent student, the CPP income must be added as family income and deducted from the overall income support entitlement. Where a dependent child is receiving CPP in his/her own name, and then applies for income support benefits, the income must be assessed and deducted from the overall entitlement.

Procedure

Allowable Overlap of Income Support Benefits with Canada Pension Plan

• CPP benefits can be verified by paystub or bank deposit verification
All regular monthly CPP benefits are paid in arrears at the end of the month. In order to prevent hardship to the recipient, it is permissible to overlap the first month the recipient receives his/her initial CPP benefit. The overlap of income support benefits for the 1st calendar month that CPP benefits are received applies to both recurring and non-recurring pay.

Where the amount of monthly CPP is greater than the monthly income support entitlement, the rental/mortgage requirement should be removed from recurring pay at mid month of the first month of benefits. This is in recognition of the fact that rent/mortgage is overlapped and paid in advance (i.e., rent for July would be issued in two installments – half on the mid June cheque and the remainder on the July 1 cheque). Thus, a client receiving CPP at the end of July where no future eligibility exists would not be entitled to the rental portion issued in mid July which would normally be used towards August rent. The case would then be suspended for August 1.

Where a client is receiving non-recurring pay, cheques should be issued only for the number of days until the end of the first month of CPP benefits.

In many cases, clients that are approved for a CPP benefit may be eligible for a lump sum payment as well as their regular CPP payment. The lump sum payment may be paid any time during the first month that CPP benefits start.

Lump sum payments are usually paid retroactively to the approved start date of the CPP benefit. Retroactive benefits paid to the client for a period that overlaps with income support must be recovered and set up as an overpayment (see Consent to Deduction and Payment below). Retroactive CPP benefits paid for a period when the client was not in receipt of income support should be assessed in compliance with the policy pertaining to the assessment of lump sum payments. For more details on assessing lump sum payments, refer to the policy section titled "DETERMINING CONTINUED ELIGIBILITY FOR RECIPIENTS - LUMP SUM PAYMENTS".

Please note that since lump sum CPP payments may not always be made at the end of the month with the regular monthly CPP payment, staff are still required to ensure that the client is assisted up to the date of the lump sum payment and that the rent/mortgage requirements are overlapped for the month the CPP benefit starts.

For example, a client who is approved for CPP effective February month receives a lump sum payment on February 6 and will receive his/her first regular CPP monthly payment at the end of February. If the date of the lump sum benefit payment is known in advance, the worker should suspend the case for the February 1st Income Support cheque. The full income support entitlement can be provided until the day before the lump sum payment is received (February 7) and the rent/mortgage requirements may be provided up to and including February 15th.

Similarly, a client who is approved for CPP effective February month receives a lump sum payment on February 20 and will receive his/her first regular CPP monthly payment at the end of February. If the date of the lump sum benefit payment is known in advance, the case should be suspended for the February 16th income support cheque. Since the client has already been assisted for rent/mortgage for February month (i.e., January 16th and February 1th), the client is only entitled to receive regular income support benefits (excluding rent/mortgage) until the day before the lump sum payment is received (February 19). This will ensure that the client is assisted with full income support benefits until the first CPP payment and ensures that the client will receive their full rent/mortgage entitlement for February month.
• Where the regular, monthly CPP benefit is less than the monthly income support entitlement and the client would remain eligible for a supplement, changes should be made to the recurring pay allowance at the first of the month following the first month of CPP benefits.

Consent to Deduction and Payment (Form ISP 1613)

• There are instances where an individual may be late in applying for CPP benefits or where the approval process is lengthy and benefits are then paid retroactively. In some instances, these individuals then apply to Dept. of Advanced Education and Skills for income support in the interim. The first CPP cheque for Disability or Survivor’s benefits received by individuals usually involves a retroactive payment back to the approval date. Where the Dept. of Advanced Education and Skills is aware that an applicant or client has applied for CPP benefits, the client is required to complete a CPP Consent to Deduction and Payment form. Based on this form, CPP will reimburse the department for income support payments made to the client pending receipt of CPP benefits.

• In order to ensure that the department is reimbursed for retroactive CPP payments, this form must be signed by the client as well as the CSO and mailed to Service Canada as soon as possible. This form should be completed before income support benefits are issued to any client who is eligible or who has applied for CPP benefits, and mailed to Service Canada, P.O. Box 9430, St. John’s, NL, A1A 2Y5.

• When completing the consent form, it is extremely important that the Social Insurance Number that is used is that of the contributor (and not that of the applicant unless the applicant is the contributor).

• Reimbursement can be made to the Department for the month in which the “Consent to Deduction and Payment” form is signed by the applicant and up to and including the month in which the application is approved. It is important to have the form completed to correspond with the first issue of income support. When completing the form, make sure that all spaces are completed, copy one is sent to CPP, and copy two forwarded to TRIM. It is essential that CSO’s keep a copy of the form on TRIM until the application for benefits is approved and is received at the district office.

• The second copy with section C completed should only be sent to CPP when the CPP application has been approved and Service Canada has requested it. When completing section C, the CSO should provide the total amount of income support entitlement for the applicable calendar month indicated on the form (i.e.: before any recoveries). CSOs may be required to pro-rate income support amounts to ensure the entitlement for the calendar month is recorded correctly on the form. The amounts recorded should include all income support entitlements for the calendar month (i.e.: recurring, non-recurring and/or supplementary benefit entitlements, combined).

• When CPP staff receive copy 2 of the Consent to Deduction and Payment, the amount of reimbursement to the department is based on the following criteria:

  o The amount of reimbursement shall only be determined after confirmation is received from CPP that the necessary money has been held.

  o Reimbursement shall only be from the initial CPP retroactive payment, and therefore cannot exceed that amount. There will be no deduction from the regular monthly cheques issued after the initial retroactive payment which includes any arrears payment and the first regular monthly payment.
- Reimbursement shall not exceed the amount of income support granted for that month and no deduction will be made for a month in which income support has not been granted.
- Reimbursement for any one month shall not exceed the amount of the CPP monthly benefit.
- Reimbursement shall not include a period which precedes the later of:
  - the effective month of the CPP benefit
  - the date the applicant signed the Consent for Release of Information form
  - the commencement of income support payments
- Reimbursement shall not include any months beyond the month in which the first regular CPP payment is made or the income support payment is suspended, whichever is the earlier.
- Reimbursement shall include children in the total monthly amount of children's benefits granted for that month. The amount to be assigned, however, shall not exceed the amount of income support granted for that month.

- At the same time as form ISP 1613 Consent to Deduction and Payment is completed and signed, Form ISP 1605 (10-88) "Authorization to Communicate Information" should be signed. This form must also be signed by the client if CPP benefits are already in pay as CPP representatives will not release information unless this form is on file.

- The CSO should KIV and monitor cases where applications are made for CPP benefits. It is important to remember that CPP will not accept Form 14-799 Reporting Requirements and Release of Information.

- If retroactive CPP benefits are paid directly to the client and overlap with income support benefits, the client must be encouraged to refund the amount to the department so as to offset any overpayment. The proper and timely completion of Form ISP 1613 will avoid this problem. If the retroactive benefits are not refunded to the department, any overpayment must be set up and the CPP considered as non-allowable income when determining future eligibility for Income Support. The allowable overlap can be granted.

- A CSO is responsible for calculating and setting up the overpayment whenever there is an overlap of Income Support Benefits and CPP. Where reimbursement cheques are received from CPP and sent to the district office, they should be receipted and keyed as per any other payment, with the applicable overpayment set up to offset the payment.

- In order for the consent form to be accepted by CPP, it must have been signed by both the client and the CSO within twelve months of the date of the CPP application. When a consent form is rejected, it is returned to the district office with a letter of explanation. The following reasons are being noted for possible rejection of the consent:
  - There is no explanation for a benefit under the CPP. In this situation, a copy of the consent form will be retained at the CPP head office for one year from the date that it is signed by the applicant. The original will be returned to the district office who may resubmit the same form at a later date provided 12 months have not elapsed from the date of the consent.
  - The consent was signed more than twelve months before the date of the CPP application.
  - The benefits which might have otherwise been considered for reimbursement to the Department have already been released to the client.
  - The application submitted for CPP benefits cannot be approved.
- Income support has been advanced for a period prior to the effective date of the CPP benefits.
- The total amount of income support advanced was less than $50.00.
- The beneficiary has reimbursed the Department for benefits advanced.

- Lump sum payments for retroactive CPP benefits (except CPP - death benefits)
  received at the district office should not be sent to provincial office for processing. If
  these lump payments are received, they should be receipted at the district office and an
  applicable overpayment set up.

**Claim for Canada Pension Death Benefit**

- The Canada Pension Plan Death Benefit provides a one-time payment to, or on behalf of,
  the estate of a deceased contributor. A CSO must determine if the estate of a deceased
  person is eligible for a Canada Pension Death Benefit by contacting CPP at 1-800-277-
  9914. Workers unable to obtain death benefit information through that number should
  contact the Eligibility Assurance Unit at provincial office. Any benefits obtained through
  CPP must be applied to the cost of the funeral expenses.

- Once it is determined by a CSO that a client is eligible for funeral expenses through this
  Department, the CSO must immediately apply for the Death Benefit using the Canada
  Pension Plan Death Benefit Application, ISP1200. In cases when the family has
  already applied for the Death Benefit, they are to be advised that they must contribute the
  full amount to the cost of the funeral expenses.

- When completing the Application for Death Benefits, the CSO must attach verification of
  this Department's payment of funeral expenses, and a copy of the death and birth
  certificates of the deceased client. The relatives or estate of the deceased client must be
  advised immediately to avoid duplication.

- If the lump sum payment for a death benefit is received at the District Office, it must be
  forwarded to the Finance Division at provincial office. At the provincial office, sufficient
  funds will be recovered from the cheque to pay the burial expenses and the remainder, if
  any, will be forwarded to the executor of the estate. Only the amount received from
  Canada Pension is considered an overpayment. In most cases, the cheques from
  Canada Pension are sent directly to the Provincial Office where staff process these
  payments and set up the appropriate overpayments.

- In order to process cheques received from Canada Pension, it would be advantageous if
  staff would forward a copy of the Canada Pension Plan Death Benefit Application to
  provincial office. In many cases, the deceased person is removed from the case and
  thus, made inactive in CAPS. Since the only identifier on the CPP cheque is the name
  and SIN, having a copy of the original request with a file number would ensure that the
  amount received is credited to the appropriate case.

**Provincial Office Involvement with Disability Pensions**

- **Disability Pension**: Clients that meet the criteria above should be encouraged to make
  application for disability benefits as soon as possible. To assist in the application process,
  Provincial office has established the “CPP Disability Project” to accept referrals from
  workers regarding clients that may have potential eligibility for disability benefits. To make
  a referral or speak to someone about the project, contact provincial office for more detail.

Newfoundland Labrador
Department of Advanced Education and Skills

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Income Support Benefits and Employment Insurance Benefits

Intent

To identify how the receipt of Employment Insurance (EI) benefits impacts individuals who are in receipt of or who are applying for Income Support benefits.

Regulations

8 (c) "non-exempt income" means income received by an applicant or recipient for which no exemption applies and which is used in determining eligibility but does not include partially exempt income, and which may be obtained by means of:

(i) payments under the Canada Pension Plan, Old Age Security benefits, Veterans' Allowance, compensation under the Workplace Health, Safety and Compensation Act, employment insurance benefits, and pensions to the applicant or recipient or to his or her dependent from other sources.

Overview

- The Employment Insurance (EI) Program is offered through Service Canada and provides a temporary source of income to individuals who are no longer employed or have reduced earnings. Individuals who have contributed EI premiums while employed are eligible to apply and the following is a list of the benefits available:
  - Regular Benefits
  - Sickness Benefits
  - Maternity Benefits
  - Fishing Benefits
  - Parental Benefits
  - Compassionate Care Benefits
  - A combination of Sickness, Maternity and Parental Benefits can be received up to a combined maximum of 50 weeks.
Workers and/or residents outside Canada may receive EI benefits where their job is insured under Canada's Employment Insurance program.

Information on EI eligibility can be found on-line at http://www.hrsdc.gc.ca/eic/iac/application/applying_for_benefits.shtml, by telephoning 1-800-205-7218 or by visiting a local service centre.

Policy

- When individuals complete an application for Income Support benefits, their eligibility for EI benefits has to be determined. This information can be verified by approved Advanced Education and Skills staff accessing a secure web link to Service Canada which provides EI information on applicants and recipients.

- Applicants/recipients may be eligible for Income Support benefits while awaiting receipt of EI benefits or as a supplement to EI benefits.

- If an income support applicant/client is notified that he/she is disqualified from receiving EI benefits, they are expected to appeal the decision. The Department of Advanced Education and Skills can continue to assist with Income Support benefits or an "Assignment of Benefit" during this process.

- There are occasions when individuals are both employed and in receipt of EI benefits. Claimants are permitted to work while in receipt of EI benefits (Regular or Parental). The Department will consider both sources of income when determining eligibility for Income Support benefits.

- The Department of Advanced Education and Skills and HRSDC conduct a match of mutual clients using the Social Insurance Number. Once the information is received, it is entered on the interface tab in CAPS for review by the Eligibility Assurance Unit at the local Department of Advanced Education and Skills offices. Staff review these matches to ensure that all EI income of clients is being declared and deducted.

Procedure

Awaiting EI

- When initially applying for EI benefits, the "Benefit Period Commencement (BPC) Date" needs to be determined. Income Support benefits can be issued for a period up to but not exceeding the end of the 4th week from the BPC date. This allowable 4 week period consists of the 2 week waiting period which starts on the Sunday in the week that the applicant applied for EI, and an additional 2 weeks which follow the waiting period. Although the overlapping of EI and Income Support benefits starts at the beginning of the 3rd week, no overpayment exists unless the overlapping extends beyond the end of the 4th week. The two week overlap is permitted to assist clients up to the receipt of their first EI cheque.

- If a claimant can reopen a previous EI benefit claim, then he/she does not have to serve another 2 week waiting period. This needs to be determined when consideration is being given to overlapping Income Support benefits. Only a 2 week overlap of benefits would be permitted in this case.

Assignment of Benefits (AOB)

- When Income Support benefits have to be issued beyond the allowable 4 week overlap period, an AOB form must be completed. This form is completed by the Department of Advanced Education...
and Skills and sent to Service Canada so that the Department can recoup the monies issued to a client while he/she is pending receipt of EI benefits. The AOB form can only be issued for up to 28 days and the overlapping period starts on the first Sunday in the 5th week following the 4 week overlapped period. These forms are generated through CAPS and require a signature from both a Client Service Officer and the client to be valid.

- There will be circumstances where simply issuing 28 days AOB will be insufficient, particularly upon intake. Clients are often assisted retroactively during intake as there may be a significant delay between the period they apply and when they are assisted. In situations like this, assuming that an EI check has confirmed that there has been no decision made on the claim, an AOB can be completed for the retroactive period and 28 days in advance. This will ensure that the client has sufficient time to complete the mail-back and return it for processing before they are due to be assisted again.

- The AOB form provides sufficient space to include up to 8 weeks; however, this should be rare and only happen in situations such as that mentioned above.

- Once the completed form is received and reviewed by the Client Service Officer, it is printed from the client’s electronic file and sent to the following address:

  Insurance Payment Operational Centre  
  P.O. Box 8548  
  St. John’s, NL  
  A1B 3P3

- There are occasions when a client’s claim gets significantly delayed so there may have to be several AOB forms completed for recoup.

- The client should be advised that the total amount of Income Support benefits issued on the AOB may be recouped unless the client’s weekly EI benefit rate is lower. The lesser of those two amounts will be recouped. This recovery of benefits may occur over several cheques dependent on the number of weeks assisted. As well, it is possible that the recovery might be made from a cheque for a different covering period than the one on which the overlap occurred. Clients who assign these payments to the Department will not be issued Income Support benefits to make up the difference when the payment is recouped from their EI.

- In most cases when completing an AOB, the worker will not know if the EI claim will be approved, nor the amount of EI to be issued. Thus the worker is unable to set up an overpayment until the EI is in effect, and a determination has been made if the AOB has been accepted and has been applied to the clients EI benefits. The Finance Division (accounts receivable section) receives a monthly report from Service Canada that identifies clients whose EI benefits will be reduced due to the recoup of the Income Support benefits that were overlapped. The report is sent to the Department of Advanced Education and Skills Office, with the expectation to have the overpayment set up to offset the payment that will be received. The Finance Division receives the payment from Service Canada and generates a receipt on each client’s file. As this may result in a credit balance on the file, CSO’s must ensure that the subsequent overpayment is set up in a timely manner in order to offset the receipt.

Supplements to EI

- Once the client’s EI benefit is in pay, it may be a lower amount than income support rates. In those cases, the client may be eligible for an income support supplement.

- Clients who have earnings while in receipt of EI benefits, may have those benefits reduced based on this income. Client Service Officers must verify the amount of actual EI received, and assess this amount as well as the earnings received, in determining the amount of the income support.
supplement. The appropriate portion of both EI and earnings has to be projected depending on the covering period.

- There are occasions when a person's EI is reduced due to an EI overpayment which results in eligibility for Income Support benefits. Income Support benefits can be approved in those cases but contact needs to be made with Service Canada to ensure that the recovery which is being made is the minimum amount permitted. It is the client's responsibility to contact Service Canada to have the EI recovery amount adjusted.

**El Terminates**

- Where clients are in receipt of EI benefits and also receiving an Income Support supplement (for applicants who were only assisted while awaiting EI and who reapply upon termination of their EI benefits), the following procedure is to be followed by the CSO once the EI terminates:
  - Verify the covering period of the last EI cheque and the termination date.
  - Review the client’s file to determine if a two week overlap was provided pending initial receipt of EI. If an overlap was provided, then the Income Support benefits cannot be adjusted until two weeks past the covering period of the last cheque, regardless if the last cheque covered a 1 or 2 week period. If there was no overlap, then the Income Support benefits can be adjusted the day after the EI benefits terminated.
  - Once this two week period has elapsed, the EI income can be removed from the Income Support allowance, resulting in an increase in benefits.

**Fishing Claims**

- EI claims for fishing benefits are different from regular claims in that there is specific start and end dates for summer and winter claims. In some cases, fisherpersons may not exhaust their current EI claim as they return to fishing before the end date. When that fishing period ends, they may be faced with a choice of reopening their old claim, which may mean submitting their new insurable hours, or waiting to open a new claim for the next season, in which case they may apply for Income Support benefits in the interim. In some cases, it would be to the detriment of the fisherperson to reopen the old claim (there may be only a few weeks of benefits remaining) as they would not then have sufficient insurable hours to open a new claim with significantly more weeks of benefits included. While the Department of Advanced Education and Skills expects applicants to avail of all possible income sources before requesting Income Support benefits, in instances where it would mean forfeiting the new claim and would be to the detriment of the client, Client Service Managers can make an exception and not require these applicants to reopen the existing fishing claim. Income Support benefits can be provided until the new claim is approved and thereafter as a supplement if the EI benefits are insufficient to support the client.

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**Authority Level**

Client Services Officer

*Client Service Manager - Income Support benefits for recipients of Fishing Benefits, when clients risk forfeiting a new claim.*

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**Revision Date -- June 20, 2012**
INCOME SUPPORT AND SKILLS DEVELOPMENT BENEFITS

Intent

The purpose of this section is to clarify the relationship between the Income Support Program and Skills Development Benefits, formally issued through Service Canada, now administered by HRLE.

Definitions
8. In this Part

(c) "non-exempt income" means income received by an applicant or recipient for which no exemption applies and which is used in determining eligibility but does not include partially exempt income, and which may be obtained by means of
(iii) income received from federal training allowances,

Overview

- The NL Skills Development program is a program designed to provide training benefits to individuals who currently receive Employment Insurance (EI) benefits, or EI “Reach Back” clients (those whose EI expired in the past three years or who have received EI maternity or parental benefits in the last five years).
- EI Eligible or Reach Back recipients may be eligible to receive Skills Development benefits which would cover the cost of training (tuition, books, transportation and child care) as well as living expenses during the training period.
- On November 2, 2009 HRLE officially became responsible for administering EI - Part II, Skills Development Benefits, formerly provided through Service Canada.
- Amounts negotiated for these benefits are based on the amount of previous EI benefits, and expenses incurred during the training program. The amount of these benefits allocated for living expenses should not be less than the benefits a client would have received on income support. As well, included in these
amounts is funding to offset the cost of a co-pay amount for drugs for all family members under the Access Plan of the Newfoundland and Labrador Prescription Drug Program (NLPDP).

Policy

- Funding for living expenses under this program is considered non-exempt income and is deducted dollar for dollar from income support entitlement.
- For current income support recipients, assistance can be issued up until the day clients receive their first Skills Development payment.
- A person approved for Skills Development Benefits would normally receive an amount at least equivalent to their previous Income Support (IS) benefits, making them ineligible for further IS benefits.
- Client Services Officers should refer E.I. Eligible and Reach Back recipients to an Employment Assistance Services (EAS) office to determine eligibility for these benefits.
- Income support clients who leave the caseload to begin training under this program should be advised to apply to NLPDP under the Access Plan for drug coverage. The co-pay amount for the program will be considered as a financial cost under Skills Development and funding to offset the co-pay amount for the entire family will be included in the training allowance. Drug cards will not be provided by HRLE in these cases after income support benefits have ended.
- More information on Skills Development benefits can be found on the [website](#).

Authority Level

Client Services Officer

REVISION DATE: March 22, 2010
INCOME SUPPORT AND THE OLD AGE SECURITY PROGRAM

Intent

To outline the resources which may be available to individuals under the Old Age Security Program and their effects on eligibility for Income Support.

Regulations

8 (c) "non-exempt income" means income received by an applicant or recipient for which no exemption applies and which is used in determining eligibility but does not include partially exempt income, and which may be obtained by means of:

(i) payments under the Canada Pension Plan, Old Age Security benefits, Veterans’ Allowance, compensation under the Workplace Health, Safety and Compensation Act, employment insurance benefits, and pensions to the applicant or recipient or to his or her dependent from other sources.

Overview

• A description of the benefits available though the Federal Old Age Security Program include:

  o The Old Age Security Pension is based solely on age and residence in Canada. A person aged 65 years and over, who has met the necessary Canadian residence and legal residence status requirements, is eligible.

  o Individuals, who have an additional source of income, will need to provide verification, as it is used in determining eligibility for the Guaranteed Income Supplement. The amount of the Guaranteed Income Supplement that is approved will be based on the marital status of the individual and whether or not the applicant or his/her spouse has an additional source of income.

  o The Spouse’s Allowance is available to spouses aged 60 - 64 years of age whose spouse is already in receipt of an Old Age Security Pension. However, any additional sources of income and the spouse’s residential status would be considered in determining eligibility for this allowance.

  o The Widowed Spouse’s Allowance is available to low income widowed persons aged 60 – 64, who meet residence requirements. In addition, individuals who have lived
Policy

- The first Old Age Security payment is not received until the end of the month following the month in which the individual turns 65 years of age. It is therefore permissible to provide income support benefits for one additional month following the month in which the individual has their 65th birthday.

- Old Age Security Benefits are non-exempt income and would have to be deducted from Income Support requirements if eligibility still exists.

Procedure

- Income Support payments will automatically be suspended by CAPS on the 1st of the month following the month that the first Old Age Security Benefit is received. Report X15140 "Age Based System Reassessments and Suspensions" refers.

- Rent/mortgage is paid in advance for income support benefits. A change has to be initiated and actioned for the recurring pay run in CAPS by the Client Service Officer to remove that requirement on the 16th of the month, in the month that the first Old Age Security Benefit is received.

- In the case where clients had incorrect birth dates and turn 65 earlier than anticipated, they may be eligible to receive a retroactive payment of Old Age Security Benefits. In the case that this is an individual receiving income support benefits, an Assignment of Benefits must be completed so the Department can be reimbursed for the overlap of benefits. The original form will be sent to:

  The Regional Director  
  Income Security Programs  
  Human Resources Development Canada  
  P. O. Box 9430  
  St. John's, NL.  
  A1A 2Y5

- A copy will also be forwarded to the Document Processing Unit for scanning into the client's electronic file.

- There may also be situations when clients are not eligible to receive Old Age Security Benefits one of which may be a result of not yet meeting residency requirements. As a result, the Department of Human Resources, Labour & Employment would continue to provide income support benefits in those cases. However, it is important that the client's records in CAPS reflect their ineligibility for OAS under the employment availability field (screen CR 3006 refers). These individuals need to be given the status – not available – over 65/not eligible OAS. A KIV is then required to review those individuals who will later meet the residency requirement and as a result, would require to be suspended. Cases where there is no eligibility for OAS and where this employment availability is not selected will be suspended the month after the client turns 65 as a result of Report X15140.
Client Services Officer

Revision date: January 2, 2009
Pensions from Other Sources

Intent

To outline the impact of pension income on income support eligibility.

Regulations

8. In this Part

(c) "non-exempt income" means income received by an applicant or recipient for which no exemption applies and which is used in determining eligibility but does not include partially exempt income, and which may be obtained by means of

(i) payments under the Canada Pension Plan, Old Age Security benefits, Veterans' Allowance, compensation under the Workplace Health, Safety and Compensation Act, employment insurance benefits, and pensions to the applicant or recipient or to his or her dependent from other sources,

Policy

- Pensions from all sources are considered as non-exempt income and are fully deducted from income support eligibility.
- Where pensions are issued by a country other than Canada, the income must first be converted to Canadian currency before being assessed.
- In some instances, private pensions have been established as an RRSP where the employee can only access the funds upon reaching a specific age. It would then need to be determined whether there was an option to access any of the amounts under the RRSP. Where the applicant/recipient can access any portion of the fund, (regardless if a penalty is imposed) they would be required to access it prior to receiving income support benefits. The income would be assessed as non-exempt income in the month it was received.
- HRLE regularly receives a Civil Service Pension interface (former NL government employees). This interface is distributed to the districts to ensure that income support clients receiving a civil service pension from this province have declared this source of income.

Authority Level

http://www.intranet.gov.nl.ca/hrle/eDocuments/HRLEManuals/Income_Employment_Su... 2011/12/05
Severance Pay

Intent

To provide direction in assessing severance pay as an income source.

Regulations

8.(c) "non-exempt income" means income received by an applicant or recipient for which no exemption applies and which is used in determining eligibility but does not include partially exempt income, and which may be obtained by means of

(viii) net income received from a severance package which an applicant or recipient receives upon permanently severing from his or her employer for the period of time that the severance package is payable.

Policy

- Non-exempt income is income, to which no exemption or deduction can be used to reduce the amount, and the full amount of income is deducted from the Income Support payment.
- Severance Pay
  - Severance pay is a payment by the employer to offset the loss of income experienced by an employee due to termination of employment. The amount of the payment is often the employee's weekly wage multiplied by the number of years of service to the employer.
  - The income is considered as non-exempt and must be used to determine future income for the recipient for the covering period of the severance package.

Procedures

- The Client Services Officer must determine the net income of the severance package and divide the amount by the number of weeks used to calculate the severance package.
- The balance is considered the "non-exempt weekly severance income."
- This weekly severance income is considered non-exempt for the period beginning from the date the lump sum severance package was received for the number of weeks used to calculate the severance package.
• in the event the weekly rate amount means an applicant/recipient is eligible for a supplement, the balance of the severance package (liquid assets) is considered an exempt liquid asset for the period of the severance package.

Example Calculation of Severance Pay:

A recipient is terminated from work on the 15th July after 8 years of service to the employer. He was earning $450/week gross. On July 19th, he received a severance pay totaling $2,200. ($450 x 8 = $3,600 less $1,400 income tax = $2,200).

Net Severance Pay = $2,200
Weeks used to calculate Severance Pay = 8
"Non-exempt Weekly Severance Income" ($2,200 ÷ 8) = $275
Beginning July 19th the "Non-exempt Weekly Severance Income" will apply from July 19th to September 12th (8 weeks)

Authority Level
Client Services Officer
SUPPORT PAYMENTS (CHILD AND SPOUSAL)

Intent

To provide guidelines for staff on how to assess child and/or spousal support in relation to income support eligibility.

Regulations

8. In this Part

(c) "non-exempt income" means income received by an applicant or recipient for which no exemption applies and which is used in determining eligibility but does not include partially exempt income, and which may be obtained by means of

(vi) payments which are monetary in nature or which are quantifiable in monetary terms including payments which are by way of arrears and which are received as child or spousal maintenance or support by the applicant or recipient under a private agreement, a domestic contract or a court order.

9. (1) A person shall, in accordance with section 13 of the Act, pursue all other financial resources available to him or her or his or her spouse or cohabiting partner as a condition of eligibility for income support.

Overview

Section 37(1) of the Family Law Act states that "Every parent has an obligation to the extent the parent is capable of doing so, to provide support for his or her child". Any person applying for or in receipt of income support benefits must pursue all other financial resources available to him or her or a cohabiting partner. Applicants/recipients with dependent children (up to the age of 19 years or older, if circumstances warrant) or a couple with dependent children with an absent parent, are required where practical, to seek child support.

Policy

General
- Income support benefits can be provided to all new and active cases for a limited period of time (30-60 days) while the applicant/recipient applies for financial support from the other parent/spouse, unless an exemption is made (i.e. other parent is in receipt of income support).

- The CSO should ensure that support payments are reviewed annually, unless a recalculation clause is included in a previous order or registered domestic contract.

- Support cases can be referred to Family Justice Services through a Request for Service form or a direct referral can be made through the CAPS system depending on regional practices. Please see Support Application Referral Process.

- Support payments must be considered as non-exempt income and deducted in full from the amount of eligibility for income support entitlement.

- If the income support applicant does not comply with the referral to Family Justice Services or does not engage in their services, all income support benefits may be suspended or redirected to the local Advanced Education and Skills office.

- A lump sum support payment must be assessed as non-exempt income. Please see the policy on Determining Continued Eligibility for Recipients — Lump Sum Payments for further information.

- If it is verified that support payments are registered with the Support Enforcement Agency and payments have not been received within 10 calendar days of the due date, adjustments can be made to the client's income support entitlement.

Assignment/Subrogation of a Support Order

- There are cases where a recipient never receives a support payment, rarely receives the support payment on time or receives the support payments sporadically. In these situations, recipients must be advised that their support orders must be registered with the Support Enforcement Agency (SEA) before any reimbursement can be made.

- In addition, recipients are required to subrogate their support payments to the Minister of Advanced Education and Skills when one or more of the following situations occurs:
  - three consecutive support payments have been missed
  - the recipient was reimbursed for missed support payments at least three times in the past year
  - the client is not receiving a support payment at all and the order/agreement is registered with SEA

- When orders are assigned to the Minister, all future support payments received by the SEA are forwarded directly to the Department. In addition, any retroactive payments received for periods identified on the Affidavit of Arrears for payments which the Department reimbursed the recipient will also be forwarded directly to the Department. The advantage to the recipient of assigning his/her support order to the Minister is to eliminate hardship caused by sporadic payments and having to be reimbursed at a later date. If the recipient refuses to assign the support payment, the amount of the order must be deducted in full and any reimbursements because of a non-payment cannot be considered.
"Opting Out" of the Support Enforcement Agency

- Persons have the right to voluntarily withdraw their support orders/agreements from the SEA. In these situations, the person is required to complete forms to “opt out” of the program. Persons in receipt of income support benefits who do not have their orders assigned to the Minister are permitted to withdraw their orders from the SEA. In a situation where a recipient of income support benefits does not receive the support payment and has "opted out" of the SEA, the same condition applies as for all cases with delinquent payments which require the recipient to re-register his/her order with the Agency before any delinquent payment is replaced. However, for persons in receipt of income support benefits who have their orders assigned to the Minister, the SEA will not permit them to opt out.

Methods of Support Payments:

- Support may be paid in the following ways:
  - directly to the parent by the absent parent
  - to the Support Enforcement Agency which forwards the payment to the parent
  - to a third party on behalf of the client (a landlord, bank, etc.)

- When support payments are made on mortgages by an absent parent, please refer to policy on Shelter Assistance (Rent and Mortgage).

- In all three cases above, the amount of support income is deducted from the client’s income support entitlement.

- Payments will be made to the Support Enforcement Agency when support has been subrogated (assigned) to the Minister of Advanced Education and Skills. In these cases no money is deducted from the income support entitlement.

Procedure

- Refer to policy under the Support Applications Referral Process to determine if a referral for child support is necessary.

Support Payment Arrears and Lump Sum Payments

- If a parent receives a lump sum payment for arrears of support payments, please refer to the policy on "Determining Continued Eligibility for Recipients - Lump Sum Payments."

- If the amount is forwarded to the Department as a result of the order being subrogated to the Minister, no action is required by the CSO.

Note: It is important that the CSO reviews the information found in SEA viewer, which shows the amounts of support payments being paid directly to recipients.

- There may be situations where the absent parent is required to pay off the arrears by increasing the monthly payment. In these situations, the total amount of the monthly payment, including the additional amount for arrears, is considered non-exempt income and deducted from the recipient’s income support benefits. When the arrears are paid in full, then the monthly amount will be reduced and the income support entitlement is to be adjusted accordingly.
Support Enforcement Agency (SEA)

- Transferring Support Orders for Enforcement from One Jurisdiction to Another
  
  - There may be occasions when a parent will have to transfer his/her support order from one jurisdiction to another. This is usually the case when both the recipient and/or payer no longer live in the jurisdiction where the order was originally registered for enforcement. In such cases, the client or the Client Services Officer should contact the SEA and request a Registration Form. Along with the completed registration form, the parent will need a copy of existing support order(s) and the account/case number from the previous jurisdiction. When this is received by the SEA, a letter is sent to the previous jurisdiction advising them that the client has now registered with the SEA in this province and to forward an updated Affidavit of Arrears and a Statement of Account. Once this information is received, the SEA will open a file on behalf of the client.

  - If the support order is not currently being enforced by another jurisdiction, SEA will require the parent to submit a SEA Registration Form, four certified copies of the support order(s) and Affidavit of Arrears.

- Adjusting Income Support Benefits due to Delinquent Support Payments

  - Registered Agreements

    If the support agreement/order is verified as registered with the SEA, and it is confirmed that the Agency has not received the payment within 10 calendar days of the due date, (the due date can normally be found in the "Order/Variation Inquiry Screen" of the SEA viewer), the Client Services Officer may issue an adjustment cheque to replace the income deducted from the client's income support entitlement.

  - Non-Registered Agreements

    If the support agreement/order is not registered with the SEA, the client will be required to register the agreement/order and provide proof of registration prior to any adjustments being issued. Any exceptions to this policy shall be approved by the Client Services Manager. Please note that the Affidavit of Arrears form shall be completed by the client as part of the registration process.

    - If a child support payment is replaced in any method noted above, an overpayment is to be set up at the time the child support payment is received by the recipient. Unless the arrears are received by the client, no overpayment is deemed to occur. These cases should be closely monitored and the SEA viewer should be reviewed regularly to determine if the Support Enforcement Agency has issued the payment(s) to the recipient.

Assignment/Subrogation of a Support Order

- In order to assign a support order to the Minister, the CSO must have the Assignment of Support Payment (G.45) completed and signed by the client. While completing this form, the CSO must indicate in Section 1 that the agreement/order is between the parent and the respondent (other parent) and include the date the agreement/order was signed.
• It is also extremely important that the client’s Social Insurance Number be added to the information sent to the SEA, as the SIN is the key identifier between the SEA viewer and CAPS.

• In addition, an Affidavit of Arrears must be completed indicating only the arrears owed to the Department. This affidavit must also indicate that future payments will now be assigned to the Minister of Advanced Education and Skills. It should be noted that the SEA will assign the full child support amount and cannot assign partial amounts.

• When all documents are completed, they are to be forwarded directly to the Director of the SEA with a covering letter. If the Affidavit of Arrears G-44 and G-46 spreadsheet are to be completed at a later date, the CSO must indicate that on the covering letter. Upon receipt of these forms, the SEA will forward all future payments as well as any retroactive payments owed to the Minister directly to provincial office.

• CSO’s can check if the assignment of this support order already exists in the system by selecting the assignment tab on Screen AM5000.

• When the subrogation is completed, the CSO will indicate this in CAPS notes and enter the assignment of benefit as follows into the CAPS system:
  
  ○ **Recurring Pay Cases:** The CSO must first suspend the allowance and complete a reassessment in order to capture the support income.

  ○ **Non-Recurring Pay Cases:** The CSO will add the support income on the family’s next request for income support benefits.

  ○ **Screen AM5000 (Request Details):** Click on the 'Income' magnifying glass and then the new income tab. Scroll down to support payment and make the appropriate selection (child support and/or spousal support). Select A1 or A2 “applied” then click next, which will display AM5820.

  ○ **Screen AM5820 (Income):** Add start date, if known, and payment schedule. Enter SEA account number and any necessary comments.

  ○ **Save information and system will prompt you to add “Assignment of Benefit.” Enter OK and continue with income information. Next enter pay stubs and approve same. Select the save icon and close screen.

  ○ **Screen AM6000:** Select the “assignment tab” on the lower right side of this screen.

  ○ **Screen AM5100 (assignment browse):** Select the add button.

  ○ **Screen AM5110 (Assignment of Benefits):** Select the income source, date assigned and current status (open and forward to agency). Save and close screen. Note: status options indicating close would only be selected if the support payments have ended (i.e. child is no longer eligible for support).

• Any payment amount entered for the “Assigned Support Payment” will now be reduced to zero and the “Assigned to Minister” box is now ticked by the system (double click on support payment income to verify). This process will result in a prompt for the CSO to notify the Support Enforcement Agency any time a recurring pay case which is subrogated to the Minister is suspended.
• Note: No subrogation should be completed when a client’s support order is higher than their eligible amount of income support benefits. In these cases the CSO will issue income support benefits through non-recurring pay and monitor any payments through the SEA viewer for appropriate overpayments to be set up, i.e. if or when child support payments are received by the recipient for the same covering period.

Management of Cases where Support Orders are Assigned/Subrogated to the Minister

• Until the SEA is notified by the Department of Advanced Education and Skills that the client is no longer in receipt of income support benefits, the SEA will continue to forward the support payments to the Department as per the original “Assignment of Support Agreement.”

• If the client is no longer in receipt of income support benefits, the CSO must immediately notify (using Form G.47 “Termination of Assignment/Subrogation”) the SEA, so that future payments, if any, are sent directly to the person entitled to receive support. It is recommended that every case suspended from recurring pay be checked in SEA Viewer to determine if there is a support order assigned to the Minister. Verification of a subrogation can be found by selecting the CSA tab and noting if the “Subrogated to Advanced Education and Skills” is selected. Verifying is important regardless of whether the client is no longer eligible for income support benefits or the client is being transferred to non-recurring pay. Caps will also provide a message prompt for the user any time a case is being suspended where the “Assigned to Minister” box on previous or new income was indicated.

• Transferring to Non-Recurring Pay: The CSO must realize when a support order is assigned to the Minister of Advanced Education and Skills that there is no direct deduction being made from the client’s income support benefit. Since transferring cases from recurring pay to non-recurring pay may be the result of a change in income, the combined incomes (declared income plus the support payment) may make the parent ineligible for income support. The CSO must ensure, when calculating income support entitlement that all income (including assigned support payment amount) of the client are taken into account.

• In situations where support orders are assigned to the Minister, the payments may increase/decrease due to the conditions of the order (i.e. when the debtor is required to pay a higher amount when employed). When this happens, the higher amount received may be greater than the amount of eligibility for income support benefits. CSOs must verify, on a regular basis through the SEA viewer, the amount of income sent to the Department for all cases where the order has been assigned to the Minister.

Note: A CSO can request a SEA/Advanced Education and Skills interface report through CAPS production by choosing the report tab and selecting Advanced Education and Skills reports. Then select payment report X15137 (SEA/AES interface), indicate covering period, and region. Select save and the report will be available for viewing and printing the following day.

Suspending income support cases which are assigned

• If a person is no longer in receipt of income support benefits, it is extremely important that notification be sent immediately to the SEA following the suspension of income support benefits to avoid a disruption in the family’s income. Failure to do so will mean the
arrears will be credited to the Minister or the payment will continue to be sent to the Minister erroneously.

Note: The notification to SEA should indicate that the effective date for the termination of the subrogation is the day prior to the last child support payment due. For example, if income support benefits ended on the 21st of the month and the last child support payment was due on the 15th, then the subrogation would be suspended on the 14th day of that month. However, if the child support was due on the 1st of the month, then the subrogation would be suspended on the last day of the previous month. SEA can only consider "full payments," not "partial payments." Any adjustments will have to be calculated manually and if necessary, an account receivable can be set up. Payments can only be adjusted if it can be verified that the debtor actually made the payment.

- If support payments are being sent to the Department after the person is no longer in receipt of income support benefits, the SEA will determine the amount of money which was forwarded to the Department erroneously. If the support payments are owed to the client, the Agency will request the money from the Department and then forward the amount directly to the parent. This procedure will be managed by provincial office.

- In some cases, a subrogation may be terminated and a review of the file indicates there are intermittent periods when the client did not receive income support benefits, but their child support money for the same period was subrogated. The CSCO should complete a full assessment of the file and note covering dates when no income support benefits were issued and child support payments were subrogated. This information should be sent to the Finance Division of Advanced Education and Skills so that money can be reimbursed to the client from the General Revenue Account.

Authority Level

Client Services Officer

Client Services Manager – funds for the service of documents

June 22, 2012
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INCOME SUPPORT AND VETERAN’S AFFAIRS ALLOWANCES

Intent

To provide information on the Veteran’s Affairs Allowances and the relationship these benefits have on Income Support.

Regulations

8. (c) “non-exempt income” means income received by an applicant or recipient for which no exemption applies and which is used in determining eligibility but does not include partially exempt income, and which may be obtained by means of

   (i) payments under the Canada Pension Plan, Old Age Security benefits, Veterans’ Allowance, compensation under the Workplace Health, Safety and Compensation Act, employment insurance benefits, and pensions to the applicant or recipient or to his or her dependent from other sources.

Overview

Recipients of a War Veteran’s Allowance may be eligible to apply for additional Veteran’s Affairs Allowances such as the Veteran’s Independence Program as well as the New Veteran’s Independence Program Expansion, after they turn 65 years of age or older. Please visit their website @ http://www.vac-acc.gc.ca/general for more information.

Consideration can also be given to the possibility of eligibility for funds under the Royal Canadian Naval Benevolent Fund, the Canadian Army Welfare Fund and the Royal Canadian Air Force Benevolent Fund.

Policy

Benefits issued as a Veteran’s Allowance are to be considered non-exempt income and
deducted from Income Support eligibility.

For individuals receiving additional benefits (Independence programs), their eligibility for Income Support is not affected unless and only to the extent that the two programs duplicate services. Individuals who do receive these benefits may also be eligible to receive Burial & Funeral assistance through Veteran's Affairs. This needs to be addressed if individuals are also in receipt of Income Support Benefits or are making application for assistance at the time of death. See the policy on Burials/Funerals.

Benefits and services under the Veteran's Independence Program include:

- Nursing & personal care in the home.
- Groundskeeping & Housekeeping.
- Adaptations to the home.
- Specialized services offered through Daycare centres & hospitals.
- Transportation for essential social activities.
- Care in residential institutions or nursing homes is available if required.

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**Procedure**

Applicants/recipients declaring War Veteran's Allowance will have the income assessed as non-exempt income.

Veterans Affairs Canada has agreed to reimburse the Department of Human Resources, Labour & Employment for the Income Support Benefits that were provided while the individual was waiting for approval of a War Veteran's Allowance (WVA) or Civilian War Related Allowance (CWA). Reimbursement of Income Support will be made through the completion of an Assignment DVA Form. The following guidelines need consideration:

- The WVA/CWA recipient must receive no less than 1 month's entitlement in the first payment.
- The Income Support that was paid prior to the effective date of approval for the WVA/CWA will not be reimbursed.
- If the recipient will suffer hardship as a result, then there will not be a reimbursement completed.
There will be no reimbursement for an amount of $100.00 or less.

The recipient has to have consented to the reimbursement in writing.

There has to be 60 days elapsed since the recipient was informed of the approval in writing by Veteran's Affairs Canada before the reimbursement will be initiated.

The assignment form should be completed and include all the Income Support that was issued after the form was signed and dated. A copy is to be given to the client, one to be placed in the client’s electronic file and the original to be sent to:

Veteran’s Affairs
Sub – Regional Office
P. O. Box 5065
St. John’s, NL
A1C 5V4

Only the overpayment of Income Support while the client is waiting for the WVA/CWA will be reimbursed. The Department cannot recover an overpayment from a pension.

Only after the notice is received from Veteran’s Affairs Canada that the allowance is approved should the overpayment be set up on the Client’s file.

The rates for WVA/CWA are increased quarterly and the client’s file is updated in CAPS by Provincial Office. Verification of the maximum rates will also be sent to the local offices for information purposes only.

Authority Level

Client Services Officer

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Revision date: January 2, 2009
Income Support Benefits and Workplace, Health and Safety Compensation Benefits

Intent

To provide information on the Workplace, Health, Safety and Compensation Commission Benefits (WHSCC) and the effect of these benefits on eligibility for Income Support.

Act

13. (1) Prior to making an application for income support and as a condition of eligibility for income support, a person shall pursue all other financial resources available to him or her or his or her spouse or cohabiting partner.

Regulations

(c) "non-exempt income" means income received by an applicant or recipient for which no exemption applies and which is used in determining eligibility but does not include partially exempt income, and which may be obtained by means of

(i) payments under the Canada Pension Plan, Old Age Security benefits, Veterans' Allowance, compensation under the Workplace Health, Safety and Compensation Act, employment insurance benefits, and pensions to the applicant or recipient or to his or her dependent from other sources.

Overview

• WHSCC operates a work-injury insurance plan, which provides benefits to workers injured on the job or to their dependents in the case of death of the insured person.
• It is a no-fault system, so injured workers cannot sue their employer or another worker for
negligence unless a motor vehicle caused the injury.

- Once a worker is involved in a workplace injury, it must be reported to the employer immediately and before the employee leaves the worksite. The details for application for WHSCC benefits and the forms which are required for completion can be found at http://www.whscn.nl.ca/Forms_whscn. Any additional information can be obtained by calling:
  - St. John’s – 709-778-1000 or toll free @ 1-800-563-9000
  - Grand Falls-Windsor – 709-486-1600 or toll free @ 1-800-563-3448
  - Corner Brook – 709-637-2700 or toll free @ 1-800-563-2772

- Injured workers who are off work longer than the day of their injury qualify for benefits and the employer must pay the wages for the day the injury occurred. WHSCC starts paying wage-loss benefits from the day following the injury at 80% of the net wages.

- WHSCC also offers several labour market re-entry services such as:
  - Ease back to work program
  - Modified work program
  - Transfer to an alternative job
  - On the job training
  - Trial work
  - Job search and career exploration
  - Academic upgrading/formal training
  - Self employment

- Injured employees who are unable to return to the pre-injury job or a position paying comparable wages may qualify for Extended Earnings Loss Benefits until age 65 years.

- In addition to earnings loss benefits, WHSCC will pay an injured worker a lump sum payment for a permanent impairment.

- WHSCC pays transportation expenses as well as the following health care expenses related to the compensable injury even though these services may be covered by the Provincial Medicare Program (MCP):
  - Doctor’s fees
  - Hospital costs
  - Prescribed drugs
  - Physiotherapy
  - Occupational therapy and aids such as crutches and prosthetics

- In an injured worker disagrees with the decision of WHSCC, there is both an internal review process and an external review process.

- If a worker dies because of an injury, there are benefits for the dependent spouse and children including benefits to cover the transportation of the body and burial expenses

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**Policy**

- Recipients of income support benefits who have applied for compensation from WHSCC must sign the assignment form (generated in CAPS) each time income support benefits are provided.

- This assignment constitutes the injured worker’s consent for WHSCC to deduct the amount of income support benefits that were provided, and to be made payable to HRLE from the compensation benefits. The HRLE Accounts Receivable Division at Provincial Office receives the payments, provides the receipts, and sets up the necessary overpayments.
• There is no allowable overlap of Income Support benefits and Workplace Health, Safety and Compensation Commission Benefits.
• No recoveries will be made by the WHSCC unless the completed assignment form is on file with them.
• The memorandum of understanding between HRLE and WHSCC permits WHSCC to provide the commencement date and weekly rate information for WHSCC applications to the Eligibility Assurance Division at Provincial Office. The information will then be made available on the interface tab in CAPS so the local office can take whatever action is deemed necessary.
• Client Service Officers will advise the WHSCC via the assignment form, of the amount of Income Support to be recovered from the compensation benefits. If the recipients had already fully or partly refunded money to the Department, these amounts must not be included in the final amount payable to WHSCC.

Procedures

• An Income Support recipient may already be receiving a supplement to his/her earnings. If this individual had to apply for WHSCC benefits, the Dept. of HRLE can continue to provide Income Support benefits on an assignment form (generated in CAPS). Any Income Support benefits that were provided to a client while he/she is pending receipt of WHSCC benefits, are considered an overlap of Income Support benefits and must be refunded back to the Department. When this occurs, the Client Service Officers must:
  ○ Forward the original copy of the assignment form (from CAPS) to the Workplace Health Safety and Compensation Commission immediately after completion to the following address:

WHSCC
146 – 148 Forest Road
Box 9000
St. John's, NL A1A 3B8

○ Take copies of the original signed form, provide one to the client and send one to TRIM.

• The "Amt. of Compensation" column on the interface will indicate the actual financial benefits paid to an individual recipient corresponding to the reason for the benefit paid. It is necessary to complete a separate assignment form for transportation, giving the date of travel, method of travel, and reason for travel as WHSCC will compensate the Department for any necessary medical, accident related transportation provided to the injured worker, while awaiting or receiving WHSCC benefits.

Authority Level
Chapter 3: Assessment of Income

(iii) Partially Exempt Income/Exemptions

(a) General

Intent: To provide direction on calculating deductible income for income support eligibility and how exemption amounts are applied to income.

Act: (if applicable)

Regulations: Definitions

8. (c) "non-exempt income" means income received by an applicant or recipient for which no exemption applies and which is used in determining eligibility but does not include partially exempt income, and which may be obtained by means of:

(iv) an assessment based on 50% of the receipts from rental of rooms on property which is used by the applicant or recipient as a residence,

(v) an assessment of rental income based on 50% of that income after the deduction of municipal property taxes for rented real property in which the applicant or recipient does not reside.

(d) "partially exempt income" means income to which an exemption under section 12 applies and includes:

(i) salary and wages of the applicant or recipient, including income obtained from self employment,

(ii) winnings from games of chance or a lottery,

(iii) board and lodging income assessed based on 20% of the receipts of board and lodging income from a boarder who is not a relative and that receipt shall not be less than an amount contemplated by subsection 14 (1), or paragraph 15 (2)(b),

(iv) income tax refunds for the year 2009 or earlier,

(v) scholarships or bursaries, and

(vi) incentive allowances as approved by the minister in the month that the income, or payment is received.

Exemptions

12. The following exemptions shall be applied to partially exempt income in the month it is received:

(a) for the sum of income described in subparagraphs 8(d)(i), (ii) and (iii)

(i) for a single adult, 100% of income up to $75 plus 20% of income in excess of $75,

(ii) for 2 or more persons, 100% of income up to $150 plus 20% of
Income in excess of $150,
(iii) for a person requiring supportive services, 100% of income up to $150, plus 20% of income in excess of $150, and
(iv) for 2 or more persons where at least one person is a person requiring supportive services, 100% of income up to $250, plus 20% of income in excess of $250;
(b) for income described in subparagraph 8 (d)(iv), for a recipient, up to $500 a year;
(c) for income described in subparagraph 8 (d)(v), for a recipient, up to $5,000 a year; and
(d) for income described in subparagraph 8 (d)(vi), in the case of applicant or recipient, up to $175 a month.

Overview:
(if applicable)

Policy:
Partially exempt income is net income from which an exemption is deducted before eligibility for Income Support benefits is calculated.

- Regulation 8 (d) identifies the types of partially exempt income and Regulation 12 identifies the applicable exemptions which can be applied to this income.

- (100) Calculating Net Income from Salary & Wages or Winnings from Games of Chance or Lotteries

  o Deductions: For the purposes of calculating eligibility for Income Support, net earnings are calculated after deducting mandatory deductions from the gross earnings/income as follows:
     - Employment Insurance contributions
     - Canada Pension Plan contributions
     - Union dues
     - Income Tax
     - Garnishments for child and/or spousal support payments (only) for an interim period until the support order can be varied
- Additional deductions, which in the opinion of the client services manager, are reasonable and were deducted from the income, i.e., mandatory deductions for pensions, RRSP's in lieu of pension, attachments and medical insurance premiums.
- Voluntary deductions (e.g., RRSP, loan payment, optional insurance), cannot be considered as a deduction.

- **Expenses:** The following expenses can be considered as legitimate and used to reduce a client's net income:
  - Transportation expenses incurred in order to earn income by the most economical means available (this may include the normal operating expenses of a motor vehicle consistent with the actual mileage in traveling to and from work, bus passes, car pool expenses or even relocation expenses).
  - Purchase price or rental of equipment or clothing necessary to perform work, i.e., uniforms, safety boots, helmets, and goggles. In the case of woodsmen, deductions may be made for installment payments on power saws and operating expenses. Equipment and clothing for fisher persons are not included, as this is included in the overall 25% allowed to this group.
  - For fisher persons, a standard 25% of total fishery earnings will be considered as expenses. Crew members, who do not share the expenses of the fishery enterprise, are not permitted this exemption.
  - Private child care is included as a requirement for recipients. For further information, please see policy on Private Child Care. Please Note: The only exception to using this expense solely as a requirement is when calculating the 'Date of Eligibility', where private child care costs are to be considered as a working expense and deducted from earned income prior to the income being assessed to calculate the eligibility date. Receipts must be provided which indicate the actual amount paid for the service. This is the only incidence when child care is used as an income deduction.
  - Additional expenses, which in the opinion of the client services manager are reasonable and were incurred while earning the income.
To address the transition between Income Support and employment, effective July 1, 2008, staff may allow a full overlap of Income Support benefits for 30 days from the day the client begins work. Staff should be cognizant of the overlap already provided for rent/mortgage. After the 30 day overlap, income from the previous month will be used to project the client income into the next 30 days. However, this overlap is only applicable to individuals who are receiving earnings to which the Departments' earnings exemptions apply. Job Creation Partnership (JCP) participants are also eligible to receive this overlap. Unless there are extraordinary circumstances, inclusion of private child care or transportation only becomes applicable when staff begin assessing earnings after the 30 day overlap.

- Exemptions vary depending on the type of partially exempt income being considered. Exemptions normally apply to monthly income; however, exemptions for scholarships have a yearly exemption. The following outlines the types of income and the exemptions that would apply:

- **(200) Income of earnings, business income, winnings, honorariums, stipends and boarder income:**
  - The salary and wages of an applicant/recipient and/or spouse including self employment income, winnings from games of chance, honorariums, stipends and board & lodging income from a non relative, are all types of partially exempt income which is subject to the following employment exemptions:
    - Initially, expenses incurred in working (i.e. transportation, purchase of uniforms etc.) are deducted from the client's income. Only then are the exemptions applied.
    - For a single adult, the first $75 income per month is exempt (maximum exemption is $75 per month). In addition, the enhanced earnings exemption is calculated at 20% of the balance of the income after the expenses and basic exemptions are deducted.
    - For a family of two or more persons, the first $150 income per month is exempt (maximum exemption is $150 per month). Also, the enhanced earnings
exemption is calculated at 20% of the balance of the income after expenses and basic exemptions are deducted.

- Income as defined above relating to an individual requiring a supportive service is subject to the following exemptions:
  - For a single adult, the first $150 income per month is exempt. In addition, the enhanced earnings exemption is calculated at 20% of the balance of the earnings after expenses and basic exemptions are deducted.
  - For a family of two or more persons, the first $250 income per month is exempt. Also, the enhanced earnings exemption is calculated at 20% of the balance of the earnings after expenses and basic exemptions are deducted.

- (300) Income from Incentive Allowances
  - For a case with one or more persons receiving an allowance approved by the Minister as an incentive allowance, the first $175 per month is exempt.

- (400) Income from Income Tax Returns Prior to 2009
  - Income tax refunds for taxation year 2009 and earlier are considered partially exempt income. For taxation years 2009 and earlier:
    - For a single adult or a family in receipt of an income tax refund, $500 total for the case per year (2009 and earlier) can be deducted.
    - Fees incurred by the client to have their Income Tax return completed can also be deducted.

- NOTE: Income tax refunds for taxation years 2010 and onward must be assessed as exempt income and will not affect eligibility for Income Support benefits.

- (500) Scholarships and/or Bursaries
  - For a single adult or for a family in receipt of a scholarship or bursary, $5000 total for the case per academic year can be deducted from the income.

- (600) Income from rental of property
Where Income Support clients own property for which they are receiving rental income, the deductible portion of rental income is calculated at 50% of the monthly rent being charged. If the property being rented is not the primary residence of the client (i.e. a separate dwelling as opposed to a basement apartment in the same dwelling as the client), the monthly amount of municipal taxes for that property can be deducted from the rental amount prior to the 50% calculation.

- (700) Earned Income as Identified on a Canada Revenue Agency (C.R.A.) Interface Report
  - The CRA Report provides gross earnings for a calendar year but does not specify the actual covering periods that a client had worked.
  - Clients should be contacted for the specifics of net income and time frames worked. When clients provide this verification of earnings and duration of work relating to the CRA interface, income should be assessed as in Section 100: Calculating Net Income from Salary and Wages. Where an overlap exists, overpayments should be set up.
  - When clients do not provide the necessary documentation including verification of earnings and employment covering periods:
    - the income is to be assessed as is, with no exemptions or expenses to reduce income permitted, and an overpayment set up.
    - If at a later time the client does provide the required documentation, the thirty day overlap, job start benefit, and the deduction of expenses, basic and enhanced earnings exemptions apply. The overpayment should be adjusted accordingly to reflect the applied benefits and exemptions.

Procedure:
- Client Services Officers must:
  - Record all partially-exempt incomes and record all expenses when reporting partially exempt income in CAPS
  - Obtain and retain verifications for all deductions in the official record
  - KIV cases where verification is being requested for 30 days
and advise the recipient that failure to provide the requested verifications will affect eligibility for Income Support.

- Advise recipients who have their income attached to pursue having the attachment lifted while in receipt of Income Support benefits

- Discuss alternatives with the client if transportation costs are high – possible assistance for relocation closer to the area of employment could be considered

- Calculate transportation costs based on the days worked

- Ensure the total of the working deductions being requested are reasonable and do no exceed the reported earned income

- Calculate the proper exemption based on the following:

100) Earnings and Business Income

- When a client starts work, the CSO can allow a 30 day overlap of Income Support benefits from the day the client begins work, being cognizant of any rental/mortgage overlap that may have already been provided. After the 30 day overlap, income from the previous month will be used to project the client income into the next 30 days. The client may also be eligible for a Job Start Benefit. For further information, please see Job Start policy.

- When Income Support recipients declare earnings to the Department, an assessment is completed to determine if there is eligibility for a supplement. Expenses incurred while working are deducted prior to the earnings exemptions. Once the total net monthly income is determined, the earnings exemption is applied to reduce the deductible income amount – $75 for a single adult, $150 for a family, $150 for a single adult requiring supportive services or $250 for a family requiring supportive services.

- Once the applicable deductions, employment expenses and basic employment exemption are applied, then the 20% enhanced earnings exemption is applied. The CSO will calculate 20% of the remaining income and deduct that
amount to determine the client's deductible income.

- Using the net income, the CSO will deduct this amount from the client's overall entitlement. Where the income is less than the requirements, clients are eligible for a supplement to their earnings. Where the income exceeds the requirements, there is no further entitlement to a supplement and the case is suspended. In these cases, the individual/family is eligible for an extended drug card for six months.

(200) Stipends and Honorariums
- When individuals declare income from honorariums and stipends, the basic and enhanced employment exemption amounts can be applied. There is no eligibility for the 30 day overlap, the Job Start benefit, or the extended drug card.

Winnings from Games of Chance
- When individuals win money from games of chance, the basic and enhanced employment exemption amounts can be applied. If the net winnings exceed the amount of Income Support eligibility, the allowance should be suspended and a future eligibility date determined. Please see Determining Continued Eligibility for Recipients – Lump Sum Payments for clarification.

Board and Lodging Income from Non-Relatives
- Individuals who are in receipt of Income Support benefits sometimes have non-relative boarders in their homes. In these cases, the boarder income must be assessed. To determine the amount to be deducted from the Income Support entitlement, the CSO calculates 20% of the actual amount paid to the home owner for board – in no case should the board amount be less than the maximum board and lodging non-relative rate that the Department issues on behalf of a client who is boarding. The applicable employment exemptions are then applied (e.g. a family has a single adult residing with them who pays them $450/month. The maximum board and lodging rate for a single adult (over 30) is $480 (2010 rate). 20% of $480 is $96. The family is eligible for the $150 basic exemption so that the $96 is reduced to 0 and there would be no deduction for boarder income in this case.
(300) Income from Incentive Allowances
- This income should be declared and included as a requirement on the client's income support file. The maximum exemption is $175 per month, but only applies to allowances which have been deemed an incentive allowance by the Minister.

(500) Scholarships and Bursaries
- The maximum exemption is $5000/year. Any amount over this has to be taken into consideration as income in the month received, and an eligibility date determined. Please see Determining Continued Eligibility for Recipients – Lump Sum Payments for further information.

(600) Income from Rental of Property
- The following exemptions are applied to rental income:
  - 50% of gross receipts from rental of rooms if the property is used as a residence by the Income Support recipient and/or family – i.e. basement apartment in the family’s primary residence. In this case, municipal taxes on the property will be paid each quarter as the family’s residence, and will include the apartment.
  - 50% after deductions for municipal taxes and fees of gross receipts from rental of property that is not used by the Income Support recipients and/or family – i.e. separate property. In these cases, the pro-rated cost of municipal taxes will be deducted from the gross rental income prior to the 50% exemption being applied.

(700) Income as Identified on a Canada Revenue Agency (C.R.A.) Interface Report
- When it has been determined, through this interface, that an individual had income that was previously undeclared, verification of income and the duration of work must be provided.
  - Contact should be made with the client to obtain the verification. When this is provided, the income should be assessed in the same fashion as regular income; factoring in the 30 day overlap, job start benefit, deduction of expenses and basic and enhanced earnings exemptions.
If verification is not provided:

- where the individual is still an active client, consideration should be given to holding (or redirecting to an A.E.S. office) the client's Income Support cheque in an effort to retrieve the required information.

- if the net income information is not obtained and the overlap of Income Support and earnings is for the same calendar year, no employment exemptions or expenses should be applied, and an overpayment must be established for the lesser of the two amounts received over the year (e.g. Income Support or gross income).

  > If the client provides verification of income and duration of work at a later time, the overpayment should be adjusted accordingly, applying the thirty day overlap, job start, deduction for work expenses and basic and enhanced earnings exemptions.

- depending on the frequency of unreported income and/or the amount of the overpayment, the Client Services Officer should consult with a manager regarding assessing criteria for prosecution and/or referring the client for a fraud investigation.

Authority Level: Client Services Officer

Client Services Manager

- all additional expenses/deductions from earned income that were incurred by the applicant/recipient

Date revised: November 6, 2012
Self Employment Income

Intent

To outline the method to assess self-employed income earned by a working income support recipient.

Regulation

(d) "partially exempt income" means income to which an exemption under section 12 applies and includes

(i) salary and wages of the applicant or recipient, including income obtained from self-employment,

(ii) winnings from games of chance or a lottery,

(iii) board and lodging income assessed based on 20% of the receipts of board and lodging income from a boarder who is not a relative and that receipt shall not be less than an amount contemplated by subsection 14 (1), or paragraph 15 (2)(b),

(iv) income tax refunds,

(v) scholarships or bursaries, and

(vi) incentive allowances as approved by the minister

in the month that the income, or payment is received.

12. The following exemptions shall be applied to partially exempt income in the month it is received:

(a) for the sum of income described in subparagraphs 8(d)(i), (ii) and (iii)

(i) for a single adult, 100% of income up to $75 plus 20% of income in excess of $75,
(ii) for 2 or more persons, 100% of income up to $150 plus 20% of income in excess of $150,

(iii) for a person requiring supportive services, 100% of income up to $150, plus 20% of income in excess of $150, and

(iv) for 2 or more persons where at least one person is a person requiring supportive services, 100% of income up to $250, plus 20% of income in excess of $250:

(b) for income described in subparagraph 8(d)(iv), for a recipient, up to $500 a year;

(c) for income described in subparagraph 8(d)(v), for a recipient, up to $6,000 a year; and

(d) for income described in subparagraph 8(d)(vi), in the case of applicant or recipient, up to $175 a month.

Policy

- All applicants who have reported self employment income are required to go through the regular intake process.

- Self Employment Services (SES) is an initiative designed in partnership with Metro Business Opportunities (MBO) to streamline the reporting process for self employed clients making the process more efficient and consistent for staff and clients.

- New income support applicants, who report self employed income, as well as current recipients who are self-employed will have their documents reviewed by Metro Business Opportunities (MBO). As MBO staff are well versed in this field, they help improve on service delivery by reviewing monthly claims from self employed clients. HRLE staff are provided with a report on each self employed case which indicates which expenses are legitimate and, after a period of time, recommendations are made as to the viability of businesses. MBO, as well as the local Community Business Development Corporations (CBDC), also offer income support clients a range of other services such as business counselling when requested.

- This process does not apply to individuals who are owners of an incorporated business as they receive dividends or salaries and are not liable for any debts incurred by the company. The salary will be assessed as partially exempt income, with no business expenses permitted.

- There are a number of ways in which people could be considered self employed:
  - Owner/Operator – an individual who operates their own business e.g. donut shop or garage
  - Unincorporated Partnership – a business which is operated by more than one person but considered one entity (all partners equally responsible)
  - Commissioned Sales – an individual working as a representative for a company but their income depends on their sales
  - Fee for Permission to Sell – an individual who uses the company name (to whom they pay a fee) to sell under that company name; e.g. hair stylist paying fees for use of a barber’s chair

- At intake, applicants (or current clients who become self employed) will be asked to sign a release of information and a referral to MBO prior to having their income assessed by MBO.
• Clients who receive a supplement to their self-employment income will have their income assessed on a monthly basis by MBO.

• The Self Employment Services Report which is utilized by MBO is provided to self-employed clients to record their income and expenses; MBO may request a client at any time to provide receipts to verify any or all expenses which they claim.

• Eligible expenses which can be considered are:
  - Advertising
  - Bank charges on business accounts
  - Bookkeeping and legal fees
  - Business and office equipment & supplies
  - Business insurance
  - Business loan repayments
  - Cost of goods purchased (less GST)
  - Delivery cost to receive or ship
  - Equipment-installment, purchase & rental
  - Income tax installments
  - Licenses, required fees or memberships in trade
  - Municipal property taxes (if business is in building other than primary residence)
  - Provincial sales tax portion of HST
  - Rent or mortgage for business premises
  - Repair and maintenance to equipment
  - Sub-contracting costs
  - Telephone expenses (if separate telephone line is required for business)
  - Utility costs (if business is in building other than primary residence)
  - Vehicle expenses (pro-rated based on use for business/pleasure)
  - Mileage is to be reimbursed at .30/km.
  - Occupancy expense – at a flat rate of $50/month if business is operated in a primary residence (covers expenses for home office, storage, etc.)

• CSO’s must pay particular attention when issuing childcare to a self-employed client and be cognizant of the childcare policy. Specifically, it should be remembered that with the exception of the first month (second if required), that childcare costs should never exceed the earned income amount.

• Although MBO calculates the income to be considered, WISU staff should be aware of the types of expenses which are considered legitimate i.e. Expenses for rent or taxes (other than business tax) should not be considered unless there is a separate building for the business. A client who operates a business out of their home or occupies space/storage in their home for a business can receive a flat rate of $50/month.

• Clients who report revenue of less than $200/month for six consecutive months may be transferred to recurring pay.

Procedures

• The Working Income Supplement Unit (WISU) Client Services Officer must print from TRIM a client’s business income information form each month and fax to MBO at 576-3115
• Staff at MBO will complete the assessment, converse with the client if required and place a recommendation in HRLE Business Income Database (HBID).
• MBO will notify the WISU, through email, to check HBID.
• WISU CSO’s will review MBO’s recommendations and complete the client’s mailback (application) and follow the regular process as applied to all other employed clients.
- Clients who are transferred to recurring pay due to low earnings are still required to provide a new Business Income Report every three months which would be forwarded to MBO to confirm business activity.
- When MBO confirms that a business has closed, CSO's must refer the client to a CEYS CSO to complete an exit interview which will help to identify any training or educational needs.

Authority Level

Client Services Officer

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Page updated: August 17, 2010
INCOME SUPPORT AND STUDENT AID

Intent

The purpose of this section is to clarify the relationship between the Income Support Program and the Canada - Newfoundland & Labrador Integrated Student Loans Program for recipients of income support benefits who lack adequate financial resources to pursue a post-secondary education.

Regulations

Definitions
2 (c.1) "dependent" means a dependent of an applicant or recipient who is a child under 18 years or a dependent student.
   (d) "dependent student" means a person 18 years of age or older but under 21 years of age who lives with a relative and attends high school;
8 (a) "exempt income" means income received by an applicant or recipient which is not considered in determining eligibility for income support, provided that the income is obtained by means of
   (ix) payments received by an applicant or recipient with dependents under the Canada-Newfoundland and Labrador Student Loan Program or successor program;
   (c) "non-exempt income" means income received by an applicant or recipient for which no exemption applies and which is used in determining eligibility but does not include partially exempt income, and which may be obtained by means of
   (vii) payments received by an applicant or recipient without dependents under the Canada-Newfoundland and Labrador Student Loan Program or successor program,
   (d) "partially exempt income" means income to which an exemption under section 12 applies and includes
      (v) scholarships or bursaries, and
      (vi) incentive allowances as approved by the minister
12 (c) for income described in subparagraph 8(d)(v), for a recipient, up to $5,000 a year;

Overview

- The Canada - Newfoundland & Labrador Integrated Student Loans Program is a needs-based program designed to assist with educational, shelter and living costs of students who lack adequate financial resources to pursue post-secondary education. When individuals decide to pursue a post-secondary education, they can apply for assistance to offset these costs through this program. In addition, various other financial resources may be available, i.e., Skills
Development funding, scholarships, and parental contributions.

- Eligibility for student financial assistance requires that the student:
  - be a Canadian citizen, or have Permanent Resident status, or considered to be Protected Persons within the meaning of subsection 95(2) of the Immigration and Refugee Act;
  - be a resident of the Province of Newfoundland and Labrador;
  - have insufficient financial resources to meet their Assessed Need;
  - not be in default on previous federal and/or provincial student loans;
  - pass a credit check (this criterion applies only to students who are 22 years of age or older and are applying for a student loan for the first time); and
  - be enrolled as a full-time student in a program of study of at least 12 weeks in duration, at a designated Education Institution (EI), leading to a degree, diploma, or certificate.

- Both public and private institutions as well as some distance programs may be designated for Student Loan purposes.

- To be eligible for Canada Student Loan (CSL) students must be enrolled in at least 60% of a full course load. To be eligible for Newfoundland and Labrador Student Loan (NSL) students normally must be enrolled in at least 80% of a full course load.

- Applicants with Permanent Disabilities may be eligible for both federal and provincial student loans if enrolled in at least 40% of a full course load.

- The financing of the student aid program is provided 60% through the Canada Student Loans Program while the remaining 40% is provided by the Provincial Student Loans Program.

- In the Need Assessment Process of determining the amount a student may be eligible for, the following costs are included:
  - tuition fees
  - books/computer cost
  - local transportation
  - return transportation from the home community
  - day care costs, if required
  - miscellaneous allowances
  - food and shelter

- Student Aid exempts the first $1,800 of scholarships per year; the amount above $1,800 is considered a resource in the need assessment process.

- Based on their financial ability, parents of dependent students are expected to contribute to their child (ren)'s education.
• The amount of all income including the tuition vouchers must be reported in a student's pre-study period when completing the student aid application.

• Students may be entitled to have a portion of the Provincial Student Loan forgiven through Newfoundland and Labrador Student Debt Reduction program.

• For recipients of income support benefits with dependents, Student Aid considers the income support benefits received during the study period as a provincial contribution towards their Assessed Need, meaning it is taken into consideration before the Provincial Student Loan and Up Front Grant is awarded. If a student's need has been met through the Canada Student Grant and Loan program and the amount of HRLE benefits then there will be no provincial loan or grant awarded.

Policy

General

• Income support recipients who move to another jurisdiction or country to attend a post-secondary institution are not eligible for income support from HRLE while a student outside the province.

• Recipients, who receive Tuition Vouchers through other federal and provincial programs in the form of a contribution towards tuition costs, are required to apply to the Student Loan program for assistance to meet other additional education costs.

• If Student Health Insurance is available, (i.e., Memorial University and College of the North Atlantic), students must purchase it unless they have other private insurance.

Applications

• Income support applicants who are currently enrolled in a post-secondary institution and experience difficulties during their study period are not normally eligible for income support benefits until the end of the study period/semester.

• Income Support applicants who have received a student loan but due to extenuating circumstances apply for and are approved for income support benefits during the study period, will have their income support benefits considered as a provincial contribution towards their Assessed Need for the current study period. Consequently, a reassessment of their Student Loan will be completed and an over award may result. Over awards are recovered in full from the next student loan entitlement and could result in recipients not being able to continue with their studies.

• Applicants who move to the province from another province/country to attend a post-secondary institution and have received a student loan or financial support from their home jurisdiction are not eligible for income support benefits while a student in this province.

Recipients without Dependents

• Recipients without dependents are not eligible to receive income support benefits during their study period and must apply to the student aid program for financial aid. Where these recipients enroll in high cost tuition courses, leaving inadequate funding for living expenses, they do so at their own risk, as they are not eligible to continue to receive income support benefits during the study period.
E.1. Eligible or Reach Back recipients without dependents may be eligible to receive the
Newfoundland & Labrador Skills Development benefits which would cover the cost of training
as well as living expenses during training. They would not be eligible for continued income
support benefits. Recipients with no dependents receiving partial funding through NL Skills
Development benefits are to apply to the Canada - Newfoundland & Labrador Integrated
Student Loans Program to meet their other educational costs and living expenses as income
support benefits will not be provided.

- When student loans are approved for current income support recipients with no dependent
  children/students, the following should occur:
  - the next income support cheque is automatically held,
  - letters are automatically sent to the recipients advising them of the status of their next
    income support cheque,
  - eligibility for income support benefits terminates at the beginning of the study period,
  - any income support provided while awaiting a loan during the study period is considered
    an overpayment, and
  - a case note is automatically generated indicating the semester start date.

- Recipients with no dependents who accept their student loan and then drop out of school, are
  still considered to be ineligible for income support benefits for the remainder of their study
  period, as a living allowance for that period would have been included with their student loan.
  Where a loan has been returned or partially returned, consideration can be given for income
  support benefits, once the loan portion has expired — i.e. a student who returned 50% of the
  loan could reapply for income support after 50% of the study period has passed.

- Recipients with no dependents, who obtain financial support through outside sources, i.e.
  parents, to meet their educational costs, must apply to the Canada - Newfoundland & Labrador
  Integrated Student Loans Program to obtain the financial resources to meet their living costs
  as there is no eligibility for income support.

- Recipients without dependents attending a post-secondary institution on a part-time basis are
  required to apply for a federal part-time loan through the Student Aid Division as there is no
  eligibility for income support during their study period.
  - As recipients without dependents will no longer qualify for income support benefits,
    requests for the listed health benefits should be handled as follows:
    - If no health insurance is available, students can apply for prescription drug coverage
      under the Access or Assurance Plans provided through the Newfoundland and
      Labrador Prescription Drug Program. Those who have high drug costs can submit an
      appeal to Student Aid to consider the additional expenses. Additional assistance may
      be awarded if the appeal has been approved and the student has not received the
      maximum student loan/grant available.
    - Those who require medical supplies and/or equipment because of a special health need
      may apply to the Special Assistance Program through their Regional Health Authority.

Recipients with Dependents

- Recipients with dependents are eligible to continue to receive income support benefits during
  the study period; however, the full amount of the income support benefits provided is
  considered a provincial contribution towards their Assessed Need. In some cases this results
  in a reduced provincial student loan debt.
The Income Support Program will provide financial support for recipients of income support who have dependent children/students during their study period only if they were in receipt of income support benefits prior to the beginning of the study period.

In order to be considered a recipient with dependents, the dependents must be living in the same residence as the parent.

Parents who move to a centre and are enrolled in post-secondary education, leaving their dependent children/students in the care of a person in the home community are considered recipients with no dependents and not eligible for income support.

To avoid an over-award with the student loan program, recipients with dependents who received an income support supplement to their income, (i.e., earnings or E.S.I.) prior to enrolling in a post-secondary institution, should contact the Student Aid Division, if that source of income terminates. This must be done before their income support benefits are adjusted.

E.I. Eligible or Reach Back recipients with dependents may also be eligible to receive the NL Skills Development benefits which could cover the cost of training as well as living expenses during training.

If private child care is required, these recipients may be eligible for a contribution for child care through the income support program. (Please see link Private Child Care). If there is an unemployed spouse in the home, private child care should not be provided.

Where Student Health Insurance is available (i.e., Memorial University and College of the North Atlantic), recipients with dependents must purchase the Student Health Insurance for themselves and may elect to purchase the Health Insurance for their dependents.

The Income Support Program can only provide support to recipients with dependents to obtain their first university degree, professional certificate or diploma, unless a recipient requires a degree/certificate/diploma as a prerequisite to further study. Supporting documentation from CEYS/LMDA staff is required.

All scholarships i.e., Transition Grant and Canada Student Grants or bursaries received by a recipient are considered partially-exempt income with a $5,000 exemption per case per calendar year.

Recipients who are ineligible for a Canada - Newfoundland & Labrador Integrated Student Loan due to payments being in arrears or being in default on previous student loans must contact their lender or the financial institution holding their loan to begin the process of bringing the loan back to good standing.

Procedures

General

Client Services Officers must:
- refer E.I. eligible and reach back recipients to an Employment Assistance Services (EAS) office for services as they may be eligible to receive NL Skills Development benefits which would cover the cost of training and living expenses during training;
- refer Income Support applicants who are currently post secondary students to the Student Aid Division; and/or
- where current post secondary students apply for income support benefits during their study period, determine if an emergency situation exists. Where a CSO determines that extenuating or emergency circumstances exist, the CSO should:
- refer all requests for approval to the Client Services Manager (CSM) or Regional Income Support Manager.

- where benefits are approved by the CSM, advise the Student Aid Division of the decision to provide Income Support benefits, the amount being provided and the effective date.

**Recipients without Dependents**

- Where recipients without dependents are in receipt of both income support benefits and a Canada - Newfoundland & Labrador Integrated Student Loan, the following should occur:
  - Review the Held Cheque list to identify all cases where a cheque is being held due to a student loan;
  - Determine if the single recipient is still pursuing post-secondary studies and if so, return the cheque to Provincial Office for cancellation and ensure that the allowance is suspended;
  - Refer these individuals to Career, Employment and Youth Services (CEYS) for career planning services;
  - Determine when the study period began and if income support benefits were provided after the start date. If applicable, any overlap of income support and student loans must be set up as an overpayment and/or
  - If the recipient is not pursuing post-secondary studies, advise the recipient to provide verification that the student loan was returned or canceled before reinstating income support benefits and removing the hold order;
  - Refer all recipients in part-time studies to CEYS to explore employment opportunities to meet their living expenses.
  - Advise these applicants that:
    - any income support provided during the current study period will result in a reassessment by the Student Aid Division;
    - the reassessment by the Student Aid Division may result in an over award and
    - the income support received is to simply address an emergency need only and there will be no eligibility for continued Income Support Benefits in the future while they are receiving a Student Loan.
  - Record all information concerning such requests in the case notes

**Recipients with Dependents**

- When there are recipients with dependents, the Client Services Officer must:
  - update the recipient's record in CAPS to indicate the recipient, and dependents (if insurance has also been purchased for them) have private health insurance, while attending Memorial University;
  - refer recipients with dependents to Career, Employment and Youth Services for career planning services, and
  - notify the Student Aid Division if the Income Support entitlement changes during the
study period. This may alter the amount of provincial student assistance to which a person is entitled.

CHILD CARE

- If private child care is being requested, the number of hours the recipient is in school must be determined in order to evaluate the amount of child care required. If there is an unemployed spouse, private child care should not be provided.

- If the recipient is in part-time studies, evaluate the need taking into consideration the school and study times.

  - If an emergency situation arises, an applicant is being considered for income support benefits, they should be advised in writing that:
    - the Student Aid Division will be notified of all income support issued during the study period which will result in a reassessment by Student Aid.
    - the income support provided during the study period will be considered as a provincial contribution towards their Assessed Need and could result in an over award.

Role of Client Services Managers & Regional Income Support Managers

- There are situations when the Client Services Manager and/or the Regional Income Support Manager will:
  - review the CAPS Interface Queue (NT 1000) and select Student Aid to identify all cases that have been approved for a student loan;
  - ensure these cases are addressed by the Client Services Officer to make certain the appropriate action is taken;
  - review the Held Cheque List to identify all cases where a cheque is being held due to a Student Loan to ensure the appropriate action is taken; and
  - review new requests from applicants, with or without dependents, who are applying for Income Support but already attending school.

Authority Level

Client Services Officer
Client Services Manager/Regional Income Support Manager – exceptions for applicants with dependents who apply for income support benefits during their study period.
DETERMINING ELIGIBILITY - Families and Single Persons 21 and Over

Intent

To describe the eligibility criteria for Basic Income Support (food, clothing and/or shelter) or Special Needs and/or Health Related items for families (2 or more persons); single adults over 21 years of age; single persons under 21 years not living with relatives and single persons over 18 with a barrier to employment by using the Income Support Needs Test.

Act

7. (1) In the course of administering this Act, the minister may collect information which may include an applicant’s or recipient’s personal information.

16. (1) An officer shall, as directed by the minister,

(a) receive applications for income and employment support; and

(b) in accordance with this Act and the regulations,

(i) determine whether the applicant is eligible to receive income support and the date on which that person becomes eligible,

(ii) determine the amount of income support the applicant is eligible to receive,

(iii) determine whether the applicant is eligible to receive employment support,

(iv) advise the applicant of the amount of income support to be provided, the employment support that may be available to the applicant and the information required to be provided to ensure the continuation of that income or employment support,

(v) direct the payment of income support or the provision of employment support in the approved time period.

(vi) in the time period set by the minister, review the income support provided to the recipient and promptly advise the recipient of any changes in eligibility, and

(vii) advise the applicant or recipient of the right to appeal decisions made under this Act.

(2) The minister may designate an officer to perform investigations under this Act, and that officer
may perform those investigations in the manner prescribed by the regulations.

(3) The minister may designate an officer to assist a person to obtain child or spousal support in the manner prescribed by the regulations.

Regulations

9. (1) A person shall, in accordance with section 13 of the Act, pursue all other financial resources available to him or her or his or her spouse or cohabiting partner as a condition of eligibility for income support.

(2) An applicant's eligibility for income support shall be determined based on an examination of his or her liquid assets and if those assets exceed the limits referred to in sections 25 and 26, the applicant shall not be eligible for income support.

(3) Where an applicant's liquid assets do not exceed the limits referred to in sections 25 and 26, an applicant's eligibility for income support shall be determined by evaluating his or her financial situation for the 60 days preceding his or her application according to the following formula:

Basic Requirements + 40% + CBA is greater than or equal to Income - Deductions

Where:

Basic Requirements = the amount for maintaining a residence referred to in subsection 13(1), plus the amount for shelter referred to in paragraph 18(1)(a) or (b) if applicable, for the 60 day period before the date of application, or the amount referred to in subsection 14(1) or (2) for the 60 day period before the date of application

CBA = a child benefit adjustment referred to in paragraph 19(1)(g) if the applicant is entitled to it

Income = the applicant's total net income calculated according to paragraphs 8(c) and 8(d) minus the deduction for expenses incurred in earning that income referred to in section 11

Deduction = the deduction referred to in section 11

(4) An applicant who is not entitled to income support according to subsection (3) may be reconsidered on the date on which his or her income during the past 60 days has decreased to the level set out in subsection (3).

(5) Notwithstanding another provision of this section, where an applicant is applying for income support due to job action at the work-place, he or she shall not be eligible for income support.

11 An officer may authorize a deduction from partially exempt income described in subparagraph 8(d) (i) in a case where, in order to earn that income, expenditure was incurred.

Policy

General

- An Application for Income Support is required from all applicants in order to determine eligibility for basic income Support or for Special Needs and Health Related Items.

- Applicants must apply for benefits from any and all other programs/sources prior to requesting Income Support and for continued eligibility for Income Support.
• In order to determine eligibility for Income Support for applicants, the Income Support Program uses the Income Support Needs Test.

• The Income Support Needs Test compares the resources (income and assets) against the requirements of the applicant prior to the Date of Application and determines eligibility based on the request.

• If the request is for Basic Income Support, the Income Support Needs Test uses an assessment tool which considers the resources (income and assets) and the requirements of the applicant in the previous 60 days prior to the Date of Application.

• If the applicant is deemed to be not eligible on that date, the assessment tool determines a date when the applicant can be considered for Income Support benefits.

• This process is used for all applicants applying for basic Income Support benefits or an Income Support supplement to their income.

• If the request is for Special Needs and/or Health Related Items, the Income Support Needs Test uses an assessment tool which considers the resources (income and assets) and the basic requirements including the cost of the requested item(s) of the applicant in the 30 days prior to the Date of Application and determines if an applicant is eligible for a contribution towards these items or for the full benefit.

**Basic Income Support**

• Many people, particularly those with moderate to high incomes should be able to manage during the period between loss of employment/income and possible eligibility for benefits from other income sources, such as Employment Insurance, Canada Pension, Workplace Health, Safety and Compensation Benefits, etc., instead of applying for Income Support.

• Applicants for Basic Income Support are not eligible for Income Support if their liquid assets exceed the maximum permissible limits as defined in Regulation 26. (See: Liquid Assets)

• The Income Support Needs Test:
  
  o totals the income of the family unit in the previous 60 days, excluding earnings of dependent children/students who are in Regular School,

  - **Note:** Employed dependent children/students not in high school are not to be included as part of the Income Support benefits if their monthly income exceeds the total monthly entitlement for one child from the Canada Child Tax Benefit and Newfoundland and Labrador Child Benefit.

  o calculates the basic requirements of the family unit for the 60 days previous to the Date of Application and increases the amount by 40%.

  o determines eligibility by totalling the income received 60 days prior to the Date of Application against the calculated requirements of the family for the same period.

• If the income received from by the applicant is a severance package, the amount is prorated over the covering period of the severance package as non-exempt income.

• If the income of the applicant does not exceeds the calculated requirements of the applicant as per Regulation 9 (3), the applicant is eligible on the Date of Application.
• If the income exceeds the requirements, and the applicant is deemed ineligible, Regulation 9 (4) provides the authority to establish a Date of Eligibility for the applicant.

Special Needs and/or Health Related Items - Non-Recipients

• In addition to the eligibility criteria outlined for Basic Income Support, the Income Support Program may also provide assistance to individuals not in receipt of Income Support requesting assistance for one or more of the Special Needs and/or Health Related Items listed below provided by either the Department of Health and Community Services, the Department of Education or the Department of Human Resources, Labour and Employment.

• Department of Health and Community Services
  - NLPOP Regular Drug Card - no contribution required.
    - covers full prescription drug costs and dispensing fees
    - basic dental coverage
  - Hearing Aids - no contribution required.
  - Medical Supplies - no contribution required.
  - Medical Equipment - contribution may be required

• Department of Human Resources, Labour and Employment
  - The following Special Needs and Health Related Items are provided by the Department of Human Resources, Labour and Employment and a contribution by the applicant may be required towards the actual cost.
    - Medical Transportation and Accommodations
    - Vision Care - once every 3 years.
    - Burial Expenses - (contribution from the estate)

• Department of Education
  - School Books - no contribution by the applicant required. Applicant must be living on marginal income in the previous 3 months.

• The role of the Department of Human Resources, Labour and Employment is to determine eligibility for these specific items for individuals not in receipt of Income Support, using the Income Support Needs Test.

• If the applicant's liquid assets exceed the maximum permissible limits as defined in Regulation 25 and 26 no eligibility exists

• For requests for Special Needs and/or Health Related Items, the Income Support Needs Test
  - determines eligibility based on the income in the previous 30 days by projecting this income for the next 30 days, and
  - calculates the requirements for the next 30 days including the cost of the requested item(s)

• This eligibility criteria is the same, regardless of which Department provides the service.

• As indicated below, applicants may be required to provide a contribution towards the cost of the item, based on their eligibility and the requested item.
Procedures

**Basic Income Support Benefits**

Client Services Officers must:

- ensure applicants requesting Income Support, have applied for or been advised to apply for benefits from any and all other programs/sources prior to requesting Income Support.

- refer to Determining Eligibility for Residents of Personal Care and Nursing Homes if the applicant is a resident of long-term care facility.

- refer to Determining Eligibility - Single Persons Under 21 Yrs if the applicant is under 21 years of age and has no barriers to employment and is:
  - boarding with relatives, or
  - attending high school or not attending high school, or
  - is under 18 years of age, or
  - is transferred from Integrated Health Authority Board.

- refer all single applicants over 21 years to an Employment and Careers Services (CEYS) Worker to access employment or training opportunities available to them. As a condition of eligibility for Income Support, all single recipients in this age group should demonstrate what efforts they are making to pursue such opportunities.

- verify and total all income received by the applicant in the previous 60 days.

- verify the applicant does not have liquid assets in excess of the maximum permissible limit prior to determining eligibility for Income Support

- total the basic monthly requirements using only either Family/Individual Benefits + Rent or Mortgage, up to the amounts specified in, if applicable, or Single Persons or Families Living with Relatives or Non-Relatives for the two month period prior to the Date of Application and increase the total by 40%. Refer to Appendix B 2-B

- add in a Child Benefit Adjustment if required, Regulation 19 (1) (g)

- If the applicant’s income in the 60 days preceding the date of application is less than the total requirements, the applicant is eligible for Income Support effective the Date of Application.

- If an applicant’s income in the 60 days preceding the date of application is greater than the total requirements the applicant is not eligible for Income Support on the Date of Application.

- Determine a date of eligibility for all applicants who are deemed ineligible for Income Support benefits on the Date of Application.

- use the Eligibility Calculation Table for offices using FACTS, or enter the income in the C.A.P.S. and determine the future eligibility date, when the applicant can re-apply.

- If the Eligibility Calculation Table for a District Offices not using C.A.P.S., is not available, the Client Services Officer can calculate the Date of Eligibility using the nine (9) steps outlined in Refer to Appendix A and Examples 1 or 2.
- This procedure applies to all applicants regardless of their reason for applying for basic Income Support, and who have liquid assets equal to or less than the maximum permissible exemption amounts based on family size.

- A deduction for expenses can only be used if employment income is declared. Ensure the deduction is applied to the declared ‘net income’.

- The Child Benefit Adjustment amount for the covering period can only be added if the applicant is entitled to a Child Benefit Adjustment for both months.

- Only the rates listed in Appendix B, 2 are to be used in this process.

**Special Needs and/or Health Related Items - Non-Recipients**

Client Services Officer must:

- verify all information received with the Application for Income Support.

- must verify the need for the Special Needs and/or Health Related Item(s) requested.

- verify the applicant does not have liquid assets in excess of the maximum permissible limit (Link: Liquid Assets) prior to determining eligibility for Income Support.

- ensure applicants requesting Income Support, have applied for or been advised to apply for benefits from any and all other programs/sources prior to requesting Income Support.

- In order to determine the income of the applicant for the next 30 days, the Client Services Officer shall:

  - total the income (less deductions and exemptions, if applicable), of the applicant and/or spouse received for the 30 days prior to the Date of Application, and project the income received in previous 30 days ahead 30 days, assuming no change, or

  - if there is an anticipated change then use the estimated income for the next 30 days.

- calculate and total the monthly requirements of the applicant and/or spouse, which the applicant would be entitled to receive, if in receipt full basic Income Support benefits.

  - Add in the cost of the requested Special Needs and/or Health Related Items or recurring expenditure for any item(s) identified as a Special Needs and/or Health Related Items incurred by the applicant in the previous 30 days.

- For “no contribution items” if there is eligibility for $1.00, (Calculated Requirements exceed total net income), the full item or benefit can be provided for the period of eligibility. (Refer to Example 3)

- For “contribution items”, the difference between the Calculated Requirements less the declared net income up to the actual cost of the Special Needs and/or Health Related Item can be provided. (Refer to Example 4)

- If there are multiple items included in one request, the individual items are to be included in the calculated requirements. (Refer to Example 5) If eligibility is established, the Client Services Officer, must provide the benefit most beneficial to the applicant. If one of the requested items is a “no contribution item” then that item is to be provided first.
• Once the item has been provided, remove the cost associated with that item from the original calculation and then re-calculate eligibility for the remaining items- "contribution items".

Authority Level

Client Services Officer

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Page updated: February 7, 2008
DETERMINING ELIGIBILITY - SINGLE PERSONS UNDER 21

Intent

To describe the eligibility criteria for Basic Income Support (food, clothing and/or shelter) or Special Needs and/or Health Related items for families (2 or more persons); single adults over 21 years of age; single persons under 21 years not living with relatives and single persons over 18 with a barrier to employment by using the Income Support Needs Test.

Regulations

18 (2) Notwithstanding subsection (1), where a person under the age of 21 years is applying for income support while boarding with a relative and that person, as determined by an officer, has no barriers or impairments which would limit that person's pursuit of employment or training, the financial resources of that person's parents or legal guardians shall be considered in determining the amount of income support to be granted.

(3) An officer may only grant income support in an employable person between the ages of 18 and 21 years who is living with a relative if

(a) that employable person's parents or legal guardians are receiving income support, or

(b) the combined income of that employable person's parents is below the maximum income threshold for the Newfoundland and Labrador child benefit as determined by the Newfoundland and Labrador Child Benefit Regulations, 2004 under the Income Tax Act, 2000.

(4) Subsections (2) and (3) shall not apply where the person under the age of 21 years referred to in those subsections has, in the opinion of an approved professional, a barrier or impairment which would limit his or her pursuit of employment or training.

Policy

Policy

- Single applicants must be at least 18 years old to apply for Income Support.

- Single applicants under 18 years old are normally the responsibility of a parent or guardian until the end of the month of the 18th birthday.

Applicants under 18 Years of Age
• Single applicants including pregnant applicants, and single parents under 18, unable to live with their family must first be referred to the Integrated Health Authority Board for an assessment based on the individual's needs and develop a case plan, as per the range of available services.

• Single applicants 16 or 17 years of age, unable to live with their family, must apply for financial support and services through the local Integrated Health Authority Board.

Applicants over 18 and under 21 Years of Age - No Barriers or Impairments to Employment

• Not Attending High School
  • Single employable applicants over 18 but under the age of 21 years, living with relatives, must provide verification of the income of their parents in order to determine their eligibility for Income Support.
  • Single employable applicants can be considered for Income Support if the applicant's parent(s) are:
    - in receipt of Income Support, or
    - in receipt of the Newfoundland and Labrador Child Benefit (NLCB), or
    - their gross income in the previous year was less than the maximum income threshold for the NLCB presently at $22,397.
  • Single applicants over 18 but under the age of 21 years, living on their own or with non-relatives may apply for Income Support in their own right by completing the required application and providing evidence or documentation to substantiate their application.

• Attending High School
  • If the family is in receipt of Income Support, the dependent student will be included in the parental allowance while attending high school full time. In addition, the family will be eligible for the High School Incentive Allowance.
  • If the family is not in receipt of Income Support but their income falls below the maximum income threshold of the Newfoundland and Labrador Child Benefit (NLCB), currently set at $22,397, the applicant is eligible to apply for Income Support as an independent adult.
  • In these situations the applicant would be eligible to receive the amount specified in Regulation 14 (2)
  • If the family is not in receipt of Income Support and the family income is above the maximum income threshold of the NLCB, the applicant is not eligible for Income Support as an independent adult.

• Applicants over 18 with Barriers or Impairments to Employment
  • Single applicants over 18, living with relatives and have a physical, developmental or mental barrier or impairment which would limit their pursuit of employment or training, as defined by an approved professional, may apply for Income Support in their own right.
  • These applicants may be referred to an Employment and Careers Services Worker to access employment or training opportunities available to them.
• All single recipients in this age group should demonstrate what efforts they are making to pursue such opportunities.

• Applicants Over 21 refer to Determining Eligibility Families and Single Persons 21 and Over

• Transferred from the Integrated Health Authority Board

  • Applicants, who have been receiving support for residential and other services from a Health and Community Services/Integrated Health Authority Board, may apply for Income Support benefits after turning 18 years of age.

  • These applicants may be entitled to receive the same level of financial support they received through the Health and Community Services/Integrated Health Authority Board provided an Individual Support Services Plan (ISSP) has been completed outlining and addressing one or more of the following areas:
    - the individual is deemed to have special needs,
    - living outside the parental home is in the best interest of the individual, and
    - where maintaining the present living arrangement/current financial support, ensures stability while they continue in their established case plans.

General Information

• Applicants/Recipients who are pursuing post secondary education must apply for Student Aid. The amount of support they receive from the Student Loan for living expenses is sufficient to meet their basic needs.

• Note: Single applicants/recipients enrolled in Student Aid eligible post secondary training do not qualify for Income Support benefits.

• Single pregnant applicants over 18 years of age, are considered employable until 8 weeks before delivery, unless verification from an approved professional is obtained indicating there is medical impairment to employment or training. Eligibility for Income Support will be based on the above criteria. These individuals will be referred to the Mother Baby Nutrition Supplement Program for additional financial and other support.

• Applicants who have a physical, developmental, social or mental barrier or impairment which would limit their pursuit of employment or training, must provide verification of the condition from an approved professional.

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Procedures

Client Services Officer must:

• Under 18 years of Age

  • provide single applicants 18 or 17 years of age who apply for Income Support with a YOUTH SERVICES FACT SHEET, directing the young applicant to the Integrated Health Authority Board for financial assistance.

    • the Integrated Health Authority Board will complete a thorough assessment
based on the individual's needs and develop a case plan, as per the range of available services.

- if requested, contact the Integrated Health Authority Board and set up an appointment on behalf of the under aged applicant, if appropriate.

- refer to Career, Employment and Youth Services for an Enhanced Screening Assessment (ESA).

- refer pregnant applicants to the Mother Baby Nutrition Supplement Program for additional financial support and services.

- refer pregnant applicants to a Support Applications Social Worker (Link to be added: Support Applications) to obtain or determine the potential for a support order.

- Applicants 18 - 21 years of Age

- determine if the applicant has a physical, developmental, social or mental barrier or impairment which would limit their pursuit of employment or training.

- Impairment/Barrier to Employment/Training

- if there is Impairment/Barrier to Employment/Training obtain verification from an approved professional before Income Support can be considered.

- consult with the Program Supervisor/District Manager when considering a social impairment/barrier, to determine if the following conditions have been considered:
  - age and education,
  - employment/training history,
  - family circumstances,
  - community/district employment situation,
  - any prior medical/social problems,
  - present living arrangements,
  - alcohol or substance abuse,
  - habitual conflict with the law,
  - other social impairments.

- determine eligibility for Income Support based on the needs and financial resources of the applicant. Determining Eligibility Families and Singles 21 and Over

- if the applicant is attending high school and the parent(s) is/are in receipt of Income Support, do not complete the application, as it is more advantageous to include the individual on the parent's Income Support benefits as a dependent student.

- KIV these cases every 3 months to ensure the dependent student is attending high school full time.

- complete an Enhanced Screening and Assessment, prior to benefits being considered.

- KIV these cases regularly to ensure the applicant is pursuing training and/or employment
• No Impairment/Barrier to Employment/Training

If there is no impairment, determine if the applicant is in high school/post secondary.

- Attending High School Full Time
  - if living with relatives, advise the applicant, that he/she is not eligible to apply in his/her own right, but the parent(s) must apply on his/her behalf;
  - if parents are in receipt of Income Support, request verification of high school attendance;
  - if in full time attendance, and living with the parents include the applicant as a dependent student on the parent's Income Support benefits;
  
  these families are eligible for the High School Incentive Allowance for the dependent student;
  
  - KIV: these cases every 3 months to ensure the dependent student is attending high school full time;
  - verify the parental income, if the parent(s) are not in receipt of Income Support, to determine if the income is less than $22,397;
  - if parental income is less than $22,397, advise the applicant to apply in his/her own right;
  - KIV: these cases every 3 months to ensure the dependent student is attending high school full time: complete an Enhanced Screening and Assessment on the dependent student;
  - if living with non-relatives or maintaining own residence, process the application;
  - KIV: cases regularly to ensure, the applicant is pursuing training and/or employment;
  - complete an Enhanced Screening and Assessment on the dependent student;
  - if living with non-relatives, request a completed application;
  - refer to EDP for a thorough assessment.

- Not in High School Full Time
  
  - for applicants 18 - 21 living with relatives, with no impairment to employment/training, determine if parental income is less than $22,397, in the previous calendar year or the parent is in receipt of Income Support;
  
  - if the parents refuse to provide the financial information, then eligibility cannot be established and the applicant is not entitled to Income Support benefits;
  
  - if parental income (gross income including Income Support payments) is:
    - greater, than $22,397, in the previous calendar year, or
    - the parent is not in receipt of Income Support, or
    - not in receipt of the NL, advise the applicant he/she is not eligible for Income Support and his/her right to appeal.
  
  - if parental income is less than $22,397, in the previous calendar year or the parent is in receipt of Income Support, or the NL process the application based on the needs of the applicant,
- to determine the level of benefits refer to Regulation 15 (2)

- Refer the dependent student to Career, Youth and Employment Services for an Enhanced Screening and Assessment.

- if living with non-relatives, request a completed application and determine why the individual is not living with parents

- refer to EDP for a thorough assessment.

  o Attending Post Secondary
    
    o advise single applicants/recipients enrolled in Student Aid eligible post secondary because they are eligible for Student Aid they do not qualify for Income Support benefits.
    
    o advise them of their right to appeal.

- Applicants Transferred from the Integrated Health Authority Board

  o set up the case in C.A.P.S.

  o refer all cases to Career, Employment and Youth Services for completion of an Enhanced Screening and Assessment and development of an employment plan. If one has not been completed and there has been no involvement with a Career Development Specialist

  o ensure an ISSP has been completed before continuing the same level of financial support provided by the Integrated Health Authority Board.

  o provide the level of Income Support equal to level of financial support originally provided through the Integrated Health Authority Board until the recipient's 21st birthday, if appropriate, provided the recipient:

    o is continuing in high school on a full time basis,
    
    o continues to receive non-financial services from the Health and Community Services/Integrated Health Authority Board, i.e., counseling,
    
    o is receiving services/supports through the Employment and Career Services in relation to his/her pursuit of academic, training or employment services.

  o review these cases on a regular basis, i.e., every 1-3 months to ensure the recipient is continuing to meet at least one of the above criteria.

  o suspend/re-calculatethe Income Support allowance, if the recipient is no longer meeting the above conditions, based on the general eligibility criteria outlined in the Regulations

- General Information

  o refer all single pregnant applicants to the Mother Baby Nutrition Supplement Program for additional financial and other support

  o refer all single pregnant applicants to a Support Applications Social Worker (Link to be added to Support Applications) to determine the potential to obtain a support order.
obtain verification from an approved professional of physical, developmental, social or mental barrier or impairment which would limit the applicant's pursuit of employment or training, before providing Income Support.

Authority Level

Client Services Officer

Program Supervisor

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Page updated: February 7, 2006
Board and Lodging

Intent

To clarify the circumstances and the rates when Income Support benefits for Board and Lodging are provided.

Act

2 (q) "relative" means a child, parent or grandparent of an applicant or recipient;

Regulations

14 and 15 (rate structure)

Other income support

19. (1) Other monthly income support for which an applicant or recipient may be eligible is:

(k) for an applicant or recipient boarding with non-relatives who requires additional support due to a persistent and permanent social impairment as certified by an approved professional, an additional amount up to $362;

(5) Other income support for which an applicant or recipient may be eligible is:

(b) for board and lodging for temporary periods only, a daily amount that the minister may approve;

Overview

Board and Lodging

- Board and Lodging is a living arrangement for applicants/recipient where the board and lodging requirement covers the cost of board, clothing and personal care items.

- The amount of income support benefits that is provided is based on:
- the relationship to the home owner (i.e. living with relatives or non-relatives).

- the number of dependents included on the income support case.

- the age of the recipient.

- whether there is a barrier to employment/training and/or

- whether there is a physical/developmental disability, mental illness or a persistent and social impairment of the applicant/recipient.

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**Policy**

**General**

- Whenever possible or practical, single individuals should be encouraged to find board and lodging accommodations as opposed to providing rental assistance.

**Applicants/Recipients Boarding who Require Additional Supports**

Some individuals with special or complex needs may require additional funding to maintain a more supportive board and lodging arrangement. These arrangements may include a level of support and/or supervision not found in all boarding situations.

- Individuals with a Social Disability:
  - if a recipient receiving benefits pursuant to regulation 14(1) requires a more supportive environment such as supervision, additional benefits may be provided under Regulation 19.1(1)(k) to meet the needs of the recipient;

  **Note:** Regulation 19.1(1)(k) can only be used in conjunction with Regulation 14(1);

  - this additional benefit would be negotiated with the caregiver based on the need of the client and the level of supervision/care required;

  - this additional benefit is not to be used where the client is residing with relatives;

  - verification from an approved professional of the specific needs/supports of the recipient is required;

  - approval from the Client Services Manager/Regional Manager of Income & Social Supports is required to provide the additional benefit.

- Recipients with a Physical and/or Developmental Disability and/or Mental illness
  - a recipient with a physical or a developmental disability or a mental illness who requires additional supports should be referred to the appropriate office of the Regional Health Authority.

**Daily Rates Short Term Placements and Emergencies - regulation 19.5(b)**

- A daily amount for board and lodging can be provided for short term placements (less than 30 days) for those recipients required to visit a medical facility outside their community or...
province, or in emergency situations,

- When recipients have to go outside their community to visit a medical facility, private arrangements with friends or relatives can be compensated at an amount of $25 per person per day.
  - This benefit may be paid in advance or be reimbursed and is inclusive of room and meals.
- If the recipient is required to go to St. John’s for medical treatment or is escorting a child requiring medical treatment, and cannot make private arrangements, the recipient is required to stay at one of the following approved facilities which have daily rates approved by the Department:
  - Northwest Rotary Janeway Hostel (Child receiving treatment)
  - Agnes Cowan Hostel (Adult receiving treatment)
  - Daffodil Place (cancer patients only)
- If private arrangements are not possible, then authorization can be provided to board in authorized overflow facilities associated with the medical facility or in a hotel/motel, not to exceed an approved amount per day.
- Where clients are staying at commercial facilities where meals are not included (i.e., hotel, efficiency unit), an amount of $20 per person per day can be issued.
- Special daily rates or funding arrangements have been approved by Government for recognized facilities such as the Wiseman Centre shelter, Elizabeth House, Naomi Centre, ACCESS House, Choices for Youth shelter and the Tommy Sexton Centre.

- Recipients Referred to Centres Out of Province for Medical Treatment

  - Verification is required from an approved professional indicating the necessity of traveling outside the province for medical treatment.
  - When clients are required to remain in the other province for an extended period, consideration should be given to monthly rental accommodations where these accommodations are more cost effective than hotel rooms or hostels paid by the night. In cases where the more economical option of rent is used, staff should continue to issue benefits under the daily rates code as opposed to rent. Where the rental accommodations exceed the limits found in Regulation 16 (1), the approval of the Regional Manager of Income Support is required.

- Daily rates of board and lodging can also be provided to meet emergency situations including those of individuals displaced from their homes due to fire or other emergency, as well as victims of violence. (see Victims of Violence)

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Procedures

- Basic Board and Lodging

  - Applicants/Recipients Boarding with Relatives
    - refer to Regulation 14(2) for rates to be considered for applicants/recipient.
    - refer to Regulation 15 (2) (a) for rates for single applicants/recipient < 30 years with no barriers to employment/training.
    - when home owners who are income support recipients have relatives who are board & lodging with them, this board & lodging income is considered exempt income and is not considered when determining eligibility for income support benefits.

  - Applicants/Recipients Boarding with Non-Relatives
    - refer to Regulation 14 (1) for rates for applicants/recipient with dependents or single applicants or recipients 30 years.
    - refer to Regulation 15 (2) (b) for rates for single applicants or recipients < 30
years with no barriers to employment/training.

- When homeowners who are income support recipients have non-relatives who are board & lodging with them, this board & lodging income is considered partially exempt income and is considered when determining eligibility for income support benefits. (See Boarder Income)

- Applicants/Recipients Boarding who Require Additional Supports
  
  - Recipients with a Social Disability
    - Review documentation provided and determine if a higher rate of board and lodging is required.
  
  - Recipients with a Physical and/or Developmental Disability and/or Mental Illness
    - Refer to the appropriate office of the Regional Health Authority for required supports.

- Medical Treatment in St. John’s
  
  - Provide the recipient with an Authorization for Health Benefits (Form XF0003) to present to the staff of the facility: Northwest Rotary Janeway Hostel or the Agnes Cowan Hostel. Invoices from the 2 hostels will be forwarded directly to the Finance Division for payment. For clients staying at Daffodil Place, a Service Authorization is required and the invoice will be forwarded to the local office for certification.
  
  - Ensure when a recipient stays at either Hostel, he/she:
    - Is receiving clinical services from one of the city hospitals,
    - Is able to be responsible for his/her own personal hygiene and medication,
    - Is able to get in and out of bed without assistance,
    - Does not require nursing care,
    - Is able to walk to the dining area for meals.
    - Is responsible for their own preparation for treatment or diagnostic procedure.

  - When completing the Authorization for Health Benefits or the Service Authorization, indicate:
    - that meals are covered when recipients/escorts stay at one of these facilities.
    - the expiry date of the authorization. NOTE: for recipients not in receipt of basic income support benefits, the expiry date cannot exceed beyond the end of the month of eligibility.

  - Notify the Hostel or Daffodil Place directly and make a reservation for the recipient.
  - Advise the recipient to cancel the reservation or to notify the Client Services Officer to cancel the reservation if they do not go to the facility.

- Recipients Referred to Provincial Health Centres other than St. John's
  
  - Board and lodging may be paid using the most economical rate for the particular area.

- Recipients Referred to Centres Out of Province for Medical Treatment
  
  - Obtain documentation from an approved professional about the necessity of the treatment and that it cannot be obtained in this province. Where there is concern about the necessity of traveling outside of the province, the Client Services Manager may consult with the Department of Health and Community Services - 729-1501 or 1502
  - Advise recipients/escorts they should stay at a Hostel, associated with the facility where the treatment is being provided.
  - Provide an Authorization for Service to the recipient, indicating meals are included as these Hostels bill the local office directly. Note: Point Pleasant Lodge in Halifax requires

http://www.intranet.gov.nl.ca/hrle/eDocuments/HRLEMManuals/IncomeEmploymentSu... 2011/12/06
that each office have its own account number for billing purposes. They will not accept reservations if the office responsible for payment has not opened an account with the Lodge.

- Determine eligibility for the Comforts Allowance as per Regulation 19 (2).
- Where hostel accommodations are not available, staff should in consultation with social work staff associated with the hospital, determine appropriate accommodations for the client. This may mean a hotel/motel arrangement or in the longer term, a furnished apartment. In addition to these costs, it will be necessary to provide funding for meals for the client (and escort where applicable) at the rate of $20 per person per day.

Authority Level

Client Services Officer

- Regular Board and Lodging Rates.
- Board and Lodging Rates in hostels.

Client Services Manager/Regional Manager of Income & Social Supports

- Board and Lodging Rates exceeding basic rates.

Regional Manager of Income Support

- Approval of daily board and lodging rates to be used for rental accommodations exceeding Regulation 16 (1) for persons outside the Province for medical reasons.

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Page updated: February 23, 2010
Security Deposits

Intent

To provide assistance to an applicant/recipient to help offset the cost of a security deposit.

Act

24(2)(b) the income or employment support paid was agreed, in writing at the time the support was paid or in the course of its being paid, to be repayable.

Regulations

19.(5)(d) a contribution towards a security deposit of up to three-quarters of a month’s rent, based upon rent which shall not exceed the maximum amount permitted in these regulations.

Policy

- A contribution towards a security deposit can be provided to applicants/recipient to meet the conditions of the Residential Tenancy Act.

- The Department will pay a security deposit of up to 3/4 of the actual monthly rental amount, however, the maximum contribution towards a security deposit is $372 which is the maximum permitted by Regulation.

- The Department of Human Resources, Labour and Employment assumes no liability or legal responsibility for rent or any breach of the tenancy agreement.

- Applicants/recipient shall obtain the security deposit from the current landlord/landlady when moving to new rental accommodation.

- Applicants/recipient shall provide written verification, from the landlord/landlady or representative of the landlord/landlady, of the actual amount of the monthly rent and required security deposit.

- If the contribution towards the security deposit is less than the actual security deposit required, the applicant/recipient is responsible for negotiating the remaining balance with the landlord/landlady.

- A contribution towards a security deposit shall not be provided to applicants/recipient moving into subsidized housing.

- Only one contribution towards a security deposit will be provided to an applicant/recipient.
however, in exceptional circumstances, a subsequent contribution may be approved by the Client Service Manager

- The amount provided towards the security deposit is automatically set up as an overpayment in CAPS and recovered from future Income Support benefits.

Procedure

Client Services Officers must:

- obtain required verification from the applicant/recipient and forward to TRIM
- determine whether the landlord/landlady is related to the applicant/recipient.
- determine if the recipient received a refund of security deposit from the previous landlord/landlady prior to considering providing a contribution towards a security deposit.
- deduct the amount of the refund from a previous security deposit from the calculated contribution HRLE will provide towards the requested security deposit.
- prior to providing a contribution towards the security deposit, advise the recipient that the amount provided will be set up as an overpayment and arrange to have the recipient sign an agreement to repay the security deposit. Notify the recipient in writing of the overpayment, attaching the Notice of Overpayment, and advise the recipient of his/her right to appeal.
- when, considering a second request for security deposit, determine if the recipient received a security deposit refund from a previous landlord/landlady or has other resources (i.e., liquid assets) to address the security deposit requirement.
- obtain Client Service Manager approval for second or subsequent requests.

Authority Level

Client Services Officer - First Request

Client Service Manager - Second and subsequent requests.

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Page updated: April 25, 2008
Fuel Supplement

Intent
To clarify when the Fuel Supplement can be provided.

Regulations
13 (2) The amounts under this section are reduced by the following amounts

(a) where the applicant or recipient resides in an apartment or a house

(i) where heat and electricity are included, $76 a month,

(ii) where heat only is included, $49 a month, or

(iii) where electricity only is included, $27 a month; or

(b) where the applicant or recipient resides in a bed sitting room

(i) where heat and electricity are included, $81 a month,

(ii) where heat only is included, $49 a month, or

(iii) where electricity only is included, $12 a month.

19. (1) Other monthly income support for which an applicant or recipient may be eligible is:

(a) a fuel supplement for an applicant or recipient maintaining a residence in Labrador, up to a maximum of $80, where the cost of heat is not included in the amount for rent;

(b) a fuel supplement for an applicant or recipient maintaining a residence on the island portion of the province, up to a maximum of $50, where the cost of heat is not included in the amount for rent.

Policy

- Applicants/Recipients must receive the Family/Individual Benefits and be responsible for maintaining their own residence.

- In addition, applicants/Recipients living in their own homes or apartments also qualify for a Fuel
• Applicants/Recipients who share accommodations where heat is not included in the rent each qualify for the full monthly Fuel Supplement.

• Applicants/Recipients not eligible for the Fuel Supplement include:
  o Applicants/Recipients with heat or heat and electricity included in their rent.
  o Applicants/Recipients who are tenants of the Newfoundland and Labrador Housing Corporation who receive the NLHC heat subsidy, including those with Rural and Remote Mortgages.
  o Applicants/Recipients who have their heating costs paid by another source such as those who require supportive services and receive fuel and electricity included in their benefits from the Department of Health and Community Services.
  o Those in Co-Op Housing who have a heat subsidy included in the rent.

• The full deduction as per Regulation 13 (2) from the Family/Individual Benefits applies also to applicants/Recipients who share accommodations if heat/electricity is included in the rent.

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**Procedure**

Client Services Officers must:

• Ensure verification is received from applicants/Recipients indicating if heat is included in the rent.

• Add the applicable Fuel Supplement when an applicant/Recipient provides verification he/she is responsible for the cost of heat.

• Ensure when heat and/or light are included in the rent, the proper deductions are made to the Family/Individual Benefits as per Regulation 13 (2) (a) & (b).

• Refer also to Shelter Assistance - Recipients with Dependents or Shelter Assistance - Recipients without Dependents.

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**Authority Level**

Client Services Officer

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Page updated: April 4, 2006
Municipal Taxes and Fees

Intent

To provide details on the eligibility criteria, the payment process and regulations involving municipal
taxes and fees.

Regulations

Other income support

19. (5) Other income support for which an applicant or recipient may be eligible is:

(c) for a recipient who has been receiving income support continuously for at least 90
days, the arrears of outstanding municipal taxes and fees levied by a municipality or
local service district retroactive to the date the recipient began receiving income
support;

Overview

- A municipality is an incorporated body and can charge homeowners fees including real
  property tax, poll tax, garbage collection, and water & sewer fees. Clients in receipt of income
  support benefits are eligible for payment of these municipal taxes and fees. Within these
  municipalities, landlords/landladies are responsible for the payment of property tax and
  water/sewer fees on behalf of tenants; therefore there is no eligibility under the Income
  Support Program to pay these fees for clients who are renting.

- A local service district/community (LSD) is considered an unincorporated body and can impose
  fees on “householders”. The Municipalities Act defines a householder as the owner or principal
  user which may be the landlord/landlady or the tenant. Some examples of these fees include
  water & sewer, fire protection, animal control, garbage collection and street lighting. Since the
  householder is responsible for these fees, income support recipients (whether homeowners or
  renters) may eligible for payment by HRLE.

- There are occasions when people are exempt from the payment of municipal taxes. The
  provision under the Municipalities Act includes:

  o 129(5) Exemptions from Poll Tax

    All persons whose income from all sources is less than the basic personal exemptions
    provided for under the Income Tax Act (Canada).
135(1) Exemptions and Remissions

The Council, on a vote of two-thirds of the councilors in office, may grant an exemption, remission or deferment of any taxes and interest thereon, either in whole or in part for such periods of time as the Council decides.

110 Payment of Taxes by Service

When, in the opinion of the Council, a taxpayer is unable to pay the taxes in cash, the Council may, by a resolution setting out the nature and the amount of the services or materials to be supplied, permit the taxpayer to pay the taxes by services or materials of a value equal to the amount of the taxes.

Policy

- Municipal taxes are only paid on behalf of eligible clients who have been in receipt of income support benefits for at least ninety (90) consecutive days. After the client has received benefits for 90 days, an adjustment can be provided to cover retroactively any portion of the first 90 days of taxes which would not be covered during the next quarter billing period. Likewise, for clients who go off the income support caseload in the middle of a quarter, an adjustment for taxes can be provided as they will not show up on the reports sent to municipalities if they were only in receipt of IS benefits for a portion of the quarter.
- Such taxes and fees are only to be paid on a client’s principle residence. If clients have cabins/cottages or other properties, taxes will not be paid. In the case of clients who own and rent out their property, the cost of municipal taxes can be considered as a deduction in determining their rental income.
- Recipients who have entered into a Rental-Purchase Agreements prior to April 2, 2000 will be eligible for payment of property/municipal taxes as long as they remain in continuous receipt of income support benefits. If an individual ceases to receive income support benefits and reapplies at some future date, there will be no eligibility for payment of property taxes for the remaining period of the Rental-Purchase Agreement.
- The Municipalities Act stipulates that a council must declare vacant a council seat of any councilor who becomes indebted for taxes for a prior year. Therefore, those seeking to run for council are required to pay their taxes in full prior to nominations for a municipal election, and for elected councilors, within the deadline for the year for which the taxes are levied. The same is true of members of local service district committees. The fiscal year of municipalities and local service districts is January 1st to December 31st. The fact that HRLE pays these taxes and fees on a quarterly basis and in arrears means that clients serving on municipal councils or local service district committees may be at risk of losing their respective seats or being unable to file nomination papers. To ensure that clients are given an equal opportunity to serve on their respective councils or local service district committees, workers need to address each case individually and if the clients are eligible, to arrange payment or fees within the calendar year to which they apply.

Procedure

CAPS Processes

- When adding a client to CAPS or completing a reassessment on a file, it is very important that CSO’s record the correct information in the address section, paying particular attention to “residential” vs. “mailing” address. This is important since the residential address section of CAPS is the source which the Finance Division utilizes to generate lists of clients eligible for the payment of taxes which is then provided to municipalities. If the communities are different for mailing and residential addresses, an incorrect residential address can lead to double billing, or municipalities not receiving payments for eligible residents. Staff should ensure that
they do not enter a post office box number in the residential field. As well, staff should be
diligent in completing the accommodations screen given that this area also dictates whether a
client is on the list based on owning their home and whether taxes are included in mortgage
payments.

- Property taxes are included in a client's mortgage payment to NLHC, who in turn pay the
  property tax to the appropriate municipal/community council. HRLE should not be approving
  payment of property taxes for cases which receive the rural & remote mortgage requirement.

- In some instances, clients apply for income support benefits and their mortgage documents
  indicate that municipal taxes are included in their mortgage payments. When workers select an
  accommodation type of mortgage - screen AM 4100 refers, a mortgage tab appears. Staff are
  required to select whether or not these taxes are included in the mortgage payment. In these
cases, staff can add the municipal taxes/fees requirements to the client's income support
  allowance, as opposed to taxes being paid in the bulk process through the municipalities.
  However, this requirement is still not added to an active case until after the required 90
  consecutive days has elapsed - a KIV should be set up to note this time frame.

CAPS Reports

- The Finance Division provides quarterly listings of clients who are eligible for payment of taxes
  and fees to municipalities (found on CAPS Reports Screen XR0000):

  o Report 5024 includes clients who were on assistance for the 90 days within the quarter
    and who live in their own home and thus subject to the payment of property tax. The
    report is separated by municipality.
  
  o Report 5025 includes all clients who received 90 days of assistance within the quarter
    and who would be subject to property tax or poll tax. These reports are based by
    municipality and identify eligible clients and the percentage of the quarter covered in
    each municipality - it's possible that a client could owe Municipality A for 30 days of poll
    tax and then Municipality B for the remainder of the quarter. For those clients subject to
    poll tax, HRLE's interface with Canada Revenue Agency identifies those clients whose
    income fell below the basic personal exemption in the previous year, and thus could be
    exempted from the payment of poll tax. Clients who would qualify for this exemption are
    not included in this report.

  o Clients who were not on assistance for the full quarter will not appear on reports 5024
     and 5025.

  o Each municipality receives one of these reports - the decision as to which report is
    received is based upon the type of taxes charged by that municipality, a process
    monitored by the Finance Division.

  o Report 5022 is also available in CAPS. This report contains a complete listing of all
    clients within a municipality or LSD and shows clients who have moved in the middle of
    a quarter, clients who were not in receipt of IS benefits for the whole quarter as well as
    those who fell below the basic personal exemptions. The latter group would not be
    required to pay poll tax, and do not appear on the list (Report 5025) sent to
    municipalities.

- Only cases from CAPS appear on these reports. However, HRLE has the ability to provide tax
  coverage to clients of the Department of Health and Community Services where these clients
  receive subsidized home support services and fall below the permissible liquid asset rates as
  set out by the IES Regulations. Should municipalities request payment for these individuals, it
  will be necessary for District Office staff to ensure that the proper verification is completed to
  confirm eligibility, with HCS eligibility clearly identified on the invoice. This will include verifying
  with HCS that the individual is in receipt of supportive services through an enriched needs
  assessment and that they are below HRLE's permissible liquid asset amount.

- Once a municipality receives this invoice and completes the required billing information (an
  additional page is attached to the report to add extra individuals, such as Health and
  Community Service clients), it is forwarded to the District Office where it is reviewed and a
  Service Authorization for a third party agency is completed. District Office staff will return it to
  the Finance Division with the Service Authorization number indicated on the invoice. It is then
  reviewed by Accounts Payable and either paid or returned for adjustments.
When municipalities invoice on behalf of clients, as opposed to calculating the number of days in a quarter, it is acceptable to bill the department for one quarter of the annual costs.

- Required adjustments may include:
  - staff authorizing amounts for additional clients added to invoices, without ensuring eligibility;
  - municipalities claiming 100% of a quarter when there is only partial eligibility, and
  - municipalities having added invoice amounts incorrectly.

- It is important that staff diligently review invoices submitted by towns and ensure that payments are made for the percentages identified for each client and that any additions made by towns are for eligible recipients.

- Originals have to be forwarded to Finance for payment – taxes and photocopies will not be accepted.

Authority Level

Client Services Officer

Client Service Manager – requests for payment on behalf of municipal councilors.

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Page updated: January 15, 2010
NL Hydro and NL Power

Intent

To describe the interaction between the Income Support Program and Newfoundland Power and Newfoundland Hydro in relation to services and supports for recipients.

Policy

- For recipients who experience difficulty in paying their electricity bills, Client Services Officers can assist applicants/recipients in making arrangements with their respective electrical company to resolve the problem by:
  - Using the Equal Payment Plan (Newfoundland Power customers only)
  - Redirecting a payment, with the consent of the recipient, from the Income Support benefits directly to the power company, to avoid a cut-off.
  - Assisting the recipient to find alternate accommodations where heat and light is included in the rent.
- Electrical arrears shall not be paid under any circumstances.
- Reconnection Fees cannot be paid within the Income Support Program.
- The use of hotel/motel accommodations for recipients whose electrical service has been disconnected is not normally permitted.
- Where the redirect amount is substantial and leaves the client with very little income, consult with a Client Services Manager who will discuss the case with Newfoundland Power to determine whether there can be any flexibility in cases of extraordinary hardship for clients.

Procedures

Client Services Officer shall:

- advise the recipient of the following options when resolving a possible disconnection of
electricity as a result of arrears,

- paying the arrears from their own resources such as family, friends, etc.,

- assist the client in moving to alternate accommodations, such as board and lodging or renting an apartment where electricity is included (with existing or a new landlord/landlady).

- provide information about the Equal Payment Plan (EPP), available from Newfoundland Power
  - It is a standard monthly payment which is determined by NL Power by averaging the cost of electricity over the past twelve months.
  - It is reviewed on a six month basis - January and July - and will be adjusted in July if necessary.
  - This option makes it easier for people to plan their payments as there are no fluctuations from month to month, and there will be no cut-offs if payments are made on time.
  - For recipients living in NLHC rental units, which include a heat subsidy, the Equal Payment Plan will be reduced by the amount of the heat subsidy in order to avoid accumulated credits at Newfoundland Power.
  - Any credits incurred will be refunded directly to the recipient and will not affect their Income Support benefits.

- The CSO should advise the recipient:
  - that registration for the EPP would only relate to future payments;
  - to contact Newfoundland Power and arrange for the Plan to be implemented;
  - that a new Plan is created every time a person changes residence and they are to request NL Power to transfer all debts/credits to the new account;

- where a client has a signed redirect agreement with the electrical company to pay off the arrears over a period of time, redirect a portion of the recipient's income support benefits to the electrical company on a monthly basis to address the arrears.

- select the "third party" pay option in CAPS to include any payments going to Newfoundland Power or Newfoundland Hydro and be sure to include the recipient's account number and the HRLE District, regardless if the payment is Non-Recurring Pay or Recurring Pay.

- advise the client that if a Reconnection Fees is required, it is to be negotiated between the recipient and the power company and possibly included in the debt owing to the respective power company.

Newfoundland Power Monthly Reports

- Monthly reports from Newfoundland Power are sent to the Division of Income Support, recorded in CAPS and forwarded to the District Offices to be reviewed.

Client Services Officer must:

- refer to the guide which defines the different categories on the report; i.e., BPP amount is the current Equal Payment Plan amount.

- ensure the recipient's name and address recorded with Newfoundland Power corresponds to the name and address in CAPS. If different, contact the recipient to determine why and update
CAPS records or the record with Newfoundland Power.

- ensure the recipient's account number reported in the report is the same number recorded in CAPS.

Note:

- If the account number used is invalid, it will appear on the report in the NP name and address section to the left. Instead of the name and address, the words "not processed, account not in CSS (customer service)" will appear.

- "Other payments" have been defined as "payments made other than those from the HRLE or NLHC".

- Ensure, when sending an initial payment to Newfoundland Power,
  o the recipient is approved for the Equal Payment Plan;
  o the contract is retained as part of the official record; and
  o the amount included is the approved Equal Payment Plan amount.

Note:
Direct payments must continue to be redirected to the power company even when the living arrangements of the recipient changes as this is part of the contract signed by the client. Payments should continue for the period of the contract unless clients renegotiate a new contract or are no longer eligible for income support benefits.

Credit Collection Divisions

Newfoundland Power is centralized in St. John's and all inquiries should be forwarded to that office. The following numbers are available for workers to contact the office:

St. John's - (709) 737-5670

Remainder of Province - 1-800-565-5670

Newfoundland Hydro is located in St. John's, Wabush and Happy Valley Goose Bay.

St. John's Office - (709) 737-1820 or (709) 737-1266.

Authority Level

- Client Services Officer

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Page updated: February 22, 2010
Heat and Electricity

Intent

To identify how the payment of utilities is included in income support benefits.

Regulations

13 (2) The amounts under this section are reduced by the following amounts

(a) where the applicant or recipient resides in an apartment or a house
   (i) where heat and electricity are included, $76 a month,
   (ii) where heat only is included, $49 a month, or
   (iii) where electricity only is included, $27 a month; or
(b) where the applicant or recipient resides in a bed sitting room
   (i) where heat and electricity are included, $61 a month,
   (ii) where heat only is included, $49 a month, or
   (iii) where electricity only is included, $12 a month.

Policy

- Family and individual benefits provided to clients who are maintaining a home include provision for food, clothing, and maintenance of the home as well as utilities. Where one or all utilities are included in the rental payment or subsidized mortgage, the family/individual benefits are reduced by the amounts identified in Regulation 13 (2). The rates vary based on whether the accommodation is an apartment unit or a bed sitter, and which utilities are included.
- NLHIC rental units and co-op housing units which include a heat subsidy are considered to have the applicable utilities included year round, and the appropriate deductions are made from family/individual benefits. No adjustment is made to family/individual benefits in the case where a tenant has exhausted their heat subsidy before the end of the year.
• Given that the cost of accommodations with utilities included is often more expensive than arrangements where utilities are paid by the tenant, there is provision to include a 'utilities' requirement to offset the higher cost, where required. The amount of utilities requirement which is approved (same rates as found in Regulation 13 (2)), plus the cost of the appropriate rental requirements listed in Regulation 16 cannot exceed the amount of rent charged to the client.

• In the case of income support clients who are also receiving home support services from a Regional Health Authority (RHA), and where these clients have utilities included in their rent/mortgage, a 'utilities' requirement will not be added to their allowance as the RHA has the provision to top up the accommodation amount to the actual amount being charged.

**Procedure**

• Where utilities are included in a rental or mortgage arrangement, the appropriate deductions must be made from the family/individual benefits requirement.

• A 'utilities' requirement can be added to the income support allowance where the rental amount being charged is higher than the basic rental rate. This requirement is an "up to" rate so the maximum may not be required.

• Where heat is included in the rent/mortgage, there is no eligibility for the fuel supplement.

**Authority Level**

Client Services Officer

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Page updated: January 12, 2010
Special Needs Rent/Mortgage for Single Clients

Intent

To clarify the procedures and the information required to provide the family rate of rent to single clients who are renting or who have a mortgage.

Regulations

13 (2) The amounts under this section 13 (1) are reduced by the following amounts

(a) where the applicant or recipient resides in an apartment or a house

(i) where heat and electricity are included, $76 a month,

(ii) where heat only is included, $49 a month, or

(iii) where electricity only is included, $27 a month; or

(b) where the applicant or recipient resides in a bed sitting room

(i) where heat and electricity are included, $61 a month, (ii)

where heat only is included, $49 a month, or

16. (1) The maximum monthly income support

(a) for rent is

(i) for an adult living alone in a rented room or apartment, an amount up to $149, or
(ii) for 2 or more people in a rented room or apartment, an amount up to $372, and

(b) for mortgage is

(i) for an adult, for the principal and interest on a mortgage for the purchase of a principal residence or for financing the repair of a principal residence, an amount up to $149, or

(ii) for 2 or more people, for the principal and interest on a mortgage for the purchase of a principal residence or for financing the repair of a principal residence, an amount up to $372.

16 (2) Where an applicant’s or recipient’s income support has been reduced under subsection 13(2), the amounts under subsection (1) are increased by the amount of the deductions referred to in subsection 13(2) but in no case shall the total amount exceed the actual amount required by the applicant or recipient for shelter.

16 (3) Notwithstanding subsection (1)

(a) for a widow or widower with no children or dependent students who is an applicant or recipient, a maximum monthly amount for rent or mortgage up to $372;

(b) for a recipient who was receiving income support under subparagraph (1)(a)(i) or (1)(b)(ii) but who becomes alone because

(i) that recipient has separated from his or her spouse or cohabiting partner, or

(ii) that recipient has experienced the departure from the residence of all dependent children and dependent students

a maximum monthly amount up to $372; or

(c) where a recipient cannot, due to a mental, physical or social impairment as certified by an approved professional, reside with any other person, a maximum monthly amount up to $372.

Policy

General

Whenever possible or practical, applicants/recipient without dependents should be encouraged to board, as opposed to providing rental assistance.

When assistance with board & lodging is not appropriate, assistance with shelter in the form of rent for a bed-sitter should be a primary consideration.

When assistance with a bed-sitter or a board and lodging arrangement is not appropriate/available, assistance with rent for an apartment may be considered as per Regulation 16 (1)(a); or assistance with mortgage, as per Regulation 16 (1)(b).
In order to be considered for assistance with rent/mortgage, applicants with no dependents must have maintained a residence for a minimum of six (6) continuous months prior to applying for income support benefits.

- If there are circumstances where 6 months verification cannot be confirmed, it will be at the discretion of the CSM to decide if the information gathered is sufficient to approve rent.
- Acceptable documentation verifying the rental accommodations may include a copy of the lease, rent receipts or some other document such as written verification from the landlord.
- Applicants who previously received rent from HRLE but had a break in their assistance can again be approved without the required documentation above, providing they still reside at the same address. If their address has changed, they must provide some proof of their rental accommodations as indicated above.
- Cases where an applicant may have been incarcerated but received rent prior to the incarceration, rental requirements can be considered once they are released.

**Special Needs for Rent or Mortgage**

Special needs assistance may be issued to increase the rental or mortgage rate for single adults to the family rate as per Regulation 16(3) in the following circumstances:

1. An applicant or recipient who is a widow/widower (includes a cohabitating partner regardless of gender) with no dependents.
2. A recipient who has become single because of separation/divorce or whose children have turned 18 and is no longer included on the allowance, or who has left home.
3. In these cases, the adult would normally reside in the existing accommodations. If in the Client Services Manager's opinion, a move is warranted due to extenuating circumstances (i.e. to reduce rental or utility costs), the maximum rental assistance can continue to the new rental unit. However, if there is a significant break in the continuity of income support benefits, when the individual reapplies for assistance, the applicant will be treated as a single adult and the appropriate regulation must apply: 16. (1) The maximum monthly income support
   (a) for rent is: (i) for an adult living alone in a rented room or apartment, an amount up to $149
4. A recipient who has a psychiatric, physical or social impairment who is unable to board or share accommodations with another individual, as confirmed by an approved professional.
5. Special needs rent or mortgage can be approved in these cases where failure to provide such assistance would result in the single person being without any shelter at all, or where such a significant portion of their individual benefits would be required to offset the difference, that the client would be unable to provide for basic necessities.

Ordinarily, clients who also receive services from the Department of Health and Community Services (HCS) through a Regional Health Authority (RHA) would only be eligible for the basic rate of rent. In cases where utilities are included in the rent, the portion deducted from basic benefits can also be issued towards shelter costs. The RHA’s have the ability to ‘top up’ the amount issued by HRLE to the actual rate of rent, as well as to consider actual utilities. However, in select circumstances, which include supported living arrangements approved by HRLE (i.e. Wiseman Centre Units, Rawlins Cross units operated by Stella Berry),
HRLE has agreed to provide basic, additional and special needs rent while HCS will cover the balance. There are also situations where the RHA's have no ability to provide the actual rental and utility costs as the client is not in receipt of home supports. However, some of these clients have complex needs and require other interventions through the RHA’s. In order to ensure that their housing needs are met, it may be necessary for HRLE to provide the basic, additional and special needs rent. In some instances, the RHA’s may be able to provide funding under other codes (i.e. 58) to offset any balance which may remain to ensure stable housing.

Note that the rules around determining eligibility do not change as a result of this amendment to policy.

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Procedures

Client Services Officer must:

Ensure that all policies and procedures as outlined in the Shelter Assistance section, are followed in relation to assisting single clients who are approved for special needs rent.

Forward all requests for rent/mortgage for single applicants/recipient with documented psychiatric, physical or social impairments by an approved professional to the Client Services Manager for approval.

Verify that an applicant or recipient has recently become single as a result of being widowed, separated, or whose children have left home prior to considering a rate under Regulation 16(3).

For those who are unable to share accommodations, obtain written confirmation from an approved professional indicating the reason the applicant/recipient is unable to share accommodations prior to considering rates under Regulation 16(3)

Use Rent - Special Needs (death/separation) or Rent - Special Needs (special cases) as applicable to increase the shelter requirement up to the family rate of rent/mortgage but not to exceed the rate the applicant/recipient can be provided under Regulation 16(3).

In the case where the special needs rent/mortgage is to be issued, this must be applied prior to additional rent or mortgage.

For shared clients with the RHA, ensure that they have worked with their RHA counterpart to confirm that the client is residing in a supportive living arrangement or to verify that they are not eligible for the 'actual' rent and utilities as provided under the home support program.

Where the client is a shared client and receives service through the RHA, tick the “Requires Supportive Services” on the AM 1000 screen in CAPS.

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Authority Level
* In situations where there are no other alternatives for the client, obtain approval from the Client Services Manager to provide emergency income support benefits to offset the mortgage arrears. Advise the recipient that the full amount of the arrears will be set up as an overpayment and obtain their acknowledgement of this in writing. Approval from the Regional Director must be given if the amount required to offset mortgage arrears exceeds 6 months of payments.

Note: Legal fees related to a foreclosure should be avoided if possible. If not, the legal fees can be approved as emergency assistance and included in the overall overpayment.

* Never provide information about applicants/recipient to collection agencies/ mortgage holders without the written consent of the applicant/recipient.

Additional Income Support (Additional Assistance)

* Regulation 16.4 provides for the issuance of up to $100 additional assistance for the payment of rent or mortgage.
* Evaluate the need for the additional assistance based upon:
  - the special circumstances deemed necessary for the support and proper maintenance of the applicant/recipient,
  - the community rental rate, and
  - any additional information that may warrant increasing the amount for shelter being provided to the recipient.

* Record the reason for the approval of additional assistance in the official record.

Overlap of Rent/Mortgage

* Benefits for rent and mortgage are paid in advance. For recipients in receipt of non-recurring benefits, rental/mortgage payments are issued for the same time period as individual or family benefits. For recipients receiving recurring pay benefits (1st and 16th of each month), there is provision to overlap these payments for up to 15 days which would allow recipients to make their payments at the beginning of each month. The overlap can be provided as a supplementary benefit.

  Example: Applicant is eligible as of May 14th and is placed on recurring pay as of that date. The client will receive a cheque(s) for the period May 14-31, the rental portion which will be used to pay May's rent. The client can also be provided with a rental overlap for 15 days of the following month through supplementary benefits, using the appropriate overlap requirements. This overlap plus the rental portion included in the June 1 cheque will allow the client to pay June's rent on June 1. In the subsequent month, the recipient is expected to utilize the rental portion included on his June 16th and July 1st cheques to pay July's rental amount.

Authority Level

Client Services Officer
Client Services Officer

- Special needs rent/mortgage for widowed applicants and recipients who have no dependents.
- Special needs rent/mortgage for recipients who become single as a result of a separation, divorce, the removal of a child from their allowance or where the child leaves home.

Client Services Manager

- Special needs rent/mortgage for recipients who have a psychiatric, physical or social impairment, who are unable to board or share accommodations with another individual.
Shelter Assistance (Rent and Mortgage)

Intent

To clarify the criteria required to provide shelter benefits for recipients who are either renting in private accommodations, in subsidized rental units or who have a mortgage.

Act

14. (1) The eligibility of an applicant for income support shall be determined by an officer based on the information provided by the applicant under section 17, and where, based on the criteria prescribed in the regulations, the applicant’s assessed need for income support is determined to be greater than his or her income and assets, that person shall be considered to be eligible for income support.

Regulations

5 (1) (e) verification of whether he or she is renting, boarding or has responsibility for a mortgage and the length of time for which he or she has been boarding or renting;

13 (2) The amounts under this section 13 (1) are reduced by the following amounts

(a) where the applicant or recipient resides in an apartment or a house

(i) where heat and electricity are included, $75 a month,

(ii) where heat only is included, $49 a month, or
(iii) where electricity only is included, $27 a month, or

(b) where the applicant or recipient resides in a bed sitting room

(i) where heat and electricity are included, $61 a month,

(ii) where heat only is included, $49 a month, or

(iii) where electricity only is included, $12 a month.

16. (1) The maximum monthly income support

(a) for rent is

(i) for an adult living alone in a rented room or apartment, an amount up to $149, or

(ii) for 2 or more people in a rented room or apartment, an amount up to $372 and

(b) for mortgage is

(i) for an adult, for the principal and interest on a mortgage for the purchase of a principal residence or for financing the repair of a principal residence, an amount up to $149, or

(ii) for 2 or more people, for the principal and interest on a mortgage for the purchase of a principal residence or for financing the repair of a principal residence, an amount up to $372.

16 (2) Where an applicant's or recipient's income support has been reduced under subsection 13(2), the amounts under subsection (1) are increased by the amount of the deductions referred to in subsection 13(2) but in no case shall the total amount exceed the actual amount required by the applicant or recipient for shelter.

16 (3) Notwithstanding subsection (1)

(a) for a widow or widower with no children or dependant students who is an applicant or recipient, a maximum monthly amount for rent or mortgage up to $372;

(b) for a recipient who was receiving income support under subparagraph (1)(a)(ii) or (1)(b)(ii) but who becomes alone because

(i) that recipient has separated from his or her spouse or cohabiting partner, or

(ii) that recipient has experienced the departure from the residence of all dependent children and dependent students

a maximum monthly amount up to $372; or

(c) where a recipient cannot, due to a mental, physical or social impairment as certified by an approved professional, reside with any other person, a maximum monthly amount up to $372.

16 (4) In addition to the income support referred to in this section, an officer may grant additional
income support up to but not exceeding $150 a month but in no case shall the amount of support under this section exceed the actual amount required by the applicant or recipient for shelter.

Policy

General

- Applicants/recipients have a right to apply for assistance with shelter in a form which meets their basic needs.
- Whenever possible or practical, applicants/recipients without dependants should be encouraged to board, as opposed to providing rental assistance. Factors to be considered when approving rental payments for single individuals include: age of the client, history of maintaining own accommodations, the presence of medical, psychiatric or social issues, the inability of the individual to reside with others or other extenuating circumstances. Where an applicant has maintained a residence for at least 6 months prior to applying for income support benefits, basic rental benefits can be considered as per Regulation 16.1(a)(i).
- Approval for benefits beyond this must be in accordance with Regulation 16.3.
- Failure to provide the requested verifications within 80 days will result in the applicant/recipient not being provided income support benefits for the cost of their shelter.
- Additional income support as per Regulation 16 (4) can be provided if the actual shelter amount exceeds the maximum amount provided under Regulation 16.1, but the total is not to exceed the actual shelter cost.
- Income support recipients who are also in receipt of home support services from the Regional Health Authorities (RHA’s) should only be issued the basic rates of shelter. As the RHA’s have provision to provide ‘actual’ shelter costs, these clients will not be eligible for additional rent/mortgage, the fuel supplement or the family rate of rent/mortgage top-up where the recipient is a single individual.

Payments Direct to a Landlord/Landlady or Mortgage Holder

- Rental and mortgage benefits are normally paid to the recipient and can only be paid directly to a landlord/landlady/mortgage holder in unusual circumstances such as if a recipient is unable to assume responsibility for paying the shelter directly. These situations are to be assessed on an individual basis and should be reviewed periodically to determine if circumstances have changed. (Exception: Recipients living in subsidized housing or who have a mortgage with NLHC/C/MHC where payments are issued directly to these agencies).
- Both the client and the landlord/landlady should be advised, either by letter or telephone, when rent is being forwarded directly on behalf of the tenant. When a letter is sent, a copy should be forwarded to the client and landlord/landlady and a copy placed in TRIM. When advised by telephone, a note should be added in CAPS to confirm the details of the discussion. Communication with the client and landlord/landlady regarding the direct payment of rent, either by telephone or letter, should highlight the effective date of the rent and the extent of the Department’s legal obligations including:
  - that although the Department is forwarding the rent on behalf of the tenant, it is not the tenant and will not assume any of the responsibilities of the tenant as outlined in the Residential Tenancies Act such as payment of rental arrears, responsibility for damages, and notice to vacate the unit;
  - that notification to the landlord/landlady of any changes to the rental agreement remains the responsibility of the tenant; and
  - notification of a change in payment arrangements is the responsibility of the tenant.
• Where the amount issued to the landlord/landlady or mortgage holder is less than the monthly amount owing (due to income being deducted from the allowance), the CSO should ensure that the client is aware of the amount issued on their behalf and their responsibility to make up the difference.

• Where the department provides rent directly to a landlord/landlady, the CSO must be satisfied that the client has provided adequate notice to the landlord/landlady prior to moving to new accommodations.

• If the recipient has already moved and has occupied new accommodations without giving proper notice to the former landlord/landlady, that landlord/landlady is entitled to rent in lieu of notice. However, in such situations the department will not pay rent twice for the same period. The recipient, in such circumstances, may decide to return to the place previously rented (the rent has been paid for the month in lieu of notice) or s/he will have to make his/her own arrangements with the new landlord/landlady in the interim period. The only exception to this will be if the former landlord/landlady has been successful in re-renting the apartment without losing any rent. In this situation the rental assistance may be redirected to the new landlord/landlady despite the lack of proper notice.

Shared Accommodations

• In the case of shared accommodations, each case can receive half of the actual rent to the maximum permitted under Regulations.

• If utilities are included in the rent, deductions will be made from the individual/family benefits for each case.

• Applicants/recipients who share accommodations where heat is not included in the rent each qualify for the full monthly fuel supplement.

• In determining if individuals are sharing accommodations vs. boarding with another individual, staff should request a copy of the lease where applicable. As well, shared accommodations would not normally apply to adults living with their children, parents or grandparents as this would be considered as a board and lodging arrangement.

Subletting

• There may be occasions when a client wants to sublet, or lease/rent their current rental accommodations to another person; or is renting an apartment that is sublet by a tenant. When these situations arise, the client services officer must be aware of the following:

  o Landlords often screen prospective tenants, checking references, interviewing, and making informed decisions regarding who they will rent to. If their tenant sublets without their knowledge, this capacity is lost and may result in damage to their property. Therefore, when a client services officer becomes aware that a client is either subletting their rental accommodations or is renting an apartment sublet by a previous tenant, written approval from the landlord must be provided by the client and added to their file.

Rent

• Rental benefits can be provided for the actual amount of rent, up to the maximums provided under Regulations. Rates vary based upon whether the case consists of a single individual or family, whether utilities are included and whether the unit is subsidized by NLHC.

• Prior to benefits being provided for rent, applicants/recipients must provide a copy of the lease or official documentation from the landlord/landlady or official representative of the landlord/landlady, indicating:
- the rental amount
- if utilities (heat and/or lights) are included
- the latest rent receipt

- If utilities are included in the rent, an adjustment is made to family/individual benefits. This adjustment varies depending on whether the applicant/recipient is renting a bed-sitter or an apartment and which utilities are included (as per Regulation 13 (2)).
- If heat is included in the rent, there is no entitlement to the fuel supplement.
- **Rental arrears cannot be considered** by the department. The Dept. of Advanced Education and Skills may intercede by paying future rent directly to the landlord/landlady if there is clear evidence of the client’s continued inability or unwillingness to pay the rent to the homeowner. Where requested by the recipient, the amount of the direct payment to the landlord/landlady may be increased to gradually decrease the arrears owing.
- Rental accommodations include taxes (property, water and sewer) and should also include a refrigerator and stove.
- Ground rent can be considered for applicants/recipient who live in mobile homes on rented property. However, the amount of the ground rent plus the monthly rental or mortgage costs of the mobile home cannot exceed the rent or mortgage amounts as indicated in Regulations.
- Verification of the rent is required where there is a change of address or change in the rental amount.
- The department assumes no responsibility for the landlord/landlady – tenant relationship. In the event of a dispute, the parties should be encouraged to address the matter under the Residential Tenancies Act.

### Bedsitting Rooms

- A bedsitter is defined as a rented room within a dwelling, owned by a non-relative in which the sole occupant has exclusive use of or shared use of kitchen and bathroom facilities. The occupant (tenant) maintains him/herself independently of others by purchasing food, preparing meals, being responsible for their own laundry services and maintenance of the room.
- These rooms are considered as rentals, the only exception being the difference in adjustments to individual benefits due to utilities being included. See Regulation 13.2 (b).
- Verification from the homeowner regarding rental rates and which utilities are included is required.

### Rent to Own Arrangements

- Applicants/recipient who enter into rental-purchase agreements are considered to be in a rental arrangement.
- Repairs to properties in these circumstances are not considered by the Newfoundland and Labrador Housing Corporation. Although a Rental-Purchase Agreement may specify that the purchaser is responsible for repairs to the property during the agreement, the Residential Tenancies Act indicates that there is still a landlord/landlady/tenant relationship and this relationship requires the landlord/landlady to maintain the premises in a good state of repair (Section 9 (1) Residential Tenancies Act).
- Municipal taxes can only be considered if the person was living in the current address and has been in continuous receipt of income support benefits prior to April 2, 2000. If an individual ceases to receive income support benefits and re-applies at some future date, there will be no eligibility for payment of property taxes for the remaining period of the rental-purchase agreement.
Mortgage

- Prior to benefits being provided for a mortgage, applicants/recipient must produce a copy of the original legally binding mortgage agreement and related documents or a completed Annual Mortgage Review form.
- Where the mortgage payment includes municipal taxes/fees, a separate requirement of taxes can be added to the recipient's allowance only after the recipient has been in continuous receipt of income support benefits for 90 consecutive days. Where these taxes are not part of the mortgage, they will be paid as part of the bulk payment made to municipalities each quarter. CSO's should ensure that the accommodation record for the client clearly shows whether or not these taxes are included in the mortgage.
  - In cases where recipient's municipal taxes is built into the mortgage payment, once the client has been receiving IS for 90 days, the retroactive payment for municipal tax requirement can be issued.
- Mortgage arrears may be considered in very extenuating circumstances.
- Condominium fees can be considered; however, the total amount of the mortgage plus the fees cannot exceed the amounts specified in Regulation 16.
- There is no provision for payment of disability or life/fire insurance fees or renewal costs for mortgages. Where recipients are required to pay a closing cost at the end of their mortgage, this can be considered in lieu of the regular monthly mortgage payment.

Applicants

- In cases where an applicant has a consolidated mortgage (that is, consolidated a mortgage when not in receipt of income support benefits), requirements can be considered up to the maximum amount of mortgage, not to exceed that which is indicated in Regulation 16.

Recipients

- When recipients increase their mortgage amount, obtain a second mortgage/consolidate a mortgage for essential renovations/repairs only, the extra payment amount can be included in the requirement as long as the total requirement amount does not exceed the maximum amounts identified in Appendix B.5. Any amount not related to the purchase of or repairs to the home will be excluded as a mortgage requirement. Should recipients consolidate a mortgage when in receipt of benefits, leave the caseload and later reapply for income support, only the original mortgage payment will be considered and not the consolidated amount (unless the consolidation is for repairs or the amount has increased due to higher interest rates).

Procedures

General

- Ensure copies of rental/mortgage receipts and supporting documentation (i.e., mortgage documents or lease or verification documentation from the landlord/lady) are retained as part of the official record. When information concerning shelter is not provided, remove the shelter requirement from the income support benefits and notify the recipient of the change, giving the reason and his/her right to appeal.
- Direct payments for the eligible shelter amount to NIHC/CMHC if they are the landlord/landlady or mortgage holder.
- Advise recipients to retain all rental/mortgage receipts which may be used to verify that rent has been paid when reviews are required.
- When assessing if income support benefits should be redirected to a landlord/landlady/mortgage holder, consider the following factors in relation to the client:
  - they have a history of non-payment of rent in the past
  - due to a mental illness or an intellectual disability, professionals or advocates have identified their concern about the recipient being able to manage these payments,
  - they have had a transient history of moving from place to place accruing rental arrears, or have had mortgage arrears paid in the past.
- if a recipient becomes single through separation, death of spouse or the dependent children are no longer included in the income support benefits, refer to Special Needs Rent for Single Persons.

Client Services Officers must:

Rent

- Ensure a lease agreement is provided if the applicant/recipient is renting private accommodations such as an apartment/house or a bed-sitter.
- Ensure, if no lease agreement is available, that verification from the landlord/landlady or an official representative of the landlord/landlady, provides the following information:
  - the name of the owner of the rental accommodations,
  - verification of the rental rate,
  - whether utilities are included in the rent.
- Ensure the rent receipt was for the previous months rent before benefits for shelter are provided.
- If possible, assist any recipient requesting rental arrears in resolving their problem through the use of such means as direct payment. NOTE: Rental arrears cannot be provided through the department.
- Refer to Regulation 13 (2) or Appendix B.5 when utilities are included in the rent for the appropriate deduction from family/individual benefits.
- When an absent parent is paying rental costs, rent will still be included as a requirement when determining eligibility; however, all funds paid towards the rent by the absent parent must be considered as non-exempt income.

Rent Paid Directly to Landlords/Landladies

- Ensure that the landlord/landlady and client are aware, either by telephone or by letter, that rent will be paid directly, the effective date, and that the department will not assume any of the responsibilities of the tenant as outlined in the Residential Tenancies Act. The following notations may be helpful to include in a letter:

  *While the department will forward rent on behalf of the tenant, it must be understood that the department is not the tenant nor will it assume any of the responsibilities of the tenant*
whether outlined in a lease, oral or written agreement or the Residential Tenancies Act. For example, the department will not assume responsibility for any damage caused to the rental unit by the tenant or for notifying you should the tenant vacate or intend to vacate the rental unit.

The notification to you of any changes to the rental agreement, including a decision by the department to stop making direct payments to you, remains the responsibility of the tenant. You will not receive notice from the department should it decide to stop making direct payments to you. The notification to you of the change in the payment arrangement is the responsibility of the tenant."

Subletting

- Ensure that clients who are subletting a rental accommodation or who are renting an apartment that is sublet by a previous tenant provide written approval of the sublet by the landlord.

Rent to Own

- Advise applicants/recipient/s who have entered into a rental-purchase agreement that the Dept. of Advanced Education and Skills considers these agreements to be a rental arrangement.
- Municipal taxes on such a property can only be considered:
  - if the person was living in the current address prior to April 2, 2000, and
  - has been in continuous receipt of income support benefits since April 2, 2000.

Mortgage

- Ensure that the following conditions are met in regard to mortgages:
  - the mortgage is valid and on the applicant/recipient's primary residence only
  - the applicant/recipient provides proof of ownership of the primary residence
  - that for a recipient, that the mortgage is not a loan or a consolidation of loans to purchase other items. A consolidation must be for home repairs only.

- Advise recipients who have been recently separated/divorced that:
  - Where the absent spouse pays the full mortgage in addition to regular support payments, a mortgage requirement will not be added to the income support client's eligibility, nor will the mortgage payment be considered as income for that client. Where the mortgage payment is the only source of support provided, the mortgage cost can be added as a requirement, up to the maximum permitted and the payment of the mortgage will be considered as a source of non-exempt income.
  - Where the absent spouse pays half the mortgage, only the remaining half of the mortgage (up to the maximums included in Regulations) will be
considered as a requirement. The payment of mortgage by the absent spouse is not considered as income.

- In extenuating circumstances where the income support client has been left to assume the entire cost of the mortgage, the full amount of the mortgage, up to the maximum amount permitted under the Regulations, can be considered as a requirement to prevent the loss of the home. In these instances, the client is required to commence legal proceedings to have the home transferred solely to his/her name.
- A referral will be made to a SASW to assess the potential for child/spousal support.

- Ensure that as cases with a mortgage are reviewed every January, the following information is reviewed and the documents are retained in the official record:
  - a statement of the payments made during the previous year,
  - the amount of monthly/bi-monthly payment, and
  - the present balance to ensure that the mortgage has not been refinanced.

**Note:** Recipients with NLHC and CMHC mortgages are exempt from this process as payments are made directly to these agencies through a group payee.

- KIV all cases on the anniversary date of the mortgage to record the new terms of the mortgage renewal;
- KIV new and reopened cases for 90 days so the income support benefits can be adjusted to include municipal fees if they are part of the mortgage payment.

### Mortgage Arrears

- Ensure that the following criteria are considered before mortgage arrears are provided:
  - income during the period the arrears occurred,
  - length of time receiving income support benefits,
  - reasons for arrears,
  - the amount of equity in the home,
  - the amount of the monthly mortgage payment and whether this is sustainable,
  - other family resources available, and
  - whether foreclosure on the home is imminent.

In situations where there are no other alternatives for the client, obtain approval from the Client Services Manager to provide emergency income support benefits to offset the mortgage arrears. Advise the recipient that the full amount of the arrears will be set up as an overpayment and obtain their acknowledgement of this in writing. Approval from the Regional Director must be given if the amount required to offset mortgage arrears exceeds 6 months of payments.

**Note:** Legal fees related to a foreclosure should be avoided if possible. If not, the legal fees can be approved as emergency assistance and included in the overall overpayment.
- Never provide information about applicants/recipient to collection agencies/mortgage holders without the written consent of the applicant/recipient.

Additional Income Support (Additional Assistance)

- Regulation 16.4 provides for the issuance of up to $150 additional assistance for the payment of rent or mortgage.
- Evaluate the need for the additional assistance based upon:
  - the special circumstances deemed necessary for the support and proper maintenance of the applicant/recipient,
  - the community rental rate, and
  - any additional information that may warrant increasing the amount for shelter being provided to the recipient.

- Record the reason for the approval of additional assistance in the official record.

Overlap of Rent/Mortgage

- Benefits for rent and mortgage are paid in advance. For recipients in receipt of non-recurring benefits, rental/mortgage payments are issued for the same time period as individual or family benefits. For recipients receiving recurring pay benefits (1st and 15th of each month), there is provision to overlap these payments for up to 15 days which would allow recipients to make their payments at the beginning of each month. The overlap can be provided as a supplementary benefit.
  
  Example: Applicant is eligible as of May 14th and is placed on recurring pay as of that date. The client will receive a cheque(s) for the period May 14-31; the rental portion which will be used to pay May’s rent. The client can also be provided with a rental overlap for 15 days of the following month through supplementary benefits, using the appropriate overlap requirements. This overlap plus the rental portion included in the June 1 cheque will allow the client to pay June’s rent on June 1. In the subsequent month, the recipient is expected to utilize the rental portion included on his June 15th and July 1st cheques to pay July’s rental amount.

Authority Level

Client Services Officer

Client Services Manager/Regional Manager of Income and Social Supports

- Mortgage arrears less than 6 months

Regional Director

- Mortgage arrears in excess of 6 months
Special Needs (Ground Rent/Condo Fees)

Intent

To provide details on special needs that the Department of Advanced Education and Skills offers to income support clients.

Regulations

Information which may be required to assess or review eligibility

5. (1) An applicant or recipient shall, where required for an assessment of his or her eligibility for income support, provide the following:

   (a) verification of whether he or she is renting, boarding or has responsibility for a mortgage and the length of time for which he or she has been boarding or renting; and

Rent or Mortgage

16.(2) The maximum monthly income support

   (a) for rent is

      (i) for an adult living alone in a rented room or apartment, an amount up to $149, or

      (ii) for 2 or more people in a rented room or apartment, an amount up to $372; and

   (b) for mortgage is

      (i) for an adult, for the principal and interest on a mortgage for the purchase of a principal residence or for financing the repair of a principal residence, an amount up to $149, or

      (ii) for 2 or more people, for the principal and interest on a mortgage for the purchase of a principal residence or for financing the repair of a principal residence, an amount up to
In addition to the income support referred to in this section, an officer may grant additional income support up to but not exceeding $150 a month but in no case shall the amount of support under this section exceed the actual amount required by the applicant or recipient for shelter.

Overview

In addition to eligibility for actual rent or mortgage, there may also be eligibility for other fees charged by owners in certain types of residential accommodations.

Policy

- Items of special need are each addressed individually, dependent on the requirements of the specified accommodation.

Condominium Fees:

- Condominium fees are required to be paid by all condo owners to cover basic services such as grounds keeping, snow removal, garbage collection and exterior repairs, and are not included in the mortgage payment.
  - The recipient must provide verification:
    - that the recipient is the owner of the condo and
    - the monthly amount of the condo fees.
  - The amount that can be provided for condo fees shall not exceed $150/month
  - The combined amount for the actual mortgage and the condo fees shall not exceed the maximum mortgage amount specified in Regulation 16.

Ground Rent:

- Ground rent is a fee charged by owners of subdivisions for residential mobile homes where the land is rented from the owner. In these subdivisions, the policy for ground rent is
  - if an income support recipient owns the mobile home with no mortgage fee, the amount of the ground rent will be included in the income support benefit accommodation requirements as rent
  - if the income support benefit recipient is renting the mobile home, the basic rent and ground rent will be added together but the total cannot exceed the basic rental rate as indicated in Regulation 16.1(a) and the accommodation requirement in CAPS is rent
  - if the income support recipient has a mortgage payment, the total of the mortgage and ground rent cannot exceed the basic mortgage rates as per
Regulation 16 (1)(b) and the accommodation requirement is mortgage in CAPS
- In an income support recipient's mortgage is paid in full while in receipt of income support benefits, then the CAPS accommodation requirement changes from mortgage to rent.

Procedure

Condominium Fees:
- Send the required verification to TRIM
- Calculate the amount that can be provided by deducting the actual mortgage payment from the maximum mortgage amount that can be provided as per Regulation 16.

Examples:

If a family has a mortgage payment of $450/month and the condo fees are $75/month, then the maximum amount available to be considered for condo fees is $72 monthly ($372 + $150 - $450 = $72)

If a family has a mortgage payment of $200/month and the condo fees are $75/month, then the amount that can be included is $75/month.

If the family has a mortgage payment of $550/month and the condo fees are $75/month, then the maximum amount available to be considered for condo fees is $0 monthly ($372 + $150 - $350 = -$28)

Ground Rent:
- Send required verification to TRIM
- Select the correct requirement in CAPS, either rent or mortgage dependent on the accommodation status, and ensure that the CAPS note reflects the breakdown in the actual requirement if ground rent is included in the rate.

Authority Level:
Client Services Officer

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Page updated on May 1, 2012
Cost of Living Allowance in Coastal Labrador Communities

Intent

To clarify which income support recipients residing in specific coastal Labrador communities are eligible to receive the Cost of Living Allowance.

Regulations

Other income support

19. (1) Other monthly income support for which an applicant or recipient may be eligible is:

   (h) for a recipient maintaining a residence in a coastal Labrador community, an amount of $150;

Policy

- Eligible clients residing in coastal Labrador communities from Nain to L'Anse au Clair (excludes the central and western Labrador communities of North West River, Sheshatshiu, Happy Valley-Goose Bay, Churchill Falls, Wabush and Labrador City) may receive a "cost of living allowance" to offset the higher costs found in those communities.
- The amount of this benefit is found in Appendix B.5. This allowance will be available to clients who are receiving Family/Individual Benefits while maintaining their own home/rental unit, and families with dependents who are in board and lodging arrangements in these communities.
- The Cost of Living Allowance is a benefit under basic income support benefits and is restricted to the Labrador offices which have the authority to provide this allowance.

Procedure

- The Client Services Officer determines eligibility based on current policy and arranges to add the requirement to an income support recipients file in CAPS.
- This requirement is restricted to the Labrador offices which have the authority to provide this allowance.
- Eligibility for this allowance must be reconfirmed if there is a change in accommodations, address or family composition. The Cost of Living Allowance will be discontinued for:
- Clients who move from an eligible community to a non-eligible community
- Single clients maintaining a home who move to a board and lodging arrangement.
- Families in board and lodging arrangements where there are no longer children/dependent students included in the allowance.

**Authority**

Client Services Officers in Labrador offices

Revision date – December 18, 2009.
Chapter 6: Shelter Benefits

(ix) Newfoundland & Labrador Housing Corporation

Intent: To outline the interaction between the Income Support Program and the Newfoundland and Labrador Housing Corporation.

Act:
(if applicable)

Regulations: Rent or mortgage

16. (1) The maximum monthly income support
(a) for rent is
(i) for an adult living alone in a rented room or apartment, an amount up to $149, or
(ii) for 2 or more people in a rented room or apartment, an amount up to $372; and
(b) for mortgage is
(i) for an adult, for the principal and interest on a mortgage for the purchase of a principal residence or for financing the repair of a principal residence, an amount up to $149, or
(ii) for 2 or more people, for the principal and interest on a mortgage for the purchase of a principal residence or for financing the repair of a principal residence, an amount up to $372.

(2) Where an applicant's or recipient's income support has been reduced under subsection 13 (2), the amounts under subsection (1) are increased by the amount of the deductions referred to in subsection 13 (2) but in no case shall the total amount exceed the actual amount required by the applicant or recipient for shelter.

(3) Notwithstanding subsection (1),
(a) for a widow or widower with no dependents who is an applicant or recipient, a maximum monthly amount for rent or mortgage up to $372;
(b) for a recipient who was receiving income support under subparagraph (1)(a)(ii) or (1)(b)(ii) but who becomes alone because
(i) that recipient has separated from his or her spouse or cohabiting partner, or
(ii) that recipient has experienced the departure from the residence of all dependents
a maximum monthly amount up to $372; or
(c) where a recipient cannot, due to a mental, physical or social
impairment as certified by an approved professional, reside with any
other person, a maximum monthly amount up to $372.

Overview:
Newfoundland Labrador Housing Corporation
A Provincial Crown Corporation whose mandate is to develop and
administer housing assistance programs for the benefit of low to
moderate income households throughout the province.

The Newfoundland and Labrador Housing Corporation (NLHC)
provides a number of housing programs including:

(a) The Rental Housing Program

- This program has rental accommodations throughout the
  province for those with low incomes, or who pay/will need
to pay at least 30% or their income for suitable housing.

- The corporation owns a number of units throughout the
  province that they rent, and also works with other groups
  that provide low-income housing.

- Rent is based on 25% of a person's income, with
  provincial/federal subsidies making up the difference.

- As part of its Rental Housing Program, NLHC also has a
  "Rental Supplement" program:
  - NL Housing contracts with a number of private
    landlords throughout the province. These landlords rent
    to clients who receive a subsidy from NLHC.
  - Appraisers employed by NLHC inspect all units and
determine the appropriate amount of rent to be paid.
  - The client's rental lease is with the private landlord, not
    NLHC.
  - NLHC uses the same eligibility criteria and application
    process when assigning a rental supplement as they
    use for their own stock of houses.
  - Some rental supplement units are administered in
    partnership with community groups such as Stella Bury
    and the Canadian Mental Health Association to
    consumers of these organizations.

(b) The Provincial Home Repair Program

- Is designed to assist low-income homeowners who
require repairs to their home (structural, plumbing, electrical, windows, doors, etc.)
- Brings homes up to minimum fire and life safety standards
- Provides funding either through grants or repayable loans
- Clients who require emergency repairs will be given priority, others on a "first come" basis

(c) The Home Modification Program

- This program provides funding to assist homeowners with low to moderate incomes who require accessibility changes to their residence to promote independence and a better quality of life while enabling them to remain at home for a longer period of time.
- Modifications may include the installation of a ramp, widening of halls/doorways for wheelchair accessibility, or the installation of handrails/grab-bars.
- Funding is available through forgivable grants and repayable loans.

(d) The Rental Residential Rehabilitation Assistance Program (RRAP)

- The program provides funds to repair and upgrade self-contained rental units for households with low incomes.
- Property owners and private landlords who provide permanent (long term) accommodations to low income renters are eligible.
- Forgivable loans are available for eligible landlords.
- When renovated units become vacant, landlords are required to check with the NL Housing office to determine if there is an appropriate NL Housing waitlisted applicant to fill the vacancy.

Newfoundland and Labrador Housing also:

- Provides special priority for victims of family violence
- Administers the Province's Oil Tank Replacement Program
- Administers a Residential Energy Efficiency Program
- Provides scholarships/educational incentives for children of tenants
The rate structure for the payment of both rent (including rental supplements) and mortgages with NLHC will be based on a standard weighted average shelter component of income support. The rate for families is set at $263.00 and for single individuals, $149.00 per month. Where a client has been receiving the family rate of rent based on their family composition, and the client becomes single due to the death or separation of a spouse or where the last child/dependent student turns 18/21 years of age and is removed from the allowance, there is provision to continue paying the family rate of rent/mortgage. However, if there is a significant break in continuity of income support benefits, when the former recipient who is now an applicant re-applies for benefits, the applicant will be treated as a single adult.

Income Support tenants of NLHC (including those who avail of the Rental Supplement Program) who become employed are exempt from rental re-calculation on earned income for a six month period.

NLHC provides a heat subsidy program to all subsidized rental units (including rental supplement units) and to tenants who have a Rural and Remote Mortgage. NLHC estimates the cost of heating each unit and provides an amount to offset the heating cost of the unit for 12 months. This subsidy does not provide for electricity other than the heating portion. If the allotted amount has been used before the end of November, then the tenant is responsible for any additional costs required for heat for the remainder of the 12 month period. If the full heat subsidy is not utilized, any savings cannot be carried forward into the next 12 month period. As a result, rent for NLHC tenants and tenants with Rural & Remote Mortgages must be considered as a rent or mortgage with heat. In addition, these tenants will not be eligible to receive the income support Fuel Supplement.

(a) Rental Housing Program

The NLHC, in co-operation with various levels of government, administers a number of subsidized rental projects throughout the province. Income Support clients should be encouraged to apply to NLHC if they are currently paying a
high rate for rent elsewhere; however, clients cannot be forced however to apply/remain in NLHC units.

- When clients are in receipt of Income Support benefits at the time that their rental lease is renewed with NLHC, they will have a lease that runs month to month and is referred to as an Advanced Education and Skills lease. Tenants who are not in receipt of Income Support benefits will have a lease for a fixed period of one year. During the term of this lease, the rent can be reduced if the client's income declines, but cannot be increased.

- When clients apply for Income Support benefits, their rental rate should be reduced to either $263 or $149, even if they have a fixed lease for a year. If the current rent being paid for by the client is lower than $263 or $149, the lower rate is to be used until the lease expires.

- When a client is single with no dependents and has another person residing with them in a NLHC unit, the family rent requirement of $263 must be used. Additional assistance to top up the rental rate must NOT be used under any circumstances for NLHC units. The difference is made up using special needs rent.

- Rental payments are due on the first of each month and are to be sent direct to NLHC. There are also occasions when clients are receiving non-recurring payments and may only be eligible to receive a partial rental requirement. Under these circumstances, the amount of eligibility is sent direct to NLHC and the client is to be advised that they are responsible for the balance.

(b) Mortgage/Provincial Home Repair Program

- NLHC also has tenants who have a Rural and Remote Mortgage. They are set and renewed every five years. If a client is in receipt of income support benefits upon the establishment of the mortgage or upon the mortgage renewal, the rates will be set as above. If the mortgage has been set based on income other than Income Support and the client subsequently applies for income support benefits, the mortgage rate to be included in the requirements will be the lesser of the $263 or $149 or the actual mortgage amount. These rates only apply for Rural and Remote Mortgages.

- There may be occasions when clients have both a Provincial
Home Repair Program loan payment which is coded as a regular mortgage, as well as the Rural and Remote Mortgage. The maximum shelter amount can be utilized up to $372 in these cases.

- Homeowners are required to pay the loan portion of the Provincial Home Repair Program over an amortization period of up to 10 years. Where the homeowner is an income support recipient, the Department can pay the minimum monthly payment of $100 on their behalf (assuming there is eligibility for this payment in the case of clients who have an existing mortgage payment).

**Procedure:**

- Rental payments are due on the first of each month and should be paid directly to NLHC as long as eligibility exists for both recurring and non-recurring clients. Staff should select NLHC as a group payee within CAPS to ensure the payment is part of the bulk cheque provided to NLHC.

- If clients are receiving Income Support benefits via non-recurring pay, then whatever eligibility the client has (up to the rental/mortgage amount) must be forwarded to NLHC.

- When a client does not have any rental requirements in pay and they move into a NLHC unit, it will be necessary to overlap the first month's rent to accommodate the move to NLHC (this requirement is paid in advance).

- Rental requirements are paid on the 1st and 16th of each month to clients who are responsible to pay their own rent. As rent is normally due on the first of each month, clients require a full month's rent to pay at that time and a 15 day overlap of initial rental benefits is permitted. After the initial rental requirement is issued, the rental requirement paid on the 16th of one month plus the rental requirement paid on the 1st of the following month is intended to fully cover that following months rent. In the case of a client where rent is being directly to a landlord, including NLHC, the rent is paid at the first of the month -- the rental portion from the 16th of the previous month is 'deferred' or held in the CAPS system and then combines with the portion from the 1st of the following month and is sent out in 1 payment to the landlord. **Example:** Mary has been in receipt of income support benefits for 5 years and resides in a NLHC unit. The rental requirement included in Mary's May 16th cheque is 'deferred' or held by
the system and is then combined with the rental portion allocated on the June 1st cheque. The cheque which is issued to NLHC for June 1 includes the total rental payment for June on Mary’s behalf.

- When clients move into a NLHC unit after the 16th of the month, they have already received half of the following month’s rent on their 16th of the current month’s cheque. In these cases, clients must pay NLHC directly for the first ½ of the next month’s rent. When NLHC is added as a payee for the 1st of the next month, they will only receive ½ month’s rent from the Dept. of Advanced Education and Skills. Example: John is currently living in a privately owned basement apartment and is moving into a NLHC unit effective April 1. John paid his March’s rent to his previous landlord on March 1st using the rental benefits included in his cheques on February 16th and March 1st. Effective April 1, the rent will be sent direct to NLHC by the department – however the first direct payment by Advanced Education and Skills will only include a half months rent with the remainder being the responsibility of John. The rental portion included on John’s March 16th cheque must now be used by him to pay for the remaining half of April’s rent.

- When clients on direct pay to a private landlord move after the 16th of the month, NLHC is to be added as a group payee for the 1st of the following month; the deferred rental payment for the previous landlord will be forwarded to NLHC along with the portion for the first of the following month. It may be necessary to enter a reduced rental requirement for the first of the month to offset the likely higher rental requirement which would have been issued to the private landlord (i.e. where $236 would have been issued to the private landlord – half of $472, only $27 would be keyed for the first of the month - $236 + $27 = $263). Staff will then need to adjust the rental requirement to the correct amount for the following cheque cycle.

- The same procedure being utilized for the payment of NLHC rent also applies to the payment of Rural & Remote Mortgages and Provincial Home Repair Program loans.

- NLHC should be notified by a staff person at the Department
of Advanced Education and Skills if eligibility for rent or mortgage no longer exists or is reduced.

- When overpayments (i.e. too much rent issued, mortgages paid in full without removing the mortgage requirement, payments made when no eligibility exists, etc.) are created with NLHC, the amounts will be refunded to this Department. The recovered funds from NLHC are sent to the Finance Division at Provincial Office. The local service site will be notified of the refund. The refund will be credited to the Department and the Client Services Officer will NOT set up an overpayment nor issue interim cash receipts for refunds from NLHC.

Authority Level: Client Services Officer

Date revised: December 5, 2012
Determining Continued Eligibility for Recipients – Lump Sum Payments

Intent

To determine continued eligibility for Income Support when a recipient receives a lump sum payment.

Regulation

8. In this Part

(a) "exempt income" means income received by an applicant or recipient which is not considered in determining eligibility for income support, provided that the income is obtained by means of

(i) a federal compensation payment where an applicant or recipient or his or her dependent has contracted AIDS through a blood transfusion,

(ii) income from interest from cash in a bank, stocks, bonds, or dividends from a corporation or from a support trust referred to in subsection 25 (3),

(iii) a payment under the 1986-1990 Hepatitis C Settlement Agreements, unless the payment is compensation for loss of income or loss of support under section 4.02 or 6.01 of the Transfused HCV or Hemophiliac HCV Plans.

(iii.1) a payment under the Pre-1886/Post-1990 Hepatitis C Compensation Agreement unless the payment is compensation for past loss of net income or past loss of services in the home as set out in section 2.05, 2.06 or 4.04 of that Agreement,

(iv) federal and provincial refundable tax credits received by an applicant or recipient.

(iv.1) income tax refunds for the year 2010 or later,

(v) one or more of the following sources:
(A) payments for children in care,

(B) special child welfare allowances,

(C) child welfare allowances,

(D) payments for alternate family care,

(E) payments under a Youth Services Agreement,

(F) government funded disability related supports,

(G) payments received from the Voluntary Student Work and Services Program,

(H) earnings of dependents, or

(I) payments received from the Newfoundland and Labrador Housing Corporation
   Educational Incentive Allowance:

(c) "non-exempt income" means income received by an applicant or recipient for which no
exemption applies and which is used in determining eligibility but does not include
partially exempt income, and which may be obtained by means of

(i) payments under the Canada Pension Plan, Old Age Security benefits, Veterans’
   Allowance, compensation under the Workplace Health, Safety and Compensation
   Act, employment insurance benefits, and pensions to the applicant or recipient or
to his or her dependent from other sources,

(ii) income received from a support trust by a person requiring supportive services
    according to section 26,

(iii) income received from federal training allowances,

(iv) an assessment based on 50% of the receipts from rental of rooms on property
    which is used by the applicant or recipient as a residence,

(v) an assessment of rental income based on 50% of that income after the deduction
    of municipal property taxes for rented real property in which the applicant or
    recipient does not reside,

(vi) payments which are monetary in nature or which are quantifiable in monetary terms
    including payments which are by way of arrears and which are received as child or
    spousal maintenance or support by the applicant or recipient under a private
    agreement, a domestic contract or a court order,

(vii) payments received by an applicant or recipient without dependents under the
    Canada-Newfoundland and Labrador Student Loan Program or successor program;

(viii) net income received from a severance package which an applicant or recipient
    receives upon permanently severing from his or her employer for the period of time
    that the severance package is payable.

(ix) income resulting from the sale of property or the sale of a fishing licence,

(x) payments received as a result of an inheritance or from an estate, and
(xi) income from an insurance claim whether it is paid in monthly instalments or by a lump sum payment;

in the month that the payment, income, or inheritance is received; and

(d) "partially exempt income" means income to which an exemption under section 12 applies and includes

(i) salary and wages of the applicant or recipient, including income obtained from self-employment,

(ii) winnings from games of chance or a lottery,

(iii) board and lodging income assessed based on 20% of the receipts of board and lodging income from a boarder who is not a relative and that receipt shall not be less than an amount contemplated by subsection 14 (1), or paragraph 15 (2)(b),

(iv) income tax refunds for the year 2009 or earlier,

(v) scholarships or bursaries, and

(vi) incentive allowances as approved by the minister

in the month that the income, or payment is received.

10. (1) A recipient is ineligible for income support in the month where a lump sum payment of

(a) partially exempt income less the exemptions described in section 12; or

(b) non-exempt income

exceeds the recipient's monthly entitlement.

(2) A recipient considered to be ineligible for income support under subsection (1) may be reconsidered on the date when the amount by which his or her lump sum payment, less the maximum permissible limit of liquid assets described in sections 25 and 26, less an amount determined by the minister which may be subtracted from a lump sum payment for a health or disability related expense, less the monthly entitlement is reduced to zero by the calculated daily amount described in subsection (3).

(3) The calculated daily amount is the amount of income support described in subsection 13 (1) less the amount in subsection 13 (2) if applicable or subsection 14 (1) or 14 (2) or section 15 plus the amount in section 16 if applicable, plus 40%, less the income described in paragraph 8 (c) or 8 (d), divided by 30.

Deduction

11. An officer may authorize a deduction from partially exempt income described in subparagraph 8 (d)(i) in a case where, in order to earn that income, expenditure was incurred.

Policy
• Based on the source of a lump sum payment, eligibility for Income Support for a recipient needs to be re-established.

• Lump sum payments are considered income in the month in which they are received by the recipient.

• When a lump sum payment overlaps a period when a recipient is/was in receipt of Income Support benefits, the amount of the lump sum payment provided during the overlapping or the amount of Income Support benefits provided during the period, whichever is the lesser amount, must be set up as an overpayment unless it is projected into the next pay period.

• Lump sum payments received as the result of a severance package are not considered a lump sum payment but as future income for the covering period of the severance package.

• LUMP SUM PAYMENTS - Exempt Income
  
  ○ Lump sum payments of exempt income (such as income tax refunds for the taxation year 2010 onward) as identified in Regulation 8 (a) are not considered when re-determining eligibility for Income Support.
  
  ○ Liquid assets accumulated as a result of lump sum payment of exempt income are not considered.

Exception
  
  ○ Lump sum payments of National Child Benefit Supplement and/or the Newfoundland and Labrador Child Benefit are considered exempt unless the recipient received a Child Benefit Adjustment.
  
  ○ If a Child Benefit Adjustment was included in the benefits, the amount of the Child Benefit Adjustment or the amount of the NCBS/NLCB, whichever is the lesser amount, is deducted from future Income Support payments.

• LUMP SUM PAYMENTS - Non-Exempt/Partially Exempt Income
  
  1. Overlap with Income Support Benefits
     
     ○ Lump sum payments of non-exempt or partially exempt income which overlap a period of time when the recipient received Income Support benefits are to be considered overpayments.
     
     ○ The amount of the overpayment is the amount of Income Support benefits provided or the amount of the lump sum payment, whichever is the lesser amount.

  2. No Overlap with Income Support Benefits
     
     ○ Lump sum payments of Partially-Exempt Income, less the appropriate exemption amount, or Non-Exempt Income are considered income in the month in which they are received and are used to re-calculate eligibility for Income Support.
If the balance of the lump sum payment (less the appropriate exemption, if applicable) is greater than the total monthly Income Support benefits, Income Support benefits are suspended.

Note:

- Some lump sum payments of partially exempt income have an annual exemption for the case:
  - Scholarships/bursaries have an annual exemption of up to $5,000 per year per case, and the exempt amount is considered an exempt liquid asset for the same period.
  - Net income tax returns for taxation years 2009 or earlier (less garnishments and/or assessment fees if applicable) have an annual exemption of up to $500 per year per case.
  - When Income Support benefits are suspended as a result of a lump sum payment, the following month the full lump sum payment is considered a liquid asset.
  - Recipients, whose liquid assets exceed the maximum permissible limit due to lump sum payments, are expected to use this resource to meet their regular monthly needs until such time as their liquid assets have been reduced to below the maximum permissible amount.
  - When recipients have been suspended as a result a lump sum payment, they must be advised as to when they are eligible to re-apply for Income Support.
  - Recipients may use a portion of a lump sum payment to offset the cost of a medical item e.g. a wheelchair (see Regulation 10(2)), prior to the balance being used to calculate an eligibility date.
  - Regulation 10 provides a formula that determines the length of time recipients have to wait until they are eligible to re-apply.

Procedures

- Lump Sum Payment of NCBS / NLCC
  - Recipients who receive a lump sum payment of NCBS/NLCC will automatically have their Income Support cheques held at the Provincial Office.
  - Client Services Officer must determine if the recipient was receiving a Child Benefit Adjustment.
  - If the recipient was not receiving a Child Benefit Adjustment, the Client Services Officer must release the Income Support cheque and forward to the recipient.
  - If there was a Child Benefit Adjustment, the Client Services Officer must calculate the total amount of the Child Benefit Adjustment which was provided to the recipient.
  - The Client Services Officer must deduct from future income Support benefits, the amount of the Child Benefit Adjustment provided in full, or the lump sum payment, whichever is the lesser amount.
  - The repayment of a Child Benefit Adjustment must not be set up as an overpayment but deducted from future Income Support benefits.

- Lump Sum Payments - Overlap with Income Support Benefits
Client Services Officers must calculate the total amount of Income Support benefits provided to the recipient or on behalf of the recipient during the period of the overlap.

Client Services Officers must set up the amount of the overlap as an overpayment.

If the amount due to the Department is totally refunded by the recipient, an official cash receipt is to be provided to the recipient and credited to the overpayment.

If the recipient does not reimburse the Department, the Client Services Officer must still:

- suspend the Income Support benefits
- determine a Date of Eligibility if the amount of the lump sum payment is greater than the monthly entitlement
- set up the overpayment

When calculating the new eligibility date for a recipient, staff must be mindful of following Regulation 10 (3) which permits the use of basic family/individual benefit rates, special needs rent/mortgage rates and additional assistance, but does not include the fuel supplement, special diets etc.

- **Lump Sum Payments - No Overlap with Income Support Benefits**

  Client Services Officers must consider these lump sum payments as income in the month in which they are received, deduct the exemption, if appropriate, and adjust/suspend Income Support benefits accordingly.

  If the balance of the lump sum payment, (lump sum payment less the exemption amount, if applicable), is less than the total monthly Income Support entitlement, Income Support benefits are to be reduced by the balance of the lump sum payment.

In the event a lump sum payment was reported by the recipient at a later date, the eligibility rules are still to apply. The amount the recipient's Income Support benefits would have been reduced, or the amount of assistance for the period where there would have been as no eligibility is to be set up as an overpayment.

**EXAMPLE 1:**
A single parent with one child in receipt of Income Support (recurring pay) has received a lump sum child support payment of $7,000.00 on April 2, 2012. The amount covered a period prior to her receiving Income Support. At the time she received the payment she had no funds in a bank account. The lump sum payment also includes her new $200.00 regular monthly payment.

Total monthly requirements:
- $661.00 family/individual benefits
- +$372.00 rent
- +$150.00 additional assistance
- + $50.00 fuel supplement
- $1,233.00 total requirements

The total amount exceeds her monthly payment; therefore there is no eligibility for 30 days. In order to determine the date of eligibility, consider the applicable monthly requirements as per Regulation 10 (3).
The monthly requirements that are to be used are as follows:

- $661.00 family/individual benefits
- +$372.00 rent
- +$150.00 additional assistance
- -$1,183.00 total requirements
  - +$473.20 eligibility adjustment (40% of family/individual benefits + rent)
  - $1,656.20 sub-total
  - -$200.00 on-going income (monthly support payment)
  - $1,456.20 total monthly requirements

After the 30 day period, the full lump sum payment is considered a liquid asset. The balance of the lump sum payment is calculated to be the $7,000.00 less $1,233.00 for the amount she used to offset the loss of her Income Support benefit during the 30 days she was ineligible, which leaves $5,767. Since the balance is considered a liquid asset, the maximum permissible exemption amount of $5,500 is to be deducted leaving the balance of the lump sum payment of $267.00.

In order to determine when the recipient is eligible to reapply for Income Support:

- Divide the "Total Monthly Requirements" by 30 days ($1,456.20 / 30 = $48.54)
- Number of days required to utilize the excess assets are $267.00 / $48.54 = 5.5 days, therefore, the client is ineligible for an additional 5 days

In this case, the date of eligibility when the recipient can re-apply is 37 days following the end date of the covering period of the last Income Support, provided liquid assets are still below the maximum permissible limit. In this case, the client was assisted up to and including April 15th. The 30 day interruption plus the 7 days as calculated above means that assuming there were no other changes, the client could reapply effective May 22.

If the recipient is boarding, substitute board and lodging for family/individual benefits and rent. Rates effective April 1, 2012.

**EXAMPLE 2:**

A single parent in receipt of Income Support benefits, received a lump sum child support payment of $8,500.00 six months ago for arrears incurred prior to her receiving Income Support. She declares a child support payment of $500.00 per month. How much is her overpayment?

Total monthly requirements:
- $661.00 family/individual benefits
- +$372.00 rent
- +$150.00 additional assistance
- + $69.00 fuel supplement
- $1,233.00 total requirements
- -$500.00 on-going income
- $733.00 supplement

The child support (lump sum payment) of $8,500 exceeds her monthly entitlement. No eligibility exists for the next 30 days following the end date of her last Income Support payment she received prior to receiving her child support.

After the 30 day period, the child support lump sum payment is considered a liquid asset. The balance of the lump sum payment is calculated to be $8,500.00 less the deduction of $733.00 for the amount she had to use to offset the loss of her supplement for the 30 days she was suspended leaving a balance of $7,767.00. Since this balance is considered a liquid asset, the maximum permissible exemption amount of $5,500 is to be deducted leaving the balance of the lump sum payment to be $2,267.00.
Had this recipient reported her lump sum payment, the following procedure would have been completed by the Client Services Officer to determine her date of eligibility.

In order to determine the date of eligibility, the monthly requirements are:

- $661.00 family/individual benefits
- $372.00 rent
- $180.00 additional assistance

Total requirements = $1,113.00

Eligibility adjustment: 40% of family/individual benefits + rent

$473.20 eligibility adjustment

Sub-total = $1,586.20

Less: on-going income (earnings)

Less: $500.00

Total monthly requirements = $1,116.20

In order to determine when the recipient is eligible to reapply for Income Support:

- Divide the total monthly requirements by 30 days ($1,116.20 / 30 = $37.20)
- Number of days required to utilize the excess assets ($2,257.00 / $37.20) is 60.82 days.

In this case, the date of eligibility when the recipient can re-apply is 89 days following the end date of the covering period of the last Income Support.

Total number of days where there is no eligibility is 89 (30 + 59). The overpayment is comprised of any assistance provided during the 89 days in question. If only basic benefits were provided, this is calculated to be the supplement amount, multiplied by 12, divided by 365 and multiplied by the number of days there was no eligibility. ($733 x 12 / 365 = $24.10 x 89 = $1421.82)

Rates effective April 1, 2012.

Authority Level

Client Services Officer

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Page updated: April 26, 2012
Changes in Circumstances

Intent

To clarify how a change in circumstances impacts income support eligibility.

Regulations

Responsibilities of applicant or recipient

7. (1) An applicant or recipient shall immediately report to an officer any circumstances which may affect the applicant's or recipient's eligibility for income support, including:

(a) change of address;
(b) change in living arrangements;
(c) change in marital or cohabitation status;
(d) change in the circumstances of any dependents;
(e) change in income, liquid assets, real property or assets;
(f) absence from the province of the applicant, recipient or his or her dependents;
(g) change in the reason for the application for income support;
(h) receipt of a liquid asset;
(i) sale or transfer of assets, including any real property;
(j) change in expenses incurred in earning income;
(k) any other circumstances that the minister may determine

(2) An officer may deny, vary, suspend or cancel income support where a circumstance referred to in subsection (1) has been confirmed and shall notify an applicant or recipient in writing of that action and shall inform the applicant or recipient of his or her right to request an internal review of that action and pending the outcome of the internal review, of his or her right to appeal under the authority of the Act and these regulations.

Overview

- As indicated in the IES Regulations, clients have a responsibility to report any changes in circumstances which might impact their eligibility for income support benefits. The requirement to report such changes is outlined in the Rights, Responsibilities and Client Consent form which is signed by adult applicants at the time of application and each time eligibility is reviewed through the review cycle process.

Policy

- When changes occur in the circumstances of individuals in receipt of income support benefits, eligibility for future benefits must be immediately determined. Changes can include but are not limited to:
  - the start of employment,
  - receipt of income or assets,
  - hospitalization,
  - a move to a different type of accommodations,
  - a change of address,
  - incarceration
  - marriage, commencement of a family unit relationship, or a separation,
  - the birth or addition of a child in the family,
  - a client leaving the province,
  - a child turning 18 years of age,
  - a dependent student turning 21 years of age or termination of school,
  - an adult turning 65 years of age

- In most instances the change to the income support allowance should take place effective the date of the change in circumstances. This is particularly true in the case of moving to a different type of accommodation, incarceration, marriage, the commencement of a family unit relationship or a separation.

- In relation to children on the file, changes can be made to add a child to the file effective on the birth date of the child or when the child joined the family. Where the child turns 18 or a dependent student turns 21, assistance is usually provided until the end of that month as opposed to the date of the birthday. Also, where a child turns 18 in June or July, there is provision to add the child back on the file as a dependent student until the end of August when dependent students are then removed in a mass change.

- Where a child moves from one income support file to another (i.e., from one parent to
another), income support benefits should be adjusted effective the time of the change. Where a child on a family’s income support file reaches 18 years of age and applies for income support in his/her own right, assistance is normally provided at the beginning of the month following the 18th birthday.

- Where a recipient leaves the province for any reason, including work, he or she shall be eligible for income support up to and including the end of the period during which he or she last received income support. Where the reason for leaving the province is for medical treatment, income support benefits can continue indefinitely with the approval of the worker. Where the worker has approved the purpose of the trip (other than medical treatment), income support benefits can continue for a maximum of 60 days.

- Where an applicant/client becomes hospitalized, income support benefits can continue as follows:
  - Where an applicant without dependents is hospitalized and is determined eligible for income support benefits, a comforts allowance can be provided.
  - For a single client who plans to return to their original accommodations, individual benefits as well as rent or mortgage if applicable, can be provided for 90 days beyond the date of admission. After 90 days, individual benefits should be terminated and a comforts allowance provided. Where approved by a CSO, rent or mortgage can be provided for an additional 90 days.
  - Where an applicant or client with dependents is hospitalized, regular income support benefits can continue, and effective the month following the month of admission, a comforts allowance can also be provided.

- When a change relating to the receipt of income occurs, the impact on income support eligibility will be based on the type of income received:
  - Earnings by the recipient or spouse: income support benefits can be overlapped with the earnings for a period of 30 days after employment commenced.
  - Employment Insurance benefits: income support benefits can be provided for 28 days after the Benefit Commencement Date as identified by Service Canada without impacting income support benefits.
  - Old Age Security/Canada Pension Plan benefits: income support benefits can be provided up to the end of the first month federal benefits are provided. Where rent or mortgage benefits are being issued, these benefits should be discontinued during the middle of the month in which federal benefits are being provided, as that portion would normally be used to pay the following month’s payment, and for which there is no longer eligibility.
  - Other income sources: income support benefits can be provided up to the day prior to the receipt of that income. Examples would include training allowances, Workplace, Health, Safety and Compensation benefits, insurance settlements etc.
  - Eligibility for further income support benefits would be based on eligibility for a supplement to the income.

- Benefits provided beyond the time frames as indicated above, will constitute an overpayment
of benefits and must be recovered.

Procedures

* When a couple in receipt of Income Support separates and one client moves off to a new file, the client is not required to complete a new application, nor is there a requirement to have a new application completed if two active clients are added to one file. All required documentation should be in TRIM and can be copied to the new file. By choosing the "New Case" button in CAPS, on the CR 2000 screen, a link will be created between the newest case and all previous cases associated with that client.

* When an active client requests that a spouse or cohabitating partner, not in receipt of Income Support, be added to the file; a new application should be completed for the family. The application links the two clients as a family unit and also requires the submission of any new or updated documentation required for the new partner who is being added to the file.

* These cases are not required to be assessed by the intake unit, but in an effort to ensure that an active client not be delayed in receiving further assistance, these cases should be completed by the case maintenance unit. Depending on the circumstances related to the new partner being added, an EDP referral may still be required.

Authority

Client Services Officer

Page updated: January 6, 2011
Spouse Away – for Employment Purposes

Intent

To clarify how a spouse away for employment purposes impacts income support eligibility.

Policy

Spouse Away in Search of Employment:

- Where a spouse within a family receiving income support benefits leaves home in search of employment, income support benefits can continue for the whole family for a maximum period of 30 days from the date the spouse left.
- Beyond the 30 day time period, approval of the Client Service Manager is needed to continue income support benefits if the spouse remains unemployed. The Manager should consider what attempts have been made to secure employment and if there is a likelihood of employment being found in the near future.
- In the case of applicants applying for benefits where the spouse has already left the home, regular eligibility rules apply and the spouse is not to be considered in the application for benefits. Where eligibility for benefits have been determined, assistance is only to be provided on a non-recurring basis and the spouse who is away from the family would be expected to support the family once employed.
- There is no eligibility under the income support program to pay the transportation costs to the area where employment is being sought. These clients should be referred to the CEYS division.

Spouse Away and Employed:

- Whether a spouse has employment secured at the time he/she leaves or subsequently finds employment while away searching, income support benefits can be overlapped within income for a period of 30 days from the date employment begins. The family may also be eligible for the Job Start benefit.
- After the 30 day period has elapsed, any future eligibility would have to be determined based upon the income of the spouse and the need for a supplement. Income information must be verified by faxed stubs or confirmation with the employer. Regular expenses and earnings exemptions can be considered as well as the boarding or rental costs of the spouse who is away. Board and lodging or rental costs should be consistent with the rates found in the IES Regulations but where higher costs are required to maintain the employment, the manager may approve higher expenses. In such cases, the spouse should remain an active client on...
the family file and the accommodation costs for the spouse who is away should be deducted as an expense from the income. In the case where rental costs are considered as an expense for the spouse who is away, no additional consideration will be given for a second issuance of family/individual benefits as the portion of benefits for the spouse who is away is considered in the family benefit provided to the spouse within the province.

- Where there is no eligibility for a supplement to income, the family should be provided with an extended drug card for a 6 month period. It should be noted however, that if the spouse is away from this province, NLDP will not honour claims from pharmacies in another province.

Authority Level

Client Services Officer

Client Services Manager – approval of accommodation expenses which are higher than the accommodation benefits provided in IES Regulations, for the spouse who is away.

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Page updated: February 23, 2010
Blind Persons Supplement

Intent

To provide assistance to recipients who are legally blind to help offset disability related expenses of the recipient and/or dependent child or dependent student.

Regulations

19.1[(1)](1) an amount up to $39 for each recipient, dependent child or dependent student receiving income support who is legally blind as certified by the Canadian National Institute for the Blind (CNIB) or an approved professional.

Policy

- Written verification, from the CNIB or an approved professional, of a "legally blind" (having less than 10% of normal vision) status is required for each recipient, dependent child or dependent student.

- For the purpose of verification of "legally blind" an approved professional includes a Physician or Social Worker with the CNIB.

Procedure

Client Services Officers must:

- obtain required verification from the recipient and forward to TRIM.

- ensure the amount provided for the Blind Persons Supplement plus the Guaranteed Income Supplement (GIS/), if applicable, does not exceed the maximum combined total of $125/month.

Authority Level

Client Services Officer
Burials/Funerals

Intent

To provide an overview of the factors which determine eligibility for the payment of burials/funerals as offered by the Department of Advanced Education and Skills.

Regulations

27 (1) An officer may grant to the relative of a deceased person or the representative of a deceased person an amount for the of the deceased not exceeding

(a) for an adult or dependent 12 years of age or older, an amount of $2,229;

(b) for a dependent under 12 years of age, an amount of $1,302;

(c) for a still-born child, an amount of $744;

(d) for an adult or a dependent 12 years of age or older for a traditional funeral with casket, cremation and burial, an amount of $2,338;

(e) for a dependent under 12 years of age for a traditional funeral with casket, cremation and burial, an amount of $1,532;

(f) for an adult or a dependent for a traditional funeral with no casket, but with cremation and burial, an amount of $2,025.

(2) Notwithstanding subsection (1), an officer may also grant to a person referred to in subsection (1):

(a) an amount not exceeding $195 with respect to clothing for the burial of a deceased person where no appropriate clothing is available;

(b) a distance charge of $0.95 a kilometre, where the body of a deceased
person is being transported, for each kilometre in excess of 8 kilometres;

(c) the amount of cemetery charges incurred in burial of a deceased person;

(d) the cost of a plastic pouch for the transportation of a deceased person; and

(e) an additional sum that an officer considers reasonable for extraordinary and out-of-pocket expenses due to special circumstances.

(3) An officer, when determining the amount for funeral expenses, shall deduct

(a) any income to which the deceased person was entitled in the month of his or her death;

(b) any monies held in trust for the deceased person's funeral expenses;

(c) any money held in a bank, credit union or other financial institution by the deceased at the time of his or her death; and

(d) a death benefit from any source to which the estate of the deceased person is entitled.

(4) In determining an amount under subsection (3), an officer shall consider the income and assets of the deceased person's spouse or cohabiting partner.

Overview

- The Client Services Officer will consider all the resources of the deceased individual in determining eligibility for burial/funeral costs in addition to determining the correct flat rate and other burial rates as per Appendix B4.

- Eligible beneficiaries are:

  o recipients and their family members who are receiving Income Support at the time of death, and whose financial resources are insufficient for burial expenses

  o residents of personal care homes and nursing homes, subsidized by government through Regional Health Authorities, who have liquid assets within permissible amounts (144/04 s 26 and 144/04 s 27)

  o adult residents of group homes, Alternate Family Care Homes and Co-
op apartments funded by Regional Health Authorities, whose liquid assets are within permissible amounts (144/04 s 26)

- Non eligible beneficiaries include persons:
  - eligible for Workplace, Health, Safety and Compensation benefits
  - receiving a War Veterans Allowance and therefore entitled to receive a death benefit
  - who have private life insurance policies where the amount exceeds the burial rates offered through the Department
  - killed in motor vehicle accidents whose estates may be eligible to receive insurance settlements
  - whose liquid assets exceed the prescribed rates for funeral burials as referenced in Appendix B4

- Normally, individuals who are not in receipt of Income Support are not eligible to receive assistance with burial expenses. However, an application can be completed by family members to determine if any eligibility exists. A Rights, Responsibilities and Client Consent form must accompany the application to enable contact with any outside agencies as required. The declaration of a will or outstanding payments to an estate must also be verified.

- In cases when offices are contacted regarding payment of funerals for individuals who were not recipients of Income Support and have no next of kin to apply for assistance with funeral costs on their behalf, the Public Trustee of the Department of Justice should be contacted. In such cases, the Public Trustee can act as the administrator of estates or executor under a will. They can also apply for assistance from the Income Support Program with funeral costs if necessary.

- There may also be requests to have the remains of the deceased person(s) returned to this province for burial. Transportation can be approved where clients were in another province receiving medical treatment that they were unable to avail of in this province when death occurred. In the case of ex-residents of this province residing in another province who want to be returned home for burial, there is no obligation by the Department to pay for this request. Requests can be considered taking into account the length of time that the deceased person had lived outside the province, whether they were considered a resident of that area, and their financial resources, including the other jurisdiction’s contribution to the deceased. The Client Service Managers can review these requests.
• The local office may receive requests for assistance with the cost of funerals after the burials have taken place. In these cases, requests should be received by the office within 30 days after burial. Circumstances for each individual case need to be reviewed and considered before eligibility is determined. The Department is under no obligation to pay for funerals/burials that were not prior approved. Beyond this time frame, the approval of the Regional Income Support Manager is required.

• **Prepaid Funerals**
Prepaid funerals are not considered an asset in determining eligibility for Income Support but are considered a resource to be utilized when an individual requests burial assistance. In cases where the funeral has been fully paid, there is no eligibility for assistance from the Department of Advanced Education and Skills. In cases where the contributions paid at the time of death are less than the amounts which can be considered under the IES Regulations, there may be eligibility for a supplement towards the cost.

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**Policy**

• Family members may approach the Department to request assistance with a funeral and must be advised of the maximum amount for funeral expenses the Department can provide as per rates in Appendix B4.

• Sometimes the funeral home will contact the local office but they are to be advised that contact with the family must be made first.

• In addition to the traditional funeral with casket & burial, individuals can also choose a traditional funeral with a casket, cremation and burial or a traditional funeral with no casket, but with cremation and burial. See Appendix B4.

• An additional burial cost that can be considered is mileage when the body is transported for burial within the province. Most often, the remains of an individual will be transported from the community that the individual resided in or the place of death, to the home community within the province. Mileage can only be considered where it exceeds 8 kilometers, and the rates are specified in Appendix B4.

• Mileage beyond the above, such as additional transportation costs in traveling to and from a crematorium, will not be considered.

• Sometimes it is necessary for the services of two funeral homes to be involved. When a client or immediate family member dies outside of the
province, the amount of total assistance available cannot exceed the flat rates as specified in Appendix B4. The local funeral home will assume the responsibility for the expenses and will invoice the Department for the full cost. The amount owing to the out of province funeral home is the responsibility of the local funeral home. The cost of transporting the remains in a shipping container may also be provided. See Appendix B4.

- In Labrador, it is sometimes necessary to have remains shipped to the home community by air cargo. In extenuating cases where cargo shipment cannot be arranged in a reasonable period of time (i.e. 2 business days), planes may be chartered to return the bodies to the applicable home community. The authority for approval of a charter would be at the Regional Director level.

Procedure

Client Services Officers must:

- Determine eligibility for assistance with funeral/burial costs by including only the services/items from the list in Appendix B4 and the corresponding costs in the requirements for clients making applications for burial.

- Consult with a Client Services Manager where they cannot verify eligibility for burial expenses because death occurred outside of regular business hours such as a weekend. There may be no Rights, Responsibilities and Client Consent form signed and no access to external agencies such as Canada Pension but arrangements have to be made immediately. The Client Services Manager may authorize the funeral/burial up to the prescribed rates in Appendix B4. The funeral home would be asked to submit the invoice to the local office for payment and the family should be advised that the Department will be applying for the CPP Death Benefit. If the estate is eligible for any other benefit, then they will be required to repay this amount or the full amount to be paid to the funeral home by the Department, whichever is lesser amount.

- Consider all the resources for both Income Support clients and recent applicants for deceased individuals such as private pension, private income from such resources as Canada Pension Death Benefits, Old Age Security, Private Life Insurance; funds held in trust for a prepaid funeral; liquid assets in excess of the permissible amounts and any other resources which may be available at the time of death.

- Determine if a single person who is not in receipt of Income Support, has a source of income such as OAS, CPP or a private pension. The Client Services Officer must advise the family that the value of the last cheque will
be applied toward the cost of the funeral expenses. However, if this person has well documented current bills (i.e. NL Power, rent) the Client Service Manager may consider them in relation to determining net income available to offset the funeral costs.

- Determine whether the deceased person who was not in receipt of Income Support, is a parent with a dependent child or has a spouse living with him/her. In these cases, the last cheque will be assessed as income in determining eligibility for burial taking into account the family composition for regular family and shelter benefits.

- Verify the existence of any liquid assets for a deceased single adult as they would have to be applied to the cost of the burial. However, if the deceased individual has a spouse and/or dependent children, only the liquid asset amount in excess of the applicable maximum amounts based on family composition must be applied to the cost of the funeral expenses.

- Ensure that eligibility for a Canada Pension Death Benefit is determined before completing the Service Authorization. This can be obtained through making contact with the Eligibility Assurance Unit, Provincial Office of the Department of Human Resources, Labour & Employment who will make contact to verify eligibility for any benefits.

- Notify the family that the Department will pay the eligible amount towards the cost of the burial but will be making an application for the Canada Pension Plan Death Benefit.

- Provide a Service Authorization for the eligible amount towards the cost of the burial directly to the funeral home (Service Provider) responsible, once all income sources have been determined and the flat rates and other burial costs are assessed as per Appendix B4.

Authority Level

Client Services Officer - approval of burial costs other than the exceptions noted below.

Client Service Manager – Requests for assistance when death occurred outside the province and emergency out of hours requests for burials for non-clients.

Regional Manager – Requests for assistance which exceed 30 days from the date of burial:
  - Requests for a charter plane to return remains to coastal Labrador.
Canada Pension Plan Benefits

Intent

To outline the resources that may be available to individuals under the Canada Pension Plan, and their effects on eligibility for income support benefits.

Regulations

8.(c) "non-exempt income" means income received by an applicant or recipient for which no exemption applies and which is used in determining eligibility but does not include partially exempt income, and which may be obtained by means of

(i) payments under the Canada Pension Plan, Old Age Security benefits, Veterans' Allowance, compensation under the Workplace Health, Safety and Compensation Act, employment insurance benefits, and pensions to the applicant or recipient or to his or her dependent child or dependent student from other sources,

9. (1) A person shall, in accordance with section 13 of the Act, pursue all other financial resources available to him or her or his or her spouse or cohabiting partner as a condition of eligibility for income support.

Overview

The federal Canada Pension Plan (CPP) is financed through contributions by employees, employers and the self-employed. It provides benefits to members of the Canadian workforce when they retire (as early as age sixty years old) and to their survivors in the event of their death. It also provides disability benefits should contributors become severely disabled, and lump sum benefits for burial expenses. For more information, please review the Service Canada website at: http://www.servicecanada.gc.ca/eng/sc/cpp/index.shtml

- Retirement Pension
• A retirement pension is payable upon application by a contributor who is at least sixty years old. The monthly amount depends on the level of earnings during the contributing period and the age at which one applies for a pension. Retirement pensions are normally taken at age sixty-five. Persons who opt for the pension before turning sixty-five get a reduced benefit, whereas persons who opt after age sixty-five receive an annual increased benefit.

• If a pension is taken before age sixty-five, it will not be readjusted to a full pension when the individual reaches age sixty-five. It will, however, include any annual cost of living adjustments.

• Prior to April 2012, applicants/recipients of income support benefits were required to apply for CPP Retirement benefits at age 60. Effective 2012 this is no longer the case, and applicants/recipients can decide at which age they will apply for CPP Retirement benefits.
  - Clients who are eligible for any other form of CPP benefits such as CPP Disability are still required to apply for these benefits. The April 2012 change relates only to CPP Retirement.
  - Clients who currently receive CPP Retirement benefits will continue to have this income deducted from their income support entitlement. Clients who cancel their CPP Retirement benefits in order to apply at a later date will not have the CPP income deducted if they provide verification that these benefits are no longer in pay.
  - Applicants/recipients who choose to apply for their Retirement benefits while in receipt of income support will have the income assessed in terms of their income support eligibility.
  - CPP Retirement benefits are still considered as non-exempt income.

• Effective January, 2012 all individuals, including income support clients, can apply for and receive their Canada Pension Plan without stopping work or reducing their earnings. This is a change from previous practice whereby Service Canada would apply a "work cessation test" for all applicants.

• The maximum monthly retirement pension (commencing at age sixty-five) is found at Canada Pension Plan Retirement Pension. An estimate of the retirement pension a person could expect to receive at any time between ages sixty and seventy years of age may be obtained by contacting a Service Canada Client Services Centre at telephone 1-800-277-9914.

• **Survivor’s Benefit**

  • To be eligible for the Survivor’s Benefit, the surviving partner can be either the conjugal or married partner of the deceased. The amount of the benefit is related to the deceased contributor’s calculated Retirement Pension.

  • If the surviving spouse is thirty-five years or older, the rate of benefits will depend on their exact age, whether they are disabled, and if they have dependent children. If the surviving spouse is under age thirty-five with no disabilities and no children, and does not become disabled, this benefit is not paid until the individual turns sixty-five.

  • The Survivor’s Benefit will continue if the surviving spouse remarries.
- **Disability Benefit**

  - A Disability Benefit is payable to a disabled CPP contributor and to their dependent child(ren).

  - In order for a contributor to become eligible for a Disability Pension, they must:
    - be under age sixty-five,
    - deemed as disabled according to the Canada Pension Plan legislation; and
    - have contributed to the Plan in four of the last six years (or three of the last six years where the applicant has paid into CPP for 25 years.)

  - To be deemed disabled, the individual must have a physical or mental impairment that is both severe and prolonged. The term severe means that the applicant is unable to regularly pursue any substantially gainful employment. The term prolonged means that the disability is likely to be of an indefinite duration.

  - The rate of the benefit includes a fixed amount that everyone receives, plus an amount based on how much an individual contributed to the CPP during his/her entire working career.

- **Children’s Benefit**

  - Monthly benefits are provided for dependent children if the contributor becomes disabled or dies. Dependent children are the birth children, legally adopted children, or children in the custody and control of the contributor. The children must be under eighteen years, or between eighteen and twenty-five years and in full-time attendance at school or university.

  - The benefit is a flat monthly amount for each child. A child may receive up to two flat rate benefits if both parents were contributing to the CPP and are deceased and/or disabled, and all conditions of eligibility are met with respect to both benefits.

  - A child between the ages of eighteen and twenty-five years will be eligible for benefits while attending full-time school or university, paid directly to him/her. If the child is under age eighteen, the benefit is paid directly to the parent.

- **Death Benefit**

  - The Canada Pension Plan (CPP) Death Benefit provides a one-time payment to, or on behalf of, the estate of a deceased contributor. If there is no estate, the person responsible for the funeral expenses, the surviving spouse or common-law partner or the next of kin may be eligible, in that order.

  - The amount of the death benefit depends on how much, and for how long, you paid into the Plan. Canada Pension Plan first calculates the amount that your Canada Pension Plan retirement pension is, or would have been if you had been
age 65 when death occurred. The death benefit is equal to six months' worth of this "calculated" retirement pension, up to a maximum of $2,500.

- **Combined Benefits**
  - **Retirement/Survivor's Pensions**
    - A contributor can receive both a Retirement and a Survivor's Pension if both spouses contributed to the plan. The amount of the combined pensions depends on the contributor's age at the time of eligibility for each pension.
  - **Disability/Survivor's Pensions**
    - A contributor can receive both a Disability and a Survivor's Pension if both spouses contributed to the plan.

- **Sharing a Retirement Pension**
  - Spouses in an ongoing relationship may share their CPP Retirement payments earned during their life together. Both spouses must be at least sixty years of age and each must have applied for any CPP Retirement Benefits to which they may be entitled. If only one is a CPP contributor, the pension can still be shared. The portion of the shared benefit will depend on the time the couple has lived together.

- **Division of Pensionable Earnings**
  - The Canada Pension Plan legislation allows for the division of unadjusted pensionable earnings upon marriage breakdown. Application for credit splitting must be made within four years from the date of separation.
  - Eligibility conditions for the division of pensionable credits differ depending on the situation giving rise to the division. Details with respect to these conditions may be obtained by contacting Service Canada at one of their offices throughout the province, or by telephone at 1-800-277-9914.

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**Policy**

- Effective April 2012, applicants and recipients are no longer required to apply for CPP Retirement benefits at age 60. As this change is in effect for CPP Retirement benefits only, applicants and recipients must still apply for all other benefits under the Canada Pension Plan to which they may be entitled (e.g. Survivor's Benefit, Disability Benefit, Children's Benefit and Death Benefit).
• CPP benefits must be considered as non-exempt income. The amounts received from Retirement, Disability, Survivors, or Children's Benefits must be deducted from any income support payments. This includes benefits received by the client, the spouse, and all dependent children under the age of eighteen. Children under eighteen years of age must be included in the income support requirements, with the Children's Benefits (CPP) included as income.

• Since there is a waiting period for CPP and there are often retroactive payments, CPP makes provision for repayments to the Dept. of Advanced Education and Skills for any income support benefits advanced to a client who is about to become eligible for CPP. However, the client must have applied for or be in the process of applying for CPP benefits for the repayment to occur.

• In instances whereby a CSO is aware that a client has applied for CPP, the Consent to Deduction and Payment form must be completed and forwarded to Service Canada immediately.

Yearly Review of Canada Pension and Income Support eligibility

• CPP benefits increase each year on January 1 if there are increases to the cost of living as measured by the Consumer Price Index. Offices will be notified in advance indicating what the new rates will be in January. Recurring pay cases that have a CPP income source will be adjusted automatically by provincial office. However, staff will need to manually verify CPP amounts for all non-recurring pay cases that have CPP as an income source.

Canada Pension Plan Children's Benefits on Behalf of Children/Adults between ages 18 and 21 years

• When a child who has been included in CPP benefits for the family becomes eighteen years of age, the child will be paid their CPP benefits directly. CSOs must be aware of this, particularly as it relates to applicants under the age of twenty-one who apply for income support benefits in their own right and also in removing the child and the child's income from the family's income support entitlement.

• Where the child who turns eighteen remains in high school and continues on the family’s file as a dependent student, the CPP income must be added as family income and deducted from the overall income support entitlement. Where a dependent child is receiving CPP in his/her own name, and then applies for income support benefits, the income must be assessed and deducted from the overall entitlement.

Procedures

Allowable Overlap of Income Support Benefits with Canada Pension Plan

• CPP benefits can be verified by paystub or bank deposit verification
- All regular monthly CPP benefits are paid in arrears at the end of the month. In order to prevent hardship to the recipient, it is permissible to overlap the first month the recipient receives his/her initial CPP benefit. The overlap of income support benefits for the 1st calendar month that CPP benefits are received applies to both recurring and non-recurring pay.

- Where the amount of monthly CPP is greater than the monthly income support entitlement, the rental/mortgage requirement should be removed from recurring pay at mid month of the first month of benefits. This is in recognition of the fact that rent/mortgage is overlapped and paid in advance (i.e. rent for July would be issued in two installments – half on the mid June cheque and the remainder on the July 1 cheque). Thus, a client receiving CPP at the end of July where no future eligibility exists would not be entitled to the rental portion issued in mid July which would normally be used towards August rent. The case would then be suspended for August 1.

- Where a client is receiving non-recurring pay, cheques should be issued only for the number of days until the end of the first month of CPP benefits.

- In many cases, clients that are approved for a CPP benefit may be eligible for a lump sum payment as well as their regular CPP payment. The lump sum payment may be paid any time during the first month that CPP benefits start.

- Lump sum payments are usually paid retroactively to the approved start date of the CPP benefit. Retroactive benefits paid to the client for a period that overlaps with income support must be recovered and set up as an overpayment (see Consent to Deduction and Payment below). Retroactive CPP benefits paid for a period when the client was not in receipt of income support should be assessed in compliance with the policy pertaining to the assessment of lump sum payments. For more details on assessing lump sum payments, refer to the policy section titled "DETERMINING CONTINUED ELIGIBILITY FOR RECIPIENTS – LUMP SUM PAYMENTS".

- Please note that since lump sum CPP payments may not always be made at the end of the month with the regular monthly CPP payment, staff are still required to ensure that the client is assisted up to the date of the lump sum payment and that the rent/mortgage requirements are overlapped for the month the CPP benefit starts.

  For example, a client who is approved for CPP effective February month receives a lump sum payment on February 8 and will receive his/her first regular CPP monthly payment at the end of February. If the date of the lump sum benefit payment is known in advance, the worker should suspend the case for the February 1st income Support cheque. The full income support entitlement can be provided until the day before the lump sum payment is received (February 7) and the rent/mortgage requirements may be provided up to and including February 15th.

  Similarly, a client who is approved for CPP effective February month receives a lump sum payment on February 20 and will receive his/her first regular CPP monthly payment at the end of February. If the date of the lump sum benefit payment is known in advance, the case should be suspended for the February 16th income support cheque. Since the client has already been assisted for rent/mortgage for February month (i.e.: January 16th and February 1st), the client is only entitled to receive regular income support benefits (excluding rent/mortgage) until the day before the lump sum payment is received (February 19). This will ensure that the client is assisted with full income support benefits until the first CPP payment and ensures that the client will receive their full rent/mortgage entitlement for February month.
• Where the regular, monthly CPP benefit is less than the monthly income support entitlement and the client would remain eligible for a supplement, changes should be made to the recurring pay allowance at the first of the month following the first month of CPP benefits.

Consent to Deduction and Payment (Form ISP 1613)

• There are instances where an individual may be late in applying for CPP benefits or where the approval process is lengthy and benefits are then paid retroactively. In some instances, these individuals then apply to Dept. of Advanced Education and Skills for income support in the interim. The first CPP cheque for Disability or Survivor’s benefits received by individuals usually involves a retroactive payment back to the approval date. Where the Dept. of Advanced Education and Skills is aware that an applicant or client has applied for CPP benefits, the client is required to complete a CPP Consent to Deduction and Payment form. Based on this form, CPP will reimburse the department for income support payments made to the client pending receipt of CPP benefits.

• In order to ensure that the department is reimbursed for retroactive CPP payments, this form must be signed by the client as well as the CSO and mailed to Service Canada as soon as possible. This form should be completed before income support benefits are issued to any client who is eligible or who has applied for CPP benefits, and mailed to Service Canada, P.O. Box 9438, St. John’s, NL, A1A 2Y9.

• When completing the consent form, it is extremely important that the Social Insurance Number that is used is that of the contributor (and not that of the applicant unless the applicant is the contributor).

• Reimbursement can be made to the Department for the month in which the “Consent to Deduction and Payment” form is signed by the applicant and up to and including the month in which the application is approved. It is important to have the form completed to correspond with the first issue of income support. When completing the form, make sure that all spaces are completed. Copy one is sent to CPP, and copy two forwarded to TRIM. It is essential that CSO’s keep a copy of the form on TRIM until the application for benefits is approved and is received at the district office.

• The second copy with section C completed should only be sent to CPP when the CPP application has been approved and Service Canada has requested it. When completing section C, the CSO should provide the total amount of income support entitlement for the applicable calendar month indicated on the form (i.e.: before any recoveries). CSOs may be required to pro-rate income support amounts to ensure the entitlement for the calendar month is recorded correctly on the form. The amounts recorded should include all income support entitlements for the calendar month (i.e.: recurring, non-recurring and/or supplementary benefit entitlements, combined).

• When CPP staff receive copy 2 of the Consent to Deduction and Payment, the amount of reimbursement to the department is based on the following criteria:
  - The amount of reimbursement shall only be determined after confirmation is received from CPP that the necessary money has been held.
  - Reimbursement shall only be from the initial CPP retroactive payment, and therefore cannot exceed that amount. There will be no deduction from the regular monthly cheques issued after the initial retroactive payment which includes any arrears payment and the first regular monthly payment.
Reimbursement shall not exceed the amount of income support granted for that month and no deduction will be made for a month in which income support has not been granted.

Reimbursement for any one month shall not exceed the amount of the CPP monthly benefit.

Reimbursement shall not include a period which precedes the later of:

- the effective month of the CPP benefit
- the date the applicant signed the Consent for Release of Information form
- the commencement of income support payments

Reimbursement shall not include any months beyond the month in which the first regular CPP payment is made or the income support payment is suspended, whichever is the earlier.

Reimbursement shall include children in the total monthly amount of children’s benefits granted for that month. The amount to be assigned, however, shall not exceed the amount of income support granted for that month.

At the same time as form ISP 1613 Consent to Deduction and Payment is completed and signed, Form ISP 1806 (10-88) "Authorization to Communicate Information" should be signed. This form must also be signed by the client if CPP benefits are already in pay as CPP representatives will not release information unless this form is on file.

The CSO should KIV and monitor cases where applications are made for CPP benefits. It is important to remember that CPP will not accept form 14-799 Reporting Requirements and Release of Information.

If retroactive CPP benefits are paid directly to the client and overlap with income support benefits, the client must be encouraged to refund the amount to the department so as to offset any overpayment. The proper and timely completion of Form ISP 1613 will avoid this problem. If the retroactive benefits are not refunded to the department, an overpayment must be set up and the CPP considered as non-allowable income when determining future eligibility for Income Support. The allowable overlap can be granted.

A CSO is responsible for calculating and setting up the overpayment whenever there is an overlap of Income Support Benefits and CPP. Where reimbursement cheques are received from CPP and sent to the district office, they should be receipted and keyed as per any other payment, with the applicable overpayment set up to offset the payment.

In order for the consent form to be accepted by CPP, it must have been signed by both the client and the CSO within twelve months of the date of the CPP application. When a consent form is rejected, it is returned to the district office with a letter of explanation. The following reasons are being noted for possible rejection of the consent:

- There is no explanation for a benefit under the CPP. In this situation, a copy of the consent form will be retained at the CPP head office for one year from the date that it is signed by the applicant. The original will be returned to the district office who may resubmit the same form at a later date provided 12 months have not elapsed from the date of the consent.
- The consent was signed more than twelve months before the date of the CPP application.
- The benefits which might have otherwise been considered for reimbursement to the Department have already been released to the client.
- The application submitted for CPP benefits cannot be approved.
- Income support has been advanced for a period prior to the effective date of the CPP benefits.
- The total amount of income support advanced was less than $50.00.
- The beneficiary has reimbursed the Department for benefits advanced.

- Lump sum payments for retroactive CPP benefits (except CPP - death benefits) received at the district office should not be sent to provincial office for processing. If these lump payments are received, they should be receipted at the district office and an applicable overpayment set up.

Claim for Canada Pension Death Benefit

- The Canada Pension Plan Death Benefit provides a one-time payment to, or on behalf of, the estate of a deceased contributor. A CSO must determine if the estate of a deceased person is eligible for a Canada Pension Death Benefit by contacting CPP at 1-800-277-9914. Workers unable to obtain death benefit information through that number should contact the Eligibility Assurance Unit at provincial office. Any benefits obtained through CPP must be applied to the cost of the funeral expenses.

- Once it is determined by a CSO that a client is eligible for funeral expenses through this Department, the CSO must immediately apply for the Death Benefit using the Canada Pension Plan Death Benefit Application, ISP1209. In cases when the family has already applied for the Death Benefit, they are to be advised that they must contribute the full amount to the cost of the funeral expenses.

- When completing the Application for Death Benefits, the CSO must attach verification of this Department’s payment of funeral expenses, and a copy of the death and birth certificates of the deceased client. The relatives or estate of the deceased client must be advised immediately to avoid duplication.

- If the lump sum payment for a death benefit is received at the District Office, it must be forwarded to the Finance Division at provincial office. At the provincial office, sufficient funds will be recovered from the cheque to pay the burial expenses and the remainder, if any, will be forwarded to the executor of the estate. Only the amount received from Canada Pension is considered an overpayment. In most cases, the cheques from Canada Pension are sent directly to the Provincial Office where staff process these payments and set up the appropriate overpayments.

- In order to process cheques received from Canada Pension, it would be advantageous if staff would forward a copy of the Canada Pension Plan Death Benefit Application to provincial office. In many cases, the deceased person is removed from the case and thus, made inactive in CAPS. Since the only identifier on the CPP cheque is the name and SIN, having a copy of the original request with a file number would ensure that the amount received is credited to the appropriate case.

Provincial Office Involvement with Disability Pensions

- Disability Pension: Clients that meet the criteria above should be encouraged to make application for disability benefits as soon as possible. To assist in the application process, Provincial office has established the "CPP Disability Project" to accept referrals from workers regarding clients that may have potential eligibility for disability benefits. To make a referral or speak to someone about the project, contact provincial office for more detail.
Authority Level

Client Services Officer
Child Benefit Adjustment

Intent

To clarify the situations in which income support recipients would be eligible to receive the Child Benefit Adjustment and how to determine the amount of the adjustment.

Regulations

Other income support

19. (1) Other monthly income support for which an applicant or recipient may be eligible is:

(a) a child benefit adjustment in an amount approved by the minister.

Rate of recovery

50. (1) Where an overpayment has accrued, the minister may recover that overpayment

(4) Notwithstanding subsection (1), where a child benefit adjustment is paid to a recipient under paragraph 19 (1)(g) and that recipient receives a retroactive payment of the Newfoundland and Labrador child benefit or the Canada Child Tax Benefit, or both benefits with respect to the same period, the amount of child benefit adjustment that was paid or the retroactive payment, whichever is less, shall be recovered in full from the recipient’s income support entitlement.

Overview

- Federal and provincial child benefits are considered a resource for families to care for their children. In most cases, the Newfoundland and Labrador Child Benefit (NLCB)/Canada...
Child Tax Benefit (CCTB) is paid to the female parent, even if the female parent is a step parent. However, there are some situations where the father, especially if a single parent, is the beneficiary. There are also occasions where the CCTB/NLCB is being paid to a third party such as a grandparent. Therefore, it is extremely important to determine who may be receiving the CCTB/NLCB on behalf of the children living in the family.

- The Child Benefit Adjustment (CBA) is a temporary benefit provided by HRLP to families in receipt of income support benefits who are not receiving the maximum NLCB or the National Child Benefit Supplement (NCBS) portion of the Canada Child Tax Benefit (CCTB).

- The Family Benefit rate structure was developed based on the assumption that families in receipt of income support benefits would receive the maximum NLCB and NCBS portion of the CCTB. When families in receipt of Income Support Benefits do not receive the maximum child benefits, the Child Benefit Adjustment can be provided to offset a portion of the reduced income.

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Policy

- The CBA can be provided whenever a family who is in receipt of income support benefits is not receiving the maximum NCBS and/or NLCB.

- There are different circumstances as to why families may not be in receipt of the maximum NLCB or the NCBS. They include but are not limited to:
  - The total family income was too high in the previous year. (The CBA is added automatically to recurring pay cases in CAPS for this reason only.)
  - The family has failed to apply for the CCTB, is late in filing an income tax return, or is waiting for an adjustment to be made by the Canada Revenue Agency (CRA) due to a change in family size.
  - A family is recently separated and the family is not receiving the maximum CCTB/NLCB because the amount was based on the income of both parents. After a family is separated for 90 days, CCRA will recalculate the CCTB and NLCB based on the income of the remaining parent who has custody of the dependent children.

- The CBA can be provided retroactively to the date of eligibility for income support benefits and would only apply to the period of time that the family was in receipt of these benefits.

- The amount of Child Benefit Adjustment a family in receipt of Income Support Benefits can receive is based on the monthly amount of the NCBS/NLCB.

- For any family requesting a CBA, it is necessary to verify the NCBS/NLCB supplement amount. In July of each year, families receive an annual statement detailing the Canada Child Tax Benefit amount and the NLCB amount for each month for the upcoming year. Payments may also be verified using the Child Benefit Inquiry screen in CAPS or from the client’s monthly CCTB cheque. However, this screen will not provide information for new & reopened cases if they have not received income support benefits in the past three months.

- If the family accepts the CBA, the family must make every effort to obtain the NLCB and the NCBS by applying for the CCTB, filing an income tax return or notifying CRA of the changes in circumstances. Failure to meet any condition which prevents the family from obtaining the CCTB or delay obtaining the CCTB may result in the CBA being discontinued.
In August, a report will be provided to district offices which will list all cases in CAPS that are receiving the Child Benefit Adjustment. It will highlight those cases that were receiving the CBA prior to August 1st and that continue to receive it after August 1st so that these cases can be reviewed to ensure they are still entitled to receive this benefit.

Procedure

- The CBA is added automatically for families on recurring pay who are not receiving the maximum CCTB/NLDB because the “family income was too high” in the previous year. Each month, CRA provides the Department with information on families in receipt of income support benefits who are receiving the NCBS/NLDB.

- All recurring pay cases who are receiving the CBA will have that requirement removed from their income support benefits effective August 1st of each year. July is the beginning benefit period for the CCTB and the NLDB for families who have filed their income tax. For cases who are not receiving the maximum CCTB and NLDB, because the reason is “income too high”, the CBA will be added automatically by CAPS effective August 1st of each year.

- Families who are not receiving the maximum NCBS/NLDB because of any reason other than their income was too high in the previous year, must request the CBA be added to their income support benefits.

- For families who receive income support benefits via non-recurring pay and the reason is other than “family income too high,” the CBA requirement has to be added manually each time. However, if the reason is “family income too high”, it is likely that only the first and possibly the second month of income support benefits will need to have the CBA added manually, as after that date, the interface with CAPS will show the match and add the CBA automatically.

- A Child Benefit Adjustment Table (Appendix B.3) is provided to assist in calculating the amount of a Child Benefit Adjustment. The left side of the table is called the NCBS Adjustment Amount and is used to calculate how much of a NCBS Adjustment a family may be entitled to receive based on the number of children in the family. The right side is called the NLDB Adjustment Amount and is used to determine how much of a NLDB Adjustment a family may be entitled to receive, based on the number of children in the family. A Child Benefit Adjustment is the sum of these two amounts, the NCBS Adjustment Amount and the NLDB Adjustment Amount.

- Each month, a report is provided to the local office identifying any family who will receive a retroactive child benefit later that month, regardless if they received the CBA from HRLE or not. These families will be notified via a Child Benefit Adjustment letter which is automatically generated by CAPS. This letter advises each family that their income support cheque will be held for the next month so that the CBA can be recovered. The letter also advises the family...
to contact the CSO to determine the amount of CBA which will be recouped from the next income support cheque.

- The CSO will review the file and determine whether HRLE issued any CBA. If there was no CBA paid, then Client Payment Services would be notified to release the held cheque into the mail for the family and remove the hold.

- If the family did receive the CBA, the case would normally be reviewed from August 1st on and the amount of adjustment calculated. The recurring pay cheque would be cancelled and a supplementary benefit cheque issued to replace it. However in some cases the retroactive payment may cover a period prior to August 1st and that would have to be considered when calculating the overlap of CBA benefits. The CBA amount is considered non-exempt income and the amount will be deducted as income. If the deducted amount will make the client ineligible from one semi-monthly payment, the case could be reviewed by the Client Service Manager to possibly deduct the amount over two semi-monthly payments. This would be done on a case by case basis and would only be considered if the family was ineligible due to the income deduction from one semi-monthly payment.

Authority Level

Client Services Officers – approving Child Benefit Adjustments and following procedures when families receive retroactive Child Benefit Payments.

Client Service Managers – exceptions for deductions of Child Benefit Adjustments.

Revision date – August 17, 2010
Licensed Child Care

Intent
To provide information about the interaction between the Income Support Program and the Child Care Services Program.

Policy

• Unless licensed child care is unavailable or a relevant professional deems it unsuitable because of the medical, emotional, behavioral or psychological well being of a child; licensed child care must be the primary option for clients whenever and wherever possible.
• As subsidies are available for licensed child care to eligible clientele through the Child Care Subsidy Program, licensed child care must not be funded for clients by this Department.
• The Child Care Subsidy Program can provide subsidies for both child care and transportation; therefore, HRLE does not fund transportation for children who have been approved for a subsidy at a licensed child care centre.
• When clients have been approved for a child care subsidy through the Child Care Services Program, under no circumstances should this Department provide a top-up to the subsidy provided.
• For further information on the Child Care Services Program of the Department of Child, Youth and Family Services, please refer to the Child Care Services | Child, Youth and Family Services website.

Procedures

Client Services Officers must:

• Refer all clients who request child care to the Child Care Services Program, unless verification from an approved professional is provided deeming licensed childcare unsuitable.

• When licensed child care is unavailable or deemed unsuitable, please refer to the
Departmental policy on private child care.

Authority Level

Client Services Officer

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Page updated: January 25, 2011
Private Child Care

Intent

To clarify when financial support can be provided to Income Support recipients who must purchase child care privately.

Regulation

19. (1) Other monthly income support for which an applicant or recipient may be eligible is:

(a) where licensed child care is unavailable or does not meet the needs of the particular child as determined by an officer, up to $400 for the first child and up to $200 for each additional child for private unlicensed child care;

Policy

- Private child care will only be considered when one or more of the following conditions have been met:
  - where the child is on the waiting list for licensed day care;
  - where there is no licensed day care in the area; or
  - where child care is required on weekends or evenings; or
  - where licensed day care is deemed to not meet the need for the child because of medical, emotional, behavioural or psychological reasons.

- The monthly amount that can be provided for private child care is based on the average hours required to meet the child care needs including travel time, if required, to and from the recipient's place of training or employment.

- The monthly amount specified in the regulations for Private Child Care is for full time child care.
In situations where only part-time child care is required, the amount that can be provided for private child care will correspond to the following rates:

<table>
<thead>
<tr>
<th>Child Care Hours Required</th>
<th>First Child</th>
<th>Each Additional Child</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;40 hrs./month</td>
<td>$100.00</td>
<td>$50.00</td>
</tr>
<tr>
<td>&gt; 40 hrs. to ≤ 80 hrs./month</td>
<td>$200.00</td>
<td>$100.00</td>
</tr>
<tr>
<td>&gt; 80 hrs. to ≤ 110 hrs./month</td>
<td>$300.00</td>
<td>$150.00</td>
</tr>
<tr>
<td>&gt; 110 hrs. to ≤ 180 hrs./month</td>
<td>$400.00</td>
<td>$200.00</td>
</tr>
</tbody>
</table>

- Assistance with private child care for an older child(ren), i.e., over 13 years, may be considered when documentation from an approved professional (school counsellor, social worker, physician) stating the child requires adult supervision is received.

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Procedures

Client Services Officer must:

- determine if Licensed Child Care is not available or does not meet the needs of the the recipient,
- obtain a receipt from the care giver stating the number of hours provided for child care, to be submitted with the "mail back". This is sufficient to verify the number of hours required for child care,
- ensure the hours required for child care are consistent with the number of hours the recipient is employed plus travel time to and from the place of training/employment, if required,
- not provide more assistance for private child care than the "earned income" declared, unless the recipient requires more assistance for child care prior to receiving a full payment from the employer,
- provide assistance in advance, if required, based on anticipated requirements in the first month for recipients with fluctuating income, and fluctuating private child care needs,
  - subsequent requirements for child care are to be calculated based on the actual requirement,
- ensure that recipients with stable income and private child care needs are transferred to Recurring Pay,
- obtain verification from an approved professional that child care is required before providing private child care benefits for an older child,
- refer to Private Child Care Transportation if additional assistance to offset this cost is required.

Note: Private child care expenditure is to be considered an "earnings exemption" only when determining a Date of Eligibility for Income Support Program. Otherwise, this is a benefit found under Special Needs - Employment/Training Related benefits.
Transportation - Child Care

Intent
To provide an overview of the additional benefits that may be available to applicants/recipient who require transportation to cover the cost of bringing their child(ren) to and from private child care.

Regulation
19 (5) (a) for transportation, an amount determined by the prevailing commercial rates;

Policy

- Assistance to cover the cost of transportation to and from private child care is considered an additional employment expense and deducted from the declared earnings.
- If the recipient is in a training program, the cost can be considered as a requirement and included in the Income Support benefits provided.
- Transportation expenses to and from a licensed day care facility/licensed child care home can be subsidized through the Child Care Services Subsidy Program of the Department of Health and Community Services.

Procedures

Client Services Officer must:

- Include the additional transportation cost incurred by the recipient as a deduction from the earned income being reported;
- If there is insufficient earned income, include the cost of the transportation as a requirement (i.e., Other Transportation) in the interim, until the declared income increases;
- If the recipient is in a training position, include the transportation as a requirement (Other Transportation);
- KIV the case to ensure the transportation requirement is removed when appropriate.

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**Authority Level**

Client Service Manager/Regional Manager of Income & Social Supports:

- to approve the inclusion of child care transportation as a requirement or an expense from income.
COMFORTS ALLOWANCE

Intent

- To clarify when an applicant/recipient is eligible to receive Income Support benefits while a resident/patient of a hospital/facility.

Regulations

19 (2) Where an applicant or recipient who has no spouse, cohabiting partner or dependant students is hospitalized or in an emergency shelter approved by the minister
   (a) the applicant may receive an amount of income support up to $125 a month; and
   (b) the recipient may continue to receive income support under subsection (1) or sections 13 and 16 if applicable, or section 14 or 15 for 90 days from the date of admission, and after that time period, he or she may, on the approval of an officer, continue to receive income support for an additional 30 days under paragraph 16(b) if applicable, and an amount of income support up to $125 a month; or

19 (3) Where an applicant or recipient with dependants is hospitalized or admitted to an emergency shelter approved by the minister, that applicant or recipient may receive or continue to receive income support under subsection (1) or sections 13 and 16 if applicable, or section 14 or 15, and effective the month following the month of admission, the applicant or recipient may receive an additional amount of income support up to $125 a month.

19 (4) Notwithstanding paragraph (2)(b), the minister may, in certain circumstances, extend the time period for which the recipient referred to in that subsection may receive income support under subsection (1) or section 13 or 16 if applicable, or section 14 or 15.

Policy

General

- Comforts Allowance is a monthly income support benefit provided to applicants/recipients to cover the cost of clothing and personal care items while they are patients in a hospital, or are residents in a residential facility or emergency shelter where board and lodging is provided separately.
The Department of HRLE has approved the following as “emergency shelters” for the purpose of administering Comfort’s Allowance:

- Operated by a board or non-profit:
  - Wiseman Centre
  - Tommy Sexton Centre
  - Native Friendship Centre
  - Labrador Friendship Centre
  - Choices for Youth (over 18 years of age)

- Approved privately owned homes used for emergency placements. For a listing of these approved homes, please contact the Regional Director/Manager or the Division.

Individuals who are placed in shelters administered by a Regional Health Authority such as women’s shelters, Emmanuel House, Pleasant Manor, Access House and Naomi Centre; receive a “personal allowance” provided by the Health Authority and are not eligible for the comfort’s allowance.

Eligible clients under the age of 18 in the Choices for Youth Shelter receive a personal allowance from Eastern Health. As this shelter can house males up to the age of 29, those over the age of 18 who are eligible will receive a comfort’s allowance from this Department.

- Comforts Allowance is only available for applicants/recipient aged 18 years and over.
- Inmates/prisoners are not eligible for the allowance when transferred to a hospital/facility for treatment or rehabilitation.
- Individuals involved in the court system who are ordered to a medical facility for a psychiatric assessment, because they are deemed not fit to stand trial or those who are found to be not criminally responsible for their actions, will be entitled to a comfort allowance if they meet other conditions of income support eligibility.

Applicants/Recipients with Dependents

Applicants

- When an adult with dependents is hospitalized or in an emergency shelter and requesting a comforts allowance, they must apply for Income Support in the regular manner as outlined in policy on Determining Eligibility - Families and Single Persons. Eligibility for income support benefits will be based on the needs of the entire family.

- If deemed eligible, effective the month following the month of admission, the applicant is entitled to a comforts allowance of $125 per month in addition to the basic income support benefits the family may be eligible to receive.

Recipients

- When a recipient with dependents who is maintaining a residence is admitted to a hospital/facility, they may continue to receive their current income support benefits uninterrupted. Effective the month following the month of admission, the recipient is also entitled to a comforts allowance of $125 per month.

- Recipients with dependents who have to reside in a hostel because of a hospitalized child, can continue to receive their regular income support benefits provided to the family. Effective the month following the month of admission of the child, the recipient is entitled to receive a comforts allowance to offset the extra costs the adult recipient may incur while staying in a hostel. Eligibility for the allowance is dependent on the recipient (parent) having to remain in the hostel.
When recipients with dependents are admitted to an emergency shelter/residential facility, regular income support benefits may continue for up to three months.

For recipients with dependents who move to a Transition House, refer to please refer to policy on Victims of Violence.

Applicants/Recipients without Dependents

Applicants

Applicants without dependents may apply for the comforts allowance if hospitalized. Eligibility for this allowance is based upon the eligibility criteria for income support benefits. Please see the policy on Determining Eligibility - Families and Single Persons for more information. If eligible, only the comforts allowance will be issued.

Recipients

Recipients without dependents maintaining a residence may continue to receive the same level of income support benefits provided prior to admission to the hospital/facility for a period of three months, on the assumption that the recipient will be returning to his/her former residence. Beyond these three months, continued benefits for a mortgage only can be considered for an additional three months.

If the recipient will not be returning to their former residence, their income support benefits will be reduced to the basic comforts allowance rate.

Recipients without dependents receiving the special board and lodging rate under Regulation 19 (1) (k) in addition to the board and lodging benefits under Regulation 14 (1) will continue to the same level of benefits that were provided prior to admission on the assumption the recipient will be returning to the former residence. These income support benefits will continue for three months. Beginning the fourth month after admission, these benefits will be reduced to the comforts allowance.

Requests for extensions of individual benefits beyond the six month period for recipients without dependents, or rent for these recipients beyond three months from the date of admission are to be submitted to the Income Support Division.

Recipients without dependents who move to the Wiseman Centre will have their income support benefits reduced to the comforts allowance rate.

Procedure

- Client Services Officers must:
  - determine eligibility for income support benefits for applicants as per the general eligibility criteria;
  - make adjustments to income support benefits for recipients with dependents, effective the month following the month of admission to include the comforts allowance;
  - for recipients without dependents set up a KIV for three months to:
    - determine if the recipient will be returning to their former residence;
    - reduce individual benefits to a comforts allowance rate if the recipient remains hospitalized or in a residential facility;
    - where applicable, request the continuation of mortgage or rental benefits for an additional 3 months.
Authority Level

Client Services Officer:
- issuance of a comforts allowance
- issuance of regular income support benefits for recipients without dependents for 3 months.

Client Service Managers/Regional Manager of Income and Social Supports:
- approval to extend the payment of a mortgage for a recipient without dependents for an additional 3 month period.

Minister via the Income Support Division:
- approval to extend the payment of a mortgage or regular income support benefits for a recipient without dependents beyond a 6 month period.
- approval to extend the payment of rental assistance for a recipient without dependents beyond 3 months.
Conjugal Relationships

Intent

To clarify, for the purpose of determining eligibility for Income Support, when conjugal relationships exist.

Regulations

45.1 In order to determine whether cohabiting partners as defined by the Act share a conjugal relationship, an officer shall evaluate

(a) the economic interdependence of the 2 people;

(b) the parental connections of the 2 people based on the evidence of shared biological children or whether they share parental roles; or

(c) the societal perception of the 2 people, including whether they present themselves as a couple in the community.

and if the officer so determines based on the criteria referred to above, a conjugal relationship shall, for the purpose of these regulations, be considered to exist.

(2) Where a conjugal relationship has been determined to exist under subsection (1), the financial resources of the cohabiting partner shall be evaluated and the income support of an applicant or recipient may, as determined by an officer, be confirmed, denied, varied, suspended or cancelled accordingly.

Policy

- When determining eligibility for Income Support for an applicant/recipient in a conjugal relationship, the total resources of all adults, i.e., applicant and spouse/partner, are considered.

- Declared conjugal relationship
  
  - A conjugal relationship consists of:
    
     - two adults who are married, with or without dependent children/students,
     
     - or two adults unrelated by blood who have declared they are in a common-law relationship with or without dependent children/students.
- Underdeclared conjugal relationship
  
  Two adults who share the same residential unit, share family responsibilities and who benefit economically from the sharing of food, shelter and facilities, for the purposes of determining eligibility for income Support are considered to be in a conjugal relationship or in a "conjugal relationship"

- Regulation 45 provides guidelines to determine if a "conjugal relationship" may exist.

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**Procedure**

**Client Services Officer**

- When a recipient is residing with another adult, unrelated by blood, indicates he/she is not living in a conjugal relationship review all the information to determine if a conjugal relationship may exist.

- If there is a concern, discuss the information with the Program Supervisor/District Manager to determine if there are sufficient grounds to refer the case to a Client Services Officer responsible for investigations.

- If there are dependent children in the case, verify the single parent is in receipt of the CCTB/NLCB and if the parent is not receiving these benefits, determine the reason, as the case may not have dependent children residing with the adult.

- Record in the official record any allegation received from any source, that a conjugal relationship may exist or the children are not actually residing with the recipient.

- Complete a preliminary assessment of the allegation, i.e., a review of the official record and if one or more of the following exists:
  
  ▪ an economic interdependence of the 2 people, i.e., sharing bank accounts, utility bills, etc.;
  
  ▪ if there are children in the case, any parental connections, such as shared biological children or sharing parental roles; or
  
  ▪ if the societal perception of the 2 people, is viewed they are a couple in the community.

- Refer the case to the Client Services Officer responsible for investigations.

- Continue Income Support benefits until there is sufficient evidence to suspend the allowance.

- If a conjugal relationship has been determined,

  ▪ adjust Income Support benefits, depending on the income or resources of the other party and/or
• If Income Support benefits are reduced/suspended, notify the recipient in writing of the Review/Appeal Process.

Program Supervisor/District Manager

• Approve and record the referral for investigation.

• Keep the case for a maximum of 4 months to respond to the completion of the investigation.

• Recommend to proceed with prosecution for an undeclared conjugal relationship.
Youth in Conjugal Relationships

Intent

To clarify procedures and the information required to assist a youth who resides in a conjugal relationship.

Regulations

45(1) In order to determine whether cohabiting partners as defined by the Act share a conjugal relationship, an officer shall evaluate

(a) the economic interdependence of the 2 people;

(b) the parental connections of the 2 people based on the evidence of shared biological children or whether they share parental roles; or

(c) the societal perception of the 2 people, including whether they present themselves as a couple in the community

and if the officer so determines based on the criteria referred to above, a conjugal relationship shall, for the purpose of these regulations, be considered to exist.

(2) Where a conjugal relationship has been determined to exist under subsection (1), the financial resources of the cohabiting partner shall be evaluated and the income support of an applicant or recipient may, as determined by an officer, be confirmed, denied, varied, suspended or cancelled accordingly.

Policy

- The Income and Employment Support Act defines:
  - a child as a person under the age of 18 years but does not include a person who is less than 18 years old and who is married or is a cohabiting partner; and
  - an adult as a person 18 years of age or older and includes a person who is less than 18 years old where that person is married or is a cohabiting partner. Given these definitions, situations may arise when one partner in a conjugal relationship will be under the age of 18 and may qualify, as part of a couple, for Income Support.

- When determining eligibility for Income Support when one of the applicants in a conjugal relationship is under the age of eighteen, the policies as defined in the Conjugal Relationship section of this manual must still be followed.

- As individuals under the age of 18 are typically financially supported by their parents, the
parent’s ability to contribute financially to the youth’s care must be assessed.

- Given that individuals under the age of 18 have unique developmental issues that may require specialized services and supports, youth who apply for Income Support and who reside in conjugal relationships must also be referred to:
  - the Regional Liaison Social Worker for an assessment
  - the Dept. of Child, Youth and Family Services who will also assess for services within their program such as social work supports and referrals to other relevant community services.
  - These assessments are also necessary to determine if the youth is eligible for Income Support.

- Income Support will not be provided in instances whereby both partners in a conjugal relationship are under the age of 18.

Procedure

Client Services Officers must:

- Make a referral to the Liaison Social Worker when a cohabiting applicant is under the age of 18. The LSW will:
  - Contact a Child, Youth and Family Services Social Worker to conduct a joint assessment of the youth’s needs and develop a case plan. As part of the assessment:
    - It must be determined that the youth cannot be financially supported by their family and
    - Family preservation/reunification is not in the best interests of the young person
  - There may also be instances whereby it is determined that a referral to the LSW for assessment is not necessary or practical. For example, the youth’s situation may be well known to a district office, or the youth may be a month away from turning eighteen. In these cases, the youth’s circumstances should be immediately discussed with the program manager when assessing eligibility.

- If, through the assessment process, it has been determined that:
  - residing with their family is not detrimental to the youth and they are able to return home, or
  - the youth’s family is able to support them financially, the conjugal couple will not be approved for Income Support Benefits
  - The couple should be advised of their right to appeal, and the individual who is over the age of 18 can be assessed as a single person.

- In cases when it has been determined that the young person’s family is unable to financially support them and they are unable to return home, the CSO should adhere to all policies and procedures as outlined in the Determining Eligibility for an Applicant and Conjugal Relationship sections of this manual when determining eligibility.

Authority Level

Client Services Manager

- Approval of Income Support Benefits for any individual under the age of 18 who resides in a conjugal relationship.
Emergency Income Support

Intent

To clarify situations when emergency income support benefits can be provided to an applicant/recipient to address an emergency situation.

Act

16. Notwithstanding another provision of this Act, the minister may, in an emergency situation or to ensure the immediate health, safety or well-being of an individual or family, determine the eligibility of certain persons for income support without reference to sections 14, 15, or 17.

Regulation

28. (1) Where income support is required as a result of circumstances that, in the opinion of an officer, create an emergency situation, the officer may grant the income support that is necessary to meet the emergency needs of the applicant or recipient.

Policy

- Emergency income support benefits can be provided to recipients/applicants to meet an immediate need when:
  - there is no eligibility for basic income support or
  - eligibility for income support has not yet been determined or cannot be determined, but an emergency situation exists.

- Emergency income support can only be considered when an applicant/recipient does not have or cannot avail of other resources such as child benefits, liquid assets, readily marketable securities (except RESP's), assistance from family and/or friends, loans, credit from local stores and insurance, etc., to meet their immediate need.

- Emergency income support will only be provided to meet the basic amount necessary to address the
Immediate need (emergency) until such time as the recipient/applicant can avail of their own resources or until they are eligible for basic income support benefits.

- Example: if a recipient is without food, or an emergency situation has been determined (a fire, flood, etc.) then the amount of emergency income support benefits issued is to be just sufficient to address the need for food and/or shelter.

- Emergency assistance cannot be considered as an on-going monthly requirement.

- Emergency assistance cannot be provided in combination with basic income support benefits as a means to exceed the rates specified in the Regulations or to exceed levels of authority.

- Emergency Income Support Benefits cannot be provided to pay electrical arrears, fuel or any item not normally provided by the Department.

- Emergency income support benefits can be provided to applicants/recipient who are victims of violence for emergency transportation and/or accommodations to leave a violent situation (see policy on Victims of Violence).

**Procedure**

The Client Services Officer must:

- determine if the applicant/recipients has absolutely no resources of his/her own which are available to meet his/her emergency need.
- determine if a home visit is required to assess the emergency need.
- document and verify all the circumstances surrounding the request for emergency income support benefits.
- determine the minimum amount of income support required to meet the immediate emergency need.
- ensure when the Client Service Manager/Regional Manager of Income & Social Supports approval is required, that the approval is recorded as part of the official record.
- refer to policy on Transportation if the need is for such services.

- when placing clients in commercial establishments for which we have authorized payment, advise clients as to what is covered (basic room charges) and what is not (i.e. in room movies, room service etc.), and identify that any other claims, including damages, will result in the recovery of the amounts from future cheques.

- not set up an overpayment when emergency income support benefits are provided except:
  - if it has been determined by the Client Service Manager/Regional Manager of Income & Social Supports, that the emergency income support is being repeatedly issued for the same requests (e.g., food) and the recipient has been advised future emergency income support will be set up as an overpayment.
  - where emergency assistance was provided when the income support benefit was suspended because of an income tax refund, Child Benefit Adjustment, etc. (the overpayment being any emergency assistance provided prior to the new eligibility date)
  - where emergency income support benefits were used to pay mortgage arrears with the understanding of the recipient that the amount would be set up as an overpayment.
• for funds paid to a hotel for damages where the hotel was contracted by the Department to provide accommodations to a client.

• provide hotel/motel accommodation if required, at the most economical accommodation available via service authorization in CAPS:
  o refer to policy on Victims of Violence when emergency accommodations are required for a victim of violence

• ensure, when emergency accommodations are provided, the amount provided for meals does not exceed the daily government rates,

• give high priority in finding alternate accommodations for recipients in hotel/motel accommodations and actively assist recipients in this process

• ensure all invoices for accommodations and meals are signed by the recipient and paid directly to the service provider

• when issuing emergency income support under “Supplementary Benefits,” select “Emergency Assistance,” then select the reason for the emergency and the appropriate requirement code

• enter the amount required to meet the emergency need

Authority Level

Basic assistance
Client Services Officer - up to $1,000 per request,

Client Service Manager/Regional Manager of Income & Social Supports - up to $2,500 per request,

Regional Director - over $2,500 per request.

Shelter
Client Services Officer – up to 3 days

Client Service Manager - beyond 3 days.

Revision date: April 25, 2012
Disaster Services (Emergency Social Services)

Intent

- To identify the type of disaster services provided by HRLE staff.

Regulations

Emergencies, disasters and other circumstances

28. (2) Where income support is required because of a disaster in the community as determined by the minister, the officer may grant the income support that is necessary to meet the needs of the person related to the disaster.

Outline of Disaster Services

- Assistance for Disaster Services (Emergency Social Services) is provided very infrequently, usually in response to large scale disasters such as floods, fires, landslides and storms.

- There are six Emergency Social Services which can be delivered through HRLE:
  - Operation of a Reception Center,
  - Registration and Inquiry,
  - Lodging,
  - Food,
  - Clothing,
  - Personal Services.

- Often a disaster is defined by the municipality and Fire and Emergency Services, NL as well as other first responders who are involved. However, there may be events that are not easily defined as a disaster but would be considered a significant community emergency. In these situations, the Regional Emergency Management Team, the Regional Manager of Income and Social Supports and/or the Regional Director will formulate a recommendation for response. The Director of Emergency Social Services (Director of Income Support) will be consulted to determine whether the circumstances warrant Disaster Assistance and the coding of disaster benefits to be provided.

- Should the municipality determine a disaster has occurred, funding through the Disaster Financial Assistance Arrangement program may be approved by Fire and Emergency Services.
Services, NL. In this instance, HRLE takes direction from FES-NL regarding types and amount of payments to individuals and families. Prior written approval for these funds is required from that agency.

- Payments on behalf of individuals/families will be facilitated through the simplest and most expedient process available. Requirement codes to be used are:

**DACS/FACTS**
- Fire D1
- Flood D2
- Other D3

**CAPS**
- Accommodations
- Food
- Transportation
- Other

Role of Volunteer Agencies/Non Government Agencies (NGO’s)

- In the event of a community emergency or disaster, volunteer agencies may provide immediate assistance in the form of clothing, bedding, food and accommodations. This is considered under their organizational mandate for disaster response. This would not be considered as an HRLE Emergency Social Services response.

- HRLE has a Memorandum of Understanding (MOU) with the Canadian Red Cross and The Salvation Army to assist in the provision of Emergency Social Services should the situation warrant. The MOU outlines the protocol for engaging these services and a contract is signed at the time of each event. Once HRLE has formally engaged the services of either of these partners, the Department accepts responsibility for costs related to the specified response.

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**Authority Level**

Client Service Managers/Regional Manager of Income and Social Supports:

- In consultation with the Director of Income Support

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Page updated: March 4, 2010
Intent

To clarify the benefits that can be provided to assist recipients to purchase Household Furniture and Appliances.

Regulation

21. (1) An applicant or recipient may, at the discretion of an officer, be eligible for special needs assistance for the following items of furniture:

(a) for electric stoves, up to $300;
(b) for refrigerators for applicants or recipients with children, up to $400;
(c) for washers, for applicants or recipients with children, up to $350;
(d) for beds, for the children of applicants or recipients only

(i) up to $125 towards the cost of the mattress,
(ii) up to $75 towards the cost of a box spring, or
(iii) up to $200 for a bed;

(e) for a crib or for a crib mattress or for both, up to $100.

(2) All amounts referred to in this section include HST.

Policy

- Requests for household furniture and appliances will be carefully evaluated, taking into consideration the length of time the recipient has been in receipt of Income Support benefits, other available resources, current accommodations, etc.

- HRLE will only provide a contribution towards the cost of furniture and appliances identified in the regulations, and will not fund the full cost of these items.

- Receipts for furniture/appliances will no longer be required. The rates paid for these items are merely a contribution toward the cost of the item with an expectation that these items will last for at least 10 years. Subsequent requests for the same item will not be approved until a 10 year period had passed.
- Assistance to purchase household furniture and appliances is normally only provided to recipients eligible for basic Income Support.
  - For recipients who are victims of a non-declared disaster (fire, flood, etc.) and who carry insurance, only the deductible portion of the claim will be considered, up to the maximum contribution amount provided by the Department.

- Recipients who are Victims of Violence may be eligible for a “start-up allowance” to purchase the items necessary to set up a new home (refer to “Supports to Persons who are Victims of Violence”).

- Requests for eligible household furniture and appliances cannot be considered:
  - from recipients who have not been in receipt of Income Support for twenty-four consecutive months, except for:
    - recipients who had been in receipt of Income Support for twenty-four months or more and leave Income Support for short term employment (less than 3 months) at a low wage and return to Income Support;
  - from persons in the family home not included in the recipient’s Income Support benefits, i.e., boarders or family members over 18 years old;
  - from recipients boarding with relatives/non-relatives;
  - from recipients in “Rent to Own” Agreements where the furniture in the home belongs to the landlord/landlady;
  - for items of furniture less than $50;
  - from recipients to cover the cost of warranties on appliances; and/or
  - from recipients who have sold, given away, discarded or otherwise disposed of their existing item(s) of furniture and are requesting a replacement.

- Assistance to purchase furniture and appliances may be provided to non-recipients in the following exceptional circumstances:
  - to victims of a non-declared disaster (fire, flood, etc.) with no insurance or other resources;
    - Recipients should be aware in these situations the Red Cross can also respond by providing $100.00 for each individual living in the household. Recipients can contact the Red Cross through their toll free number @ 1-800-222-9597
  - to victims of violence leaving abusive situations; and/or
  - in instances of extreme hardship.

- Eligible Items of Furniture and Appliances
  - The replacement of washers, refrigerators and electric stoves will be considered only when the cost of repairing is greater than the maximum contribution amount. Repairs under $50 in a given month are the recipient’s responsibility.
  - All contributions are HST included.
- Electric Stoves (24" or 30" width)
  - They are not to be provided to recipients in rental accommodations.
  - The maximum contribution is $300.

- Refrigerators - only provided to recipients with dependent children
  - They are not to be provided to recipients in rental accommodations.
  - The maximum contribution is $400.

- Washers - only provided to recipients with dependent children
  - If there are no reasonable alternatives, such as apartment laundry facilities or a local laundromat within a 15 km return trip from the recipient's residence, approval can be given.
  - Funds can be provided if it is not reasonable to expect current arrangements to continue.
  - The maximum contribution $350.

- Beds
  - They are provided for children only.
  - They are provided once in a 10 year period.
  - Bunk beds may be substituted for two single beds when necessary due to space limitations.
  - The maximum contribution for a mattress is $125, and a box spring $75.

- Crib and/or Crib Mattress
  - A contribution toward the purchase of a crib can only be provided, in exceptional circumstances, when recipients can clearly demonstrate that they cannot make alternate arrangements to secure a crib either through purchasing or borrowing a new/used crib and/or mattress.
  - If a crib was provided by the Department, a replacement cannot be provided.
  - Recipients are responsible for ensuring that the crib they acquire meets current CSA standards.
  - The maximum contribution is $100.

  Note: Persons in receipt of the Mother Baby Nutrition Supplement receive an additional $90 plus the regular monthly amount of $60 on the month the child is born, which may be a resource for the family.

- Repairs to Existing Appliances
  - Where cost effective, eligible items should be repaired as opposed to replaced. Items such as fuses, lights and minor repairs up to $50 per month are the recipient's responsibility. Repairs over $50 but less than 50% of the contribution cost identified in the Regulations can be approved by a Client Service Officer. Repairs over 50% of the...
contribution cost can be approved by a Client Service Manager.

- Where the CSO is uncertain as to the operating condition of an item or whether it can be repaired, the recipient will be required to have the item inspected by a certified repair person.

- Exceptional Situations

- In very exceptional circumstances, household furniture and appliances may be provided outside the above policies. Examples that may be considered are:

  - a single recipient requesting a washer who has health issues that requires frequent changing of linens (medical documentation required);
    - a clothes dryer (in very extenuating circumstances) to meet an emergency medical condition (medical documentation required);
    - an adult recipient whose state of health is impacted by using their current bed (medical documentation required) and/or;
    - a recipient requiring an orthopedic mattress as result of a health condition (medical/specialists verification required).

- The Department of Health and Community Service’s Special Assistance Program should be contacted in these cases to determine client eligibility through this program.

- The maximum contribution for a mattress is only up to $325.00 (H.S.T. included).

- Items Not Provided

  - insurance premiums on household contents
  - other furniture/appliances such as:
    - range hoods
    - air exchangers
    - sofas, table and chair sets
    - bedding
    - bedroom bureaus
    - night tables
    - high chairs
    - car seats etc.

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Procedures

Client Services Officer must:

- advise recipients that the Department only provides a contribution towards the cost of a specific item, up to the maximum as outlined in the regulations;

- advise the recipient of the Department’s policy regarding cribs;
  - review the official record to ensure the item was not previously provided within a reasonable period of time (i.e. less than ten years for furniture and appliances);

- not provide a stove or refrigerator to recipients who are renting; and/or

- verify that the recipient does not have an insurance policy in cases of fire or other emergencies, before a replacement is approved.
- Record all requests and approvals in the official record:
  - providing a cheque to the recipient, or a service authorization to a business; that does not exceed the maximums as defined in policy.

Authority Level

**Client Services Officers can approve:**

- up to $1000 per request for beds and/or mattresses (items must not be split into separate requests to avoid exceeding the authority level); and
- repair costs which exceed $50 but that do not exceed 50% of the contribution cost as prescribed in the Regulations (i.e. up to $150 for repairs to an electric stove).

**Client Services Managers/Regional Managers can approve:**

- up to $2,500 for individual requests
- electric Stoves (24” or 30” width)
- refrigerators
- washers
- cribs and/or crib mattresses
- requests made under exceptional situations
- clothes dryers; and/or
- repairs that exceed 50% of the contribution costs as defined in the Regulations (i.e. repairs that exceed $150 for a stove, or $200 for a refrigerator)
Guaranteed Income Supplement Supplement (GISS)

Intent

To provide additional Income Support benefits to recipients who are in receipt of the Old Age Security Guaranteed Income Supplement.

Regulations

19.(1)(c) for an applicant or recipient who is receiving the Guaranteed Income Supplement, an amount of $135, but where an applicant and his or her spouse or cohabiting partner are both receiving the guaranteed income supplement, an amount of $55.

Policy

- The Guaranteed Income Supplement Supplement (GISS) is provided to recipients in receipt of the Old Age Security Guaranteed Income Supplement (GIS).
- For the purpose of GISS, single recipient means only one adult is in receipt of the GIS.
- If the recipient or spouse is receiving the Blind Persons Supplement the amount of the GISS cannot exceed $36/month. If both the recipient and spouse are receiving a blind persons supplement they are not eligible for the GISS.
- If the recipient and/or spouse becomes eligible for the Blind Persons Supplement after receiving the GISS, the amount of the GISS is reduced to $36/month. If both the recipient and spouse are receiving a Blind Persons Supplement there is no eligibility for the GISS.

Procedure

Client Services Officers must:

- verify the recipient and/or spouse is in receipt of the Guaranteed Income Supplement, not just Old Age Security (OAS)
  - Note: If the recipient is only receiving OAS has/shes has other income greater than the GIS.
- determine if the recipient and/or spouse is receiving the Blind Persons Supplement.
• Add the appropriate amount of the GISS based on how many recipients in the case are receiving the GIS and/or if one or both recipients are receiving the Blind Persons Supplement.

Authority Level

Client Services Officer

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Page updated: Sept 25, 2007
Special Food Allowances - Diabetic Food Allowance

Intent

To provide additional funding to help offset the nutritional costs of managing diabetes.

Regulations

19{(1)(j)} an amount of $60 for each recipient, dependent child or dependent student with diabetes receiving income support where that person's diabetes has been certified by an approved professional;

Overview

- Diet is an integral part of the control of diabetes and necessary for the prevention of long term complications caused by diabetes. For a person with diabetes, a proper diet requires that regulated amounts of basic nutritious foods be eaten daily according to the individual's prescribed diet pattern. This may mean a considerable change in eating habits for the person and also an increased food cost.

Policy

- The applicant/recipient must provide written verification from an approved professional indicating the name of the person who has diabetes.
- For the purposes of verification approved professional includes: Nurse, Physician or Pharmacist.
- Cases with gestational diabetes must be reviewed after the birth of the child, otherwise no further review is required.
- Other special allowances cannot be used to increase the diabetic food allowance above the rate specified in regulations.
Procedures:

Client Services Officer must:

- ensure verification of the diabetes from an approved professional is in TRIM;
- identify, in CAPS, the recipient who requires the diabetic food allowance;
- KIV cases with gestational diabetes for review after the birth of the child.

Authority Level

Client Services Officer
Special Food Allowances - Other Special Foods

Intent

To identify the conditions for which a recipient may be entitled to additional Income Support to help offset the extra costs associated with having to purchase foods for a special diet.

Regulations

19 (1)(i) for items of special need, an amount determined by the minister.

Overview

A number of medical conditions, both in adults and in children, require therapeutic treatment by diet. Some special diets require just slight adjustments in the individual's usual way of eating while others require major changes. If the diet requires the individual to restrict the intake of food the family normally eats and replace or supplement their diets with different foods, increased food costs usually result.

Foods for Special Diseases in Children

- Certain disease conditions of children (i.e., phenylketonuria(pkuv), celiac disease and cystic fibrosis) require special food purchases as part of their dietary treatment.

Products prescribed by a physician as necessary for children with such diseases may be supplied by the Provincial Food Distribution Centre for Inherited Metabolic Diseases, Central Pharmacy, Department of Health and Community Services.

The cost of these products is absorbed by the Department of Health and Community Services for children of families in receipt of Income Support.

Policy

- This benefit is not to be provided for the purchase of over the counter medications or natural health products (i.e., aspirin, vitamins, etc.)
• Additional income Support can be provided for the following diets:
  - Crohn's/Bland/Ulcer/Gastric
  - Celiac Disease - Gluten Free
  - Cystic Fibrosis
  - Dietary Supplements - i.e., Boost
  - Dysphagia
  - High Protein
  - Infant Milk Substitutes - Isomil/Prosobee
  - Lactose Intolerance - Child Only
  - Low Protein
  - PKU
  - Renal Disease/Dialysis
  - Restricted Sodium

• Program Supervisor/District Manager may approve requests for additional income Support for special diet requests not listed above.

• Documentation from an approved professional of the need for special foods/diets is required.

• The maximum amount which usually can be provided is up to $80 per month, however, the program supervisor/district manager may authorize a higher amount based on the dietary requirements for the individual in the case of dietary supplements such as Boost and specialized infant milk substitutes.

• When possible, products prescribed by an approved professional for children with special diets, shall be obtained from the Provincial Food Distribution Centre for Inherited Metabolic Diseases, Central Pharmacy or Department of Health and Community Services/Integrated Health Authority Boards (HSC Stores).

• Infant Milk Formula
  - The Mother Baby Nutrition Supplement (MBNS) is intended to address the cost of humanized milk.
  - However, in instances where children have disorders which prevent them from consuming the usual humanized milk products, and there is no provision in the Special
Assistance Division of the Department of Health and Community Services to provide milk substitute products to children with disorders that are not metabolic (i.e., milk allergies) approval may be given by the Client Services Officer under the benefit infant Milk Substitutes—Isomil/Prosobee.

- The rate to be given is the difference in the monthly cost of humanized milk (Enfamil/Similac) versus lactose free formulas (Isomil/Prosobee).

- When the Mother Baby Nutrition Supplement ceases at the child's first birthday, the current amount approved under infant milk substitute would continue until the lactose free formulas are no longer required.

Procedures:

Client Services Officer must:

- obtain prescriptions/verification of the need for a special diet from an approved professional;

- identify, in CAPS, the recipient who requires the special dietary supplement;

- KIV approvals depending on the period of the prescription but at a minimum every two years.

- prescriptions should be filled by the least expensive means e.g., at the Department of Health and Community Services’ Central Pharmacy, HSC Stores for
  - Boost
  - Ensure
  - Isomil
  - Isosource
  - Nutrasure
  - Nutren Prebio
  - Osmolite
  - Pепterm
  - Pепtinax
  - Resource
  - Similac
  - TwoCal HN

- obtain Program Supervisor/District Manager approval for any request for additional income support for a special diet not listed above;

- obtain Program Supervisor/District Manager approval for any amount greater than $60 per month for items such as dietary supplements - i.e., Boost infant milk substitutes - Isomil and Lactose Intolerance - child only;

- if a family member is pregnant, refer recipient to the Mother/Baby Nutrition Supplement for determination of eligibility for the Mother Baby Nutrition Supplement;

- when ordering from HSC Stores:
  - contact HSC Stores (777-3422/6424) for new cases, to determine when the first
shipment can be made,

- order by the case so the recipient receives an adequate supply;
- ensure calculations are correct based on the cost per case;
- forward to the Integrated Health Authority Stores an Authorization for Health Benefits (voucher) indicating:
  - the name, address and telephone number (so that the delivery person is able to contact the recipient if necessary);
  - the flavor required as recipients may be only able to consume certain flavors;
  - the amount the Department will provide
  - issue more than one authorization if the request exceeds the cost permitted for the particular item.

Authority Level

Client Services Officer .........................up to $60 per month

Program Supervisor/District Manager ........over $60 per month and/or diet conditions not listed above

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Page updated: April 28, 2011
NEWFOUNDLAND AND LABRADOR PRESCRIPTION DRUG PROGRAM

Intent

To provide an overview of the prescription drug program for income support benefit recipients which is delivered by the Newfoundland and Labrador Prescription Drug Program (NLDPD).

Overview

- The Newfoundland and Labrador Prescription Drug Program (NLDPD) provides financial assistance in the purchase of eligible prescription medications for those who reside in the province. There are four main plans under the program:

  The Foundation Plan (covers income support clients, among others)
  The 85Plus Plan (seniors plan)
  The Access Plan (low income plan)
  The Assurance Plan (high cost drugs in relation to income)

For more information on their current programs as well as frequently asked questions, please see the following website:

http://www.health.gov.nl.ca/health/nlpidp/newoverview.htm

The Foundation Plan

- The Foundation Plan provides 100 per cent coverage of eligible prescription drugs for those who need the greatest support. This includes persons and families in receipt of income support benefits through HRLE, and certain individuals receiving services through the Regional Health Authorities, including children in the care of Child, Youth and Family Services, and individuals in supervised care. No application is necessary; a drug card is automatically issued when NLDPD is notified that an individual is in receipt of these services.

- The expansion of NLDPD includes the introduction of a new "real-time" adjudication system. NLDPD will be printing the drug cards issued under all of their drug programs, including those clients covered under Income Support. This card will be permanent and wallet-sized for each individual covered, and will be effective for as long as the client is covered under any NLDPD program. Information on the card will include name, gender, DOB and MCP#. All information relating to the program under which the card is issued, the period covered, restrictions and private health care coverage will be contained in NLDPD's system, and not printed on the card. Information on clients within the Income Support program will be forwarded electronically by CAPS based on the information input by HRLE staff.

- The key identifier by NLDPD is the MCP#. If the clients MCP# is entered into CAPS, clients can present their MCP# at a pharmacy and the pharmacist will be able to verify the client's...
eligibility. Where clients within CAPS do not have a valid MCP entered, clients will receive a paper card with the information included, until such time as NLDPD receives a corresponding MCP from HRLE. Without this paper card, these clients will not be able to receive their drugs.

- The Assurance Plan in essence has replaced the ‘drug card only’ component of services previously provided through the Income Support program and through the Regional Health Authorities. Individuals applying to HRLE requesting only drug coverage should be referred to NLDPD.

Policy

- Clients who receive basic income support benefits are entitled to drug card coverage. This coverage is 100% of eligible prescriptions unless the client/dependents have/has private drug coverage. In those cases, NLDPD coverage will supplement the private coverage.

- In some cases, NLDPD has implemented a restriction on client drug cards, limiting them to a specific pharmacy. With changes introduced in 2007, the administration of drug card restrictions is within NLDPD for adding new restrictions, lifting restrictions and changing the restricted pharmacy. While CAPS has maintained some history of these restrictions, any clients who identify issues relating to restrictions should be referred to NLDPD. The restriction section within CAPS will remain available for viewing but will not be enabled for any changes or additions.

- As a measure to assist clients in the transition from income support benefits to work, HRLE remains committed to the coverage of prescription drug costs for these individuals and their family members who leave the case load for employment. In these cases, clients are eligible to receive a six-month extended drug card.

- The approval of a drug card within CAPS is also the trigger to produce an ambulance/dental card for income support clients. If staff tick the ‘include drug card’ button on AM 5000, the cheque issued on the basis of that request will include the new ambulance/dental services card, unless there is a private health care record which indicates these benefits are already provided under that plan. These cards will not be issued to those cases who receive an extended drug card.

- NLDPD coverage can be provided to an income support client while out of province for the period that they are in hospital or an outpatient if they are required to stay in the area for hospital follow-up. Medications are dispensed through the hospital pharmacy upon arrangements made by NLDPD. If an escort is accompanying the patient, it is assumed that he/she would bring an adequate supply of medications that they are currently taking themselves for any chronic condition. Clients out of the province for any other reason will not be eligible for drug coverage in that province.

- There is no provision for HRLE to provide money to clients for drugs that are not covered under the formulary identified by NLDPD.

Procedure

- HRLE staff will continue to tick the ‘include drug card’ box on AM 5000 for all cases where a drug card would normally be issued. This information will be forwarded electronically to NLDPD every 2 hours for updating in their system. If this is not ticked with each reassessment/renewing request, the client’s eligibility for drug card coverage in NLDPD will be terminated.

- As HRLE staff add new cases, they will still be required to determine if the applicant has any private health care coverage and to add a private health care record in CAPS as well as to update this information as required. This information will be forwarded to NLDPD.

- For cases where a supplementary drug card is required pending the creation of a monthly recurring pay drug card record, where a new person is added to a case or where an extended drug card is to be issued, the normal process applies on AM 5000. The CSO will click on the ‘drug card’ button to generate the drug card record which is then forwarded to NLDPD. When this button is ticked, the default is that a drug card record is created for all family members.

http://www.intranet.gov.nl.ca/hrle/eDocuments/HRLEManuals/Income_Employment_Su... 2011/12/06
Where the new card is meant only for a new member, there is provision to select that person only, as opposed to having duplicate records for other family members.

- Clients within the Income Support program will be issued a new Ambulance/Dental Services card on their cheques each month. The issuance of this card is linked to the drug card records created within CAIPS. If staff click the include drug card button on AM 5000, the cheque issued will include the new ambulance/dental services card, unless there is a private health care record which indicates these benefits are already provided under that plan. The reprint Drug Card Button has now become the Reprint Ambulance/Dental Card Button and activates the reprinting of the Ambulance/Dental coverage form. The system will not allow printing in cases where there is no coverage for these items.

- Staff can issue emergency cards on Screen AM 5000 with the card type selected as “Emergency.” In cases where the client has no existing card, needs an immediate prescription filled, and is unable to wait for the card in the 2 hour upload time frame, HRLE staff can complete an emergency drug card request form and fax to 1-888-272-2444, the NLPDP office in Stephenville. They have committed to entering the information within 50 minutes of being received, and faxing back a confirmation to the worker which will contain the ID #. This will allow clients to proceed to a pharmacy using their MCP# (or in the interim, a temporary ID) as an identifier. The pharmacy will also be able to contact the NLPDP office for confirmation of coverage, if required.

- Given that the primary identifier for NLPDP is the MCP #, it is important for clients with newborns or those who have moved from other provinces to apply for their MCP # as quickly as possible to ensure that there is no interruption in their coverage. In the interim, these clients will receive coverage using a letter from NLPDP. Within CAIPS, the MCP number is required in order to transfer cases to recurring pay.

Authority

Client Services Officer

Page updated: November 19, 2009
- It is a universal program that provides drugs, appliances and dietary supplements to all residents in Newfoundland and Labrador who have Cystic Fibrosis.

**Food Distribution Program**

- This program is administered by the Eastern Regional Health Authority for all residents of NL.
- The program provides dietary supplements to persons having specific metabolic disorders as determined by a specialist. All requests are reviewed in accordance with specific guidelines outlined by the Special Assistance Program.
- There is universal coverage to all residents under 18 years of age in Newfoundland and Labrador.
- Coverage for residents over 18 years of age is based on financial need; however, individuals receiving income support benefits are financially eligible. Individuals not in receipt of income support benefits must be referred to the Regional Health Authorities for a financial assessment.

**Medical Gases/Respiratory Therapy Program**

- This program is covered under the Special Assistance Program and administered by each individual Regional Health Authority.
- The program provides oxygen equipment and supplies, as prescribed by a medical specialist, for home oxygen therapy treatment to recipients who have been diagnosed with specific chronic conditions outlined by the Special Assistance Program such as Chronic Obstructive Lung Disease (COLD).
- Some items that are funded include apexi monitoring equipment, Bi Pap, C Pap, vaporizers, oxygen, ventilators, respirators, compressors, concentrators and oxygen cylinders.
- Individuals in receipt of income support benefits are financially eligible; however, non-recipients requesting this coverage must be referred to the Regional Health Authorities for a financial assessment.

**Orthotic Supplies**

- The program provides funding for orthotic supplies (as prescribed by the appropriate health care professional) for individuals eligible for income support benefits.
- Orthotic supplies are covered under the Special Assistance Program and administered by each individual Regional Health Authority. For clients who have the ability to pay, Regional Health Authorities require a contribution towards the cost of any disposable orthotics requested and complete financial assessments to determine eligibility. Clients in receipt of income support benefits are financially eligible.
- All requests are reviewed in accordance with specific guidelines outlined by the Special Assistance Program of the Dept. of Health and Community Services.

**Synthetic Growth Hormone Program**

- This is a universal program that provides medications and supplies as prescribed by a specialist for children and adults diagnosed with growth hormone deficiencies.
Policy

- The Special Assistance Program of the Department of Health and Community Services has an established procedure for supplying items required under the above noted programs.
- The place of residence for the applicant/client is a determining factor in deciding which Regional Health Authority will deliver the services.
- The Client Services Officer must submit an authorization for health benefits to the Special Assistance Program on behalf of income support recipients, specifying the service required and the duration of approval.

Procedure

- For current income support clients, the Dept. of Human Resources, Labour and Employment will submit an Authorization for Health Benefits to the Special Assistance Program/Regional Health Authority responsible, with the original prescription/medical documentation attached.
- Non-income support clients who request these benefits must be referred to the appropriate Regional Health Authority for a financial assessment.
Vision Care

Intent

The intent of the vision care benefit is to pay for eye refraction examinations and contribute to the purchase of glasses.

Regulations

22. (1) Vision care in the form of an eye examination may be provided to

   a. a recipient who has been receiving income support for a period of at least 3 months; or

   b. an applicant who was receiving a level of income equal to the level of income support for which he or she may have been eligible for the 3 months preceding the request for vision care, plus the cost of vision care.

   (2) Special needs assistance for vision care for an eligible applicant or recipient covers no more than one eye examination every 36 months except where there is a medically verified eye disease or condition, then more frequently than every 36 months.

   (3) Special needs assistance for vision care covers one eye examination every 12 months for dependents.

   (4) The amount for eye examinations is $55.

23. (1) Vision care in the form of eye glasses may be provided to

   a. a recipient who has been receiving income support for a period of at least 3 months; or

   b. an applicant who was receiving a level of income equal to the level of income support for
which he or she may have been eligible for the 3 months preceding the request for vision care, plus the cost of the vision care.

(2) Special needs assistance for eyeglasses may be provided to an eligible applicant or recipient every 36 months except where there is a medically verified eye disease or condition which would warrant more frequent changes, then more often as medically indicated.

(3) Dependents may be covered for eyeglasses once every 12 months if there is a verified change in the dependent's prescription.

(4) Repairs to eyeglasses may be considered at the discretion of an officer and frames shall be reused where possible.

(5) Notwithstanding subsection (4), the cost for repair of eyeglasses shall not exceed one half the amount special needs assistance for eyeglasses.

(6) Special needs assistance for eyeglasses shall be

a. for single vision eyeglasses, up to $125, or
b. for bifocal eyeglasses, up to $175.

Policy

- Current Income Support clients are eligible for vision care within the time frames noted in the Regulations, assuming that they have been in receipt of benefits or have had marginal income for the past three months. The Income Support needs test will only be used to determine eligibility for applicants applying for vision care (eye refraction tests and glasses/contact lenses).

- There is no provision through the Income Support program to pay for medical services, therefore, applicants/recipients requesting coverage for vision care procedures other than eye refraction examinations must be directed to obtain the service from a physician covered by MCP.
  
  o **Note:** Examinations which are related to a specific eye disease or condition (i.e. diabetes, glaucoma, eye pressure), are covered through the MCP program if performed by a licensed physician registered with MCP. When the cost of transportation to the nearest MCP insured physician/specialist would be prohibitive (i.e., sending a person from Nain to Happy Valley-Goose Bay), consideration may be given to purchasing the service from a local optometrist or physician not registered with MCP.

- There is no provision through the Income Support program to pay for foldable lenses for cataract patients. MCP covers standard lenses and clients who get the upgraded lenses will be responsible for the payment.
Requests for contact lenses are considered the same as requests for glasses.

Exceptions to the maximum rates and time frames for vision care may be made for persons with eye diseases/conditions requiring more frequent examinations or special lenses. Such cases should be documented and presented to the program supervisor/district manager for consideration.

- Proper documentation for such special prescriptions should include:
  - information on the old and new prescription where the time frame is less than currently prescribed
  - if applicable, medical documentation denoting the special eye condition or disease and the need for a special prescription
  - the cost of the lenses and frames.

When the cost for eye glasses for persons with specific eye diseases/conditions exceeds the prescribed rates, 3 estimates (where possible) should be obtained from optical companies and the amount paid shall not exceed the lowest estimate in all cases.

For first requests, vision care will be issued by service authorization for the amount of eligibility determined for the applicant/recipient. A copy of the invoice must be provided before the service authorization is paid. If an applicant/recipient requests a cheque for confidentiality purposes, a cheque can initially be issued to the client for the eye exam and the eye glasses. The client should then provide a copy of the receipt within 30 days.

Subsequent vision care benefits will be issued by cheque payable to the applicant/recipient unless they request a service authorization. Receipts will not be required. Payment by cheque should not occur; however, for clients who were paid by cheque for the initial eye exam and glasses and who did not provide a receipt. In these cases, service authorizations should be used.

Procedure

Client Services Officers must:

- for recipients, verify he/she has been in receipt of Income Support or have had marginal income for the three months prior to the request.

- for applicants, determine eligibility by including the maximum amount for vision care (eye exam and glasses) in the requirements. If the total requirements exceed the net deductible income for the previous three months, the applicant is eligible to receive a contribution toward the cost of the vision care to the maximum eligibility.

- for applicants/recipient, if the cost of vision care is more than the prescribed rates because of an eye disease/condition requiring more frequent examinations, special lenses or frequent change in lenses.

- request the recipient provide verification of need from an approved professional and to obtain three cost estimates (where possible)

- seek approval from the program supervisor/district manager to provide increased
vision care benefits.

- ensure all verification are placed in the official file and make a notation in the case record of all exceptions to the time frames and/or rates

**Payment**

- For first vision care requests for applicants/recipient:
  - Issue a service authorization for the cost of the eye refraction test and/or glasses/contact lenses up to the maximum eligibility (not to exceed the maximum).
    - A service authorization for both an eye exam and glasses can be issued simultaneously if client eligibility exists.
    - Two separate authorizations will be required when clients receive an exam and glasses from two different service providers.
  - If the applicant/recipient requests a cheque for confidentiality reasons, issue the cheque payable to the applicant/recipient for the cost of the eye refraction test and/or glasses/contact lenses up to the maximum eligibility, but not to exceed the maximum rates.
  - If a cheque is issued, advise the applicant/recipient to provide a receipt within thirty days for the eye refraction test and/or glasses/contact lenses, and inform them that subsequent requests for vision care will not be considered if they do not provide a copy of the receipt. KIV the case to ensure verification is received.

- For subsequent requests for applicants and recipients
  - Verify that a service authorization or receipt is on file for the previous vision care benefits issued.
    - If the receipt (cases initially paid by cheque to the client) is not on file, advise the applicant/recipient that future issuances must be by service authorization. If the initial service authorization was not used, the next request will be treated as if it was a first request.
    - If the service authorization or receipt is on file, issue a cheque payable to the applicant/recipient (unless they request a service authorization) for the cost of the eye refraction test and/or glasses/contact lenses up to the maximum eligibility but not to exceed the maximum rates.
  - Once eligibility is determined, in instances whereby services authorizations are provided to clients, these can be done for exams and glasses simultaneously. If a client is using separate service providers for the exam and glasses, two separate service authorizations must be used.

**Authority Level**
Client Services Officer - Basic Vision Care benefits listed in the regulations.

Program Supervisor/District Manager - exceptions to the time frames and rates specified in the regulations.

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Page updated: February 6, 2012
Newfoundland and Labrador Dental Health Program

**Intent:** To clarify the coverage available to Income Support recipients under the Newfoundland and Labrador Dental Health Program.

**Act:**
(if applicable)

**Regulations:**

**Overview:** The Newfoundland and Labrador Dental Health Plan of the Department of Health and Community Services has four components:

- Children's Dental Program
- Youth (13-17 years) Dental Program (Income Support)
- Youth (13-17 years) Dental Program (Access Plan)
- Adult Dental Plan

- Entitlement to coverage varies with each program, but the person has to be a resident of Newfoundland and Labrador, and in possession of a valid MCP Registration Card.

- No out-of-province dental coverage is available under these programs.

- In order to be eligible for coverage under the Income Support component, the recipient must be in receipt of basic Income Support benefits.

**Children's Dental Program**

- Under this universal program of the Department of Health and Community Services, all children up to and including age 12 years are eligible for:
  - Examination - at six month intervals
  - Cleanings - at 12 month intervals
  - Fluoride treatments for children 6 - 12 years of age - every twelve months except in areas
where the School Rinse Program is in place

- X-rays - with some limitations
- Routine fillings and extractions
- Other specific procedures which require prior approval

- The Department of Health and Community Services also provides for the following coverage to youth (13-17 years of age) whose families are recipients of basic Income Support benefits or who are covered under NLPDP’s Access Plan:

  - Examinations at 24 month intervals,
  - Routine fillings, and extractions (excluding impactions)
  - X-rays - with some limitations
  - Emergency examinations when a patient is seen for pain, infection or trauma

Adult Dental Program

- Adult recipients of Income Support benefits (over 18 years of age) as well as low income individuals in receipt of the Access or 65+ plans under NLPDP, may be entitled to the following dental services:

  - Dentures
  - Exam and 2 bitewing x-rays
  - Fillings
  - Extractions (excluding impactions)
  - Emergency exam and periapical x-ray preparatory to an extraction.

The provision of these basic services is based on a three year cycle and for dentures, every 8 years.

- No co-payment by the client is required upon presentation of
the Ambulance/Dental Services Card (triggered by the selection of drug card coverage on each request):
  - This card is generated as part of recurring pay cheques (first of month) or on each non-recurring cheque.
  - Cases where there is no cheque generated for the A1 on the case, will have the card printed separately and mailed to the client at their current mailing address.

Surgical-Dental Program

- Eligibility for coverage is provided by the MCP Program for all residents of Newfoundland and Labrador.

- Covered under this program are all procedures, including anaesthesia, which are listed in the MCP Surgical Dental Payment Schedule and are required for medical reasons to be performed in hospital or in the office of an oral surgeon.

Information concerning the dental program may be found at


Policy: Policy for the Income Support Component

- There is no provision to pay for dental services through the Income Support Program.

- For the Income Support Component the recipient must:
  - be a resident of Newfoundland and Labrador
  - be in receipt of basic Income Support benefits (Clients in receipt of an extended card are not eligible for the IS dental component), and
  - possess a valid MCP Registration Card.

- If eligible for basic Income Support, coverage for dental
services will be identified on the recipients ambulance/dental card found on the cheque stub.

- No out-of-province dental coverage is available.

- Routine extraction of erupted teeth, in hospital, is not covered by MCP or the Income Support Program.

- Special requests for dental services will be referred back to the dentist, who should contact the Dental Director at MCP.

Procedure: Procedures for the Income Support Component

Client Services Officer must:

- determine eligibility for Income Support,
- select drug card coverage for the request which will trigger the production of the Ambulance/Dental card,
- refer any special requests for dental services back to the dentist, who should contact the Dental Director at MCP.

Authority Level: Client Services Officer

Date revised: October 4, 2012
DENTURES

Intent

To clarify factors for denture eligibility for income support recipients.

Regulations

Special needs - dentures

24(1) Where a recipient has been receiving income support for a 6 month period and that recipient, including his or her dependents, has a special needs assistance requirement for dentures, the recipient may receive the following:

(a) the maximum amounts where denture service is provided by a dentist are, for

(i) an upper set, including laboratory fees, up to $718,

(ii) a lower set, including laboratory fees, up to $718,

(iii) a complete set, including upper, lower and laboratory fees, up to $1118,

(iv) partial dentures including laboratory fees, up to $360,

(v) an immediate post extraction insertion, up to $532,

(vi) a relin including laboratory fees, up to $211, and

(vii) repairs at an amount of $42 per 15 minutes to maximum of $120; or

(b) the maximum amounts where denture service is provided by a denturist are, for

(i) an upper set, up to $880,
(ii) a lower set, up to $580.

(iii) a complete set, including upper and lower set, up to $931.

(iv) a re-line, up to $127.

(v) repairs at an amount of $34 per 15 minute maximum, up to $90; and

(vi) partial dentures, including laboratory fees, up to $300.

Overview

- A client services officer can approve dentures for income support recipients.

- Requests for dentures are reviewed based on the medical documentation from an 
  approved professional such as a dentist, doctor or specialist and an estimate of the item 
  required.

- Requests for dentures are considered based on one of the following criteria:
  - Training or employment requirements
    - Acceptance for employment or training such as work involving significant 
      interaction with the public (e.g. receptionist, cashier in the food industry or sales 
      clerk in the retail sales industry)
  - Pain and suffering (medical issues)
    - Consideration can be given to providing dentures for medical reasons. Some 
      examples include:
      * When a failure to provide dentures may result in increased drug costs
      * If a client suffers from: facial paralysis, celiac disease of the intestine, 
        chronic ulcer disease of the GI tract, peptic ulcer disease, a duodenal ulcer, 
        insulin dependent diabetes, or TMJ (temporomandibular joint dysfunction)
      * If a client has difficulty with swallowing or a risk of aspiration following a stroke
      * if a client had gastric surgery
    - Medical documentation from an approved professional (such as a dentist, doctor 
      or specialist) or the history of prescription drug requirements may also be 
      required for review.
  - Compassionate grounds
    - Stigmatization due to poor dental health and exceptional cases of extreme 
      hardship which are not covered under either of the previously defined categories

- Clients must have received income support benefits for at least the preceding 6 months. 
  except in cases of extreme emergencies.
- Existing dentures should be repaired rather than replaced, where possible and cost effective.

- Recipients requiring dentures will be limited to one issue of a partial or complete set of dentures within an eight year period, whichever is required.

**Procedure**

- An income support recipient who requires dentures can visit a service provider of their choice to receive a cost estimate. This estimate is required for the client service officer to review for eligibility. The amount of eligibility will vary dependent on whether the service provider is a dentist or a denturist. The recipient must be made aware of the rates so he/she can ensure that if there is any additional cost, that it will be minimal. Please see Appendix 3.5 for rates.

- If the request is of a medical nature, additional documentation is required from an approved professional such as a dentist, doctor or specialist to support the need for dentures.

- The documentation for the estimate and/or medical note must include the client's name and preferably their file number or other piece of identifying information and should be mailed by the client, to:

  Document Processing Unit  
  Department of Advanced Education and Skills  
  P.O. Box 8790  
  St. John's, NL  
  A1B 4J6

- The client service officer will view the documentation in TRIM and review the file for eligibility based on current policy guidelines.

- If approved, payment may be made by service authorization to the supplier or by cheque to the client. Where a cheque is made payable to the client for the amount of the approved dentures, a receipt is required within 30 days or the client services officer will set up an overpayment for the amount issued for dentures. If the service is not approved, the client should be notified in writing and given the right to appeal the decision.

- Any additional dental needs other than dentures or repairs to dentures must first be addressed through the Dental Health Program administered by the Department of Health & Community Services through the Newfoundland Medical Care Plan.

- If the Dental Health Program advises that there is no coverage under their program, cases can be reviewed on an individual basis for consideration of payment through HRLE. Such exceptions may include:

  - Specific dental services/devices for clients who suffer from temporomandibular joint dysfunction, myofacial pain dysfunction or cancer of the face or mouth.

  - Such services include:
    - Panoramic X-ray, trans-cranial X-ray, face-bow analysis, models of upper & lower jaw and physiotherapy when included as part of the treatment.
program

- Such devices include:
  - splints and obturators (an attachment to a denture to support the lips and face which would be necessary for speech and mastication following some types of cancer surgery).
    
    * If a splint is provided, an authorization can also be issued to cover the cost of the lab fees and one adjustment. However, the adjustment must not exceed $51.00.

- Requests for such dental services are to be approved by the client service manager.

Authority Level

Client services officer – denture requests

Client service manager - extenuating dental services

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Revision date: March 23, 2011
Hearing Aid Program

Intent

To provide a brief overview of the services offered by the Audiology Program of the Department of Health and Community Services

Overview

- The Provincial Audiology Program is delivered through the Janeway Child Health Centre of the Eastern Regional Health Authority.

- Eligible beneficiaries are:
  - All children up to and including 17 years old. (universal program)
  - Students over age 17 attending secondary or post secondary schools full time. (universal program)
  - Adults certified by the Department of Human Resources, Labour and Employment as unable to pay.

Policy

- Recipients of Income Support must arrange for their hearing aids through the Audiology Department of Janeway Child Health Centre of the Eastern Regional Health Authority.

- For servicing, recipients who have problems with hearing aids should contact their local hospital based Audiology Department, or the Audiology Department that issued the device.

- Batteries are not provided by either the Department of Human Resources, Labour and Employment or the Department of Health and Community Services as they are considered to be routine maintenance.
- Certain temporary provisions may be made through a hearing aid dispenser working in a remote area and can be arranged, where appropriate, through the Audiology Program Director, in order to reduce travel costs to the nearest issuing centre.

Procedure

Client Services Officers must:

- determine eligibility for Income Support for adult applicants by including the cost of the hearing aid in the requirements.

- If eligible, provide the Authorization for Health Benefits for the hearing aid directly to the applicant for presentation or mailing to the hospital based Audiologist

Authority Level

Client Services Officer

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Page updated: May 3, 2007
Medical Equipment and Supplies

Intent

To provide a brief description of the medical equipment and supplies which are available through the Department of Health & Community Services for both Income Support recipients and new applicants.

Overview

- The Special Assistance Program of the Department of Health and Community Services provides medical equipment and supplies to eligible persons with chronic medical/health conditions. The medical equipment program is administered by the Eastern Health Regional Health Authority for the entire province. The provision of medical supplies is administered by each individual Regional Health Authority.

- The following is a list of some of the medical equipment funded through the Special Assistance Division of the Department of Health and Community Services:
  - Bathing aids such as: bathtub boards, bath chairs/shower stools, transfer tub benches, pediatric bath supports, wheeled shower commode chairs, wall mounted grab bars, tub safety rails and water powered bath lifts
  - Toilet aids such as: commodes, pediatric toilet aids, toilet safety frames, and raised toilet seats
  - Home care beds and accessories such as: beds, mattresses and side rails
  - Transfer assists such as: manual (mechanical/hydraulic) patient lifts, slings for patient lift, sliding boards, transfer/walking belts and transfer assist bed rails
  - Ambulation aids such as canes and walkers
  - Chairs such as: geriatric chairs and lift out chairs
  - Wheelchairs such as: manual wheelchairs, tilt and recline wheelchairs, power wheelchairs and a variety of pediatric wheelchairs
  - Specialized cushions such as foam, air or gel cushions
  - Customized seating for wheelchairs
• The following is a list of some of the medical supplies that may be funded through the Special Assistance Programs of the Department of Health:

- Barrier Cream
- Blood Glucose Monitor Supplies
- Catheters and Catheter Supplies, Tubing, etc.
- Compressors, Medi-Mist,
- Dietary Supplement for tube fed clients
- Egg Crate Pad for Single Mattress
- Gloves - 200/month (specific conditions)
- Nebulizer Kits for Compressors
- Ostomy Supplies
- Sheepskin Pads
- Solutions - Normal Saline Sterile Water, Zephbian
- Tracheostomy Supplies, Tubing, Dressing, etc.
- T.E.D. Stockings (specific conditions)
- Bed Pan
- Blood Pressure Kits
- Pulmo-Aid
- Diaper Liners - 200/month
- Diapers - 200/month
- Enema Kits or Fleet Enemas
- Incontinent Supplies (e.g. diapers, etc.)
- Needles
- Peak Flo-Meter
- Syringes
- Urinals

Policy

• All requests are reviewed in accordance with specific guidelines outlined by the Special Assistance Division. These guidelines may involve specific brands of items as well as specify maximum quantities which will be approved. For some items, the program will arrange leasing as opposed to outright purchase.

• Recipients of income support benefits are eligible to receive these benefits with no contribution required but are required to have a prescription or supporting medical documentation for the requested item.

• Eligibility for non-income support recipients relating to these programs is determined through a financial assessment through the Regional Health Authorities.

• If clients present with a prescription for an item not listed here, contact should be made with the Special Assistance Program to determine if this will be a covered benefit. HRLE staff should not approve health items for payment by HRLE which are not considered as required/beneficial by the Department of Health and Community Services.
Procedure

- For income support recipients, an Authorization for Health Benefits must be completed and sent to the Special Assistance program along with the necessary medical documentation.

- Residents of the province who are not in receipt of income support benefits requesting financial assistance with these items should be referred to their local Regional Health Authority where a financial assessment will be completed.

- It is the responsibility of the Special Assistance Program to provide the results of their assessment to the recipient as well as to arrange approval for the provision of the item to their established providers.

- In no circumstances should HRLE pay for these items, as reimbursement of costs is not possible and will not be approved by HCS.

- All authorizations for medical equipment & supplies have an expiry date. In an effort to ensure that clients are not without their equipment/supplies, the Regional Health Authorities may compile a list of expiry dates for clients and forward them to the local office to be KIV'd. They must be reviewed by the Client Services Officer to ensure that either new authorizations are approved to extend the expiry dates or that the approval is terminated.

Authority Level

Client Services Officer

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Page updated: January 9, 2012
HIGH SCHOOL INCENTIVE ALLOWANCE

Intent

To clarify the conditions whereby additional Income Support benefits can be provided to a family in receipt of Income Support who has a child living with them between 18 and 21 years of age attending high school; or to a single person between the ages of 18 and 21 who is maintaining a household and receiving income support in his/her own right.

Regulations

2 (d) "dependent student" means a person 18 years of age or older but under 21 years of age who lives with a relative and attends high school.

19 (1) (m) for

(i) a dependent student, or

(ii) a single person between the ages of 18 and 21 who is maintaining a household and receiving income support in his or her own right and

who is in full time attendance at high school, an amount determined by the minister not to exceed the maximum amount for one child provided under the Canada Child Tax Benefit and the Newfoundland and Labrador child benefit.

Policy

- The High School Incentive Allowance is an additional benefit provided that can be provided, as per criteria, to:
  
  o families in receipt of Income Support who have children living with them who are over 18 years of age and less than 21 years of age and are attending regular school; or
  
  o a single person (between 18-21 years) being assisted in his/her own right, living in his/her own home who is still attending high school.

- Please note that this benefit cannot be provided to single parents, couples without dependents in any accommodations arrangements nor to single persons in board and lodging arrangements.
- The High School Incentive Allowance plus the adjustment to the Family/Individual Benefits offsets the Canada Child Tax Benefit and Newfoundland and Labrador Child Benefit which the families lose when their child turns 18 years of age.

- This initiative encourages youth/children of families in receipt of Income Support who turn 18 years old to obtain a high school diploma by reducing the financial burden that may occur with the loss of their child benefits.

- In order to receive this allowance, families/individuals have to provide verification of regular attendance either at junior high or high school.

- The Department must be advised should an individual in receipt of the High School Incentive Allowance quit school.

- The High School Incentive Allowance is provided for the period September to June, as long as the student is in regular attendance.

- The High School Incentive Allowance is not provided to individuals attending ABE or during the months of July and August.

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**Procedure**

Client Services Officer must:

September to June

(Children Turning 18 Yrs. Old During this Period or an 18 - 21 Yr. Old Returning to Regular School)

**Note:** When children turn 18 years old and the parents are in receipt of Income Support, the adjustment to the Income Support Allowance is to be made effective the 1st of the month following the month a child turns 18 years old. Families receive the child benefits for the month the child turns 18 years old.

- obtain verification from the child's school he/she is attending school on a regular basis;

- when verification is received:
  - suspend the current allowance,
  - reactivate the child as a dependent student to the family composition,
  - adjust the Family/Individual Benefits accordingly,
  - determine if the dependent student is receiving non-exempt income (i.e., CPP Orphan's Benefits, or a child support payment) in his/her own right,
  - if required, adjust the accommodation record and the shelter requirement to reflect the new family composition (e.g., single adult rate changes to the family rate - 1 adult plus dependent student),
  - add the High School Incentive Allowance to the Income Support benefits and deduct any non-exempt income the dependent student is receiving.
- make all changes effective the 1st of the month verification is received.

- refer students to a Career Development Specialist for the purpose of career planning;

- advise that the High School Incentive Allowance will be removed in July and August, so individuals/families will be aware of the reduction in their Income Support for this period;

- KIV all cases for August as the dependent student role will be removed automatically effective September 1st resulting in the Income Support benefits being adjusted accordingly;

- KIV all cases receiving the high school incentive allowance for November and March, at which time verification will be required from the individual/family indicating that the student is still in regular attendance (attending classes) in junior high or high school;

  - if verification is not received within 30 days of being notified, suspend the current allowance, and the role of the dependent student from the family composition, adjust the basic Income Support Benefits accordingly and do not include the High School Incentive Allowance;

  - if necessary, adjust the accommodation record and the shelter requirement of the Income Support benefits, as per 16 (3) (b) of the Regulations.

  - if the school indicates the student failed to attend school during the period being reviewed, the Income Support allowance is to be recalculated effective the month following the month the student stopped attending school.

  - determine if the individual/family has incurred an overpayment, and if so, calculate the period the individual/family received the higher Income Support benefits to which there was no entitlement;

  - notify the recipient in writing when the dependent student and/or the High School Incentive Allowance are removed from the Income Support benefits, and if an overpayment was created give the reason for the overpayment and the recipient's right to appeal.

- KIV all cases where:
  - the family composition includes a dependent student to remove the dependent student and the High School Incentive Allowance when she/he turns 21 years; or
  - a single youth is receiving the High School Incentive Allowance to remove the allowance when they turn 21

- notify recipients in writing in June when the High School Incentive Allowance is removed from the Income Support benefits, giving the reason and the recipient's right to appeal.

**July and August**

- for recipients, who have children turning 18 yrs. old in July or August and only if the family indicates the child will be returning to school in September;

  - suspend the current allowance,

  - reactivate the child as a dependent student to the family composition,

  - adjust the Family/Individual Benefits to include the dependent student.
• refer all dependent students to a Career Development Specialist for the purpose of career planning;

Note: The High School Incentive Allowance cannot be provided during these months, even if the dependent student is attending summer school

• in August, review the report listing all cases with a dependent student as the dependent student roles will be ended automatically in these cases effective September 1st resulting in the Income Support benefits being adjusted accordingly, in order to:

  • determine if an adjustment to the accommodations is required as per 16 (3) (b) of the Regulations,

  • advise these recipients in writing of the change in the allowance and their right to appeal by using the required "form letter";

  • advise these recipients to obtain verification from their child's school as soon as possible after September 1st in order to readjust their income Support benefits.

Program Supervisor/District Manager must:

• generate the monthly report in CAPS which identifies all cases where there is a child turning 18 years of age;

• ensure the families that are identified in the report:

  • are notified in writing their allowance will change as a result of their child turning 18 yrs. of age;

  • are provided information as to how to apply and qualify for the High School Incentive Allowance;

  • are advised to obtain verification from their child's school as soon as possible in the month the child turns 18 years of age so their Income Support benefits can be readjusted.

Authority Level

Client Services Officer

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Page updated: August 3, 2010
Housekeeper Services

Intent

To provide an additional benefit to recipients to hire an individual to provide basic household duties and/or supervision of a child(ren) or a dependent adult when all other resources, i.e. family or friends, have been exhausted.

Act

2. (c) "relative" means a child, parent or grandparent of an applicant or recipient;

Regulations

2.(c) "housekeeping services" means those activities provided to a recipient which are necessary to maintain a household for a period of time determined by an officer and does not include supportive services.

19.(1) Other monthly income support for which an applicant or recipient may be eligible is:

(c) for housekeeping services where the person providing the service is a relative, up to a maximum of $239;

(d) for housekeeping services where the person providing the service is not a relative, up to a maximum of $258;

Policy

- Housekeeping Services can be provided to a recipient for a maximum of six months when the recipient:
  - is hospitalized leaving a dependant child(ren) or dependent adult at home,
  - must leave the home community to receive medical treatment for him/herself or a dependent child, leaving a dependent child(ren) or dependent adult at home,
  - has been recently released from hospital and requires assistance with normal household duties and/or dependent child/adult care,
- has an illness or medical condition which requires assistance with housekeeping for a short term.

- Recipients who require supports for lengthy or indefinite periods of time or who may require supportive services, will be referred to the appropriate Regional Integrated Health Authority Board for an assessment by a Social Worker for home support services.

Procedures:

Client Services Officers must:

- obtain verification of
  - the recipient's medical condition which prevents the recipient/spouse from performing household duties.
  - the relationship of the service provider to the recipient and spouse.

- obtain documentation indicating the possible length of time the service will be required.

- refer any recipient who requires supports for lengthy or indefinite periods of time or who may require supportive services, to the appropriate Regional Integrated Health Authority Board for an assessment by a Social Worker for home support services.

- forward all documentation to TRIM.

- indicate in the case record
  - the duration of the approval.
  - if additional documentation has been requested and
  - if the case has been referred to an Integrated Health Authority Board.

- KIV all cases if additional documentation has been requested, and/or for the duration of the approval to ensure the service is not provided longer than required.

Authority Level

Client Services Officer
JOB START

Intent

To assist Income Support recipients with the transition from Income Support to employment and a long term attachment to the workforce.

Overview

Income support clients find the first month of employment difficult and it is often viewed as a disincentive or barrier to employment due to additional employment expenses; overlap of rent; change in payment cycles from semi-monthly to weekly or bi-weekly; child care costs; transportation costs, etc.

This program will complement other programs available through the Income Support and Career, Employment and Youth Services programs.

Regulations

19(1) Other monthly income support for which an applicant or recipient may be eligible is:

(n) for a recipient with a dependent who begins employment, a payment of $250 once in a 12 month period; and

(o) for a recipient without a spouse, co-habitating partner or dependent who begins employment, $125 once in a 12 month period.

Policy

- Written confirmation of paid employment (full or part time), including the start date of the employment is required.

- The benefit can be paid up to two weeks prior to the commencement of employment to
provide an opportunity to prepare for the transition to work.

- The Job Start benefit can only be issued once in a 12 month period, regardless of the number of employers/positions the recipient obtains in that 12 month period. This benefit is payable once/year to each adult client (if applicable); therefore, should two adults in the household obtain employment, they can both be issued this benefit.

- This benefit can be provided to recipients who may also have an EI reach-back status.

- This one time benefit can also be provided to eligible participants for Job Creation Partnerships (JCP). The Department supports this initiative and will invest in these clients during their transition from Income Support Benefits to employment.

- Clients who become self-employed are also eligible for this benefit.

- Dependent children and/or dependent student(s) are not eligible for the Job Start benefit.

- Recipients obtaining employment under the Student Employment Summer Programs (High School Level I, II and III, SWASP paid employment component, SWASP community service component and Summer Career Placements (SCP) ) are not eligible for the Job Start Benefit.

Procedure

- Obtain written verification of employment and the start date for the recipient. Where the client begins to operate a business, the documentation provided by the client regarding the business and the referral to Metro Business Opportunities will serve as verification of the start of employment.

- For JCP clients, the sponsoring agency may provide some verification that the individual has been accepted on the project. Another option may be to use their EI stubs which would show the increase from the basic EI to the Enhanced Benefits provided under this process.

Authority Level

- Client Services Officer.
Children in Joint Custody, Shared Living Arrangements, or the Custody/Care of the Director of Child, Youth and Family Services

Intent

The intent is to clarify how living arrangements for children with their parents and with the Department of Child, Youth and Family Services can affect eligibility for Income Support benefits.

Parental

Joint Custody

Joint custody formalizes the rights of both parents to make decisions concerning the welfare of the child(ren) and does not necessarily reflect the living arrangements of the child(ren).

Types of Parenting Arrangements

There are three types of parenting arrangements:

1. Primary Living Arrangement (Sole Custody)
   - Under this arrangement the child resides with one parent who is considered the primary caregiver.
   - Access by the other parent may or may not be provided in this arrangement.

2. Shared Living Arrangement (Shared Custody)
   - Under this arrangement, the parents or the court decide on a shared living arrangement for the child(ren).
   - The percentage may vary depending upon the agreement reached. It may be 50/50, for example where the child(ren) lives with one parent for a week and then the other parent for a week, or several months with each parent, and/or weekends with one parent and weekdays with the other.
3. Split Custody

- Under this arrangement each parent has one or more children residing with them in a primary living arrangement.

**Child, Youth and Family Services**

There are two programs that may impact living arrangements for children under the Dept. of Child, Youth and Family Services:

1. **Youth Corrections Program**

   - The Youth Corrections Program provides services to youth (between their 12th and 18th birthdays) who come into conflict with the law. Under the Youth Corrections Program, a young person may receive a custodial sentence in either an open or secure custody facility away from their family home.

2. **In Care/Foster Care Program**

   - Parents may voluntarily transfer the care of their child to the Director of Child, Youth and Family Services or the Court may deem a child to be in need of protective intervention and place them in the Director’s continuous or temporary custody.

**Policy**

**General policies**

- The Income Support Program assumes the child(ren), included as a dependent(s), reside with the applicant/recipient who is considered the “primary caregiver” on a full-time basis.
- Furthermore, it assumes the other parent considered the “non-custodial parent” is providing support payments where that parent’s income source is other than income support benefits.
- In cases of a split custody arrangement, where one child lives with the mother and another child lives with the father; both parents are to be considered as families, and are entitled to family benefits and the family rate of rent.
- In situations where both parents are in receipt of Income Support and custody is ‘shared’ as opposed to ‘split,’ the intent of the Income Support Program is to maintain only one household for the dependent children. In addition:
  - Only the “primary caregiver” will receive the “family rate” of Income Support benefits including shelter.
  - The non-custodial parent with no other dependents will be assisted as a single adult.
  - All entitlement to Income Support benefits (including special needs) on behalf of the child(ren) shall be provided through the “primary care giver.”
  - There will be no adjustment to the Income Support benefits of the “primary caregiver” or the “non-custodial parent” when children live with the “non-custodial parent” for
temporary periods.

- The fact that a parent who is not considered a primary caregiver has a shared custody living arrangement for his/her children would not entitle that parent to family benefits or family shelter benefits as provided under Regulation 16(1)(a)(ii).
- Transportation for children to visit non-custodial parents and return to the "primary caregiver" is the responsibility of the parents. There is no provision under the Income Support Program to cover such costs.

Determining the 'primary caregiver':

- For the purposes of determining the amount of Income Support to be issued relating to family composition, the parent who has care of the child(ren) for more than 50% of the time in a 30 day period, regardless of their financial status, is considered the "primary caregiver." The child(ren) would then be included in that parent's allowance.
- The primary caregiver is entitled to Income Support benefits based on family need and will be required to seek child support from the non-custodial parent.
- If each parent provides an equal period of care, both parents must determine which one is the "primary caregiver" by completing the Statement of Primary Caregiver. Where there is more than one child, parents may each choose to be the primary caregiver of a specific child.
- If the parents providing an equal amount of care do not designate a primary caregiver, the parent receiving the Canada Child Tax Benefit (CCTB) and/or the Newfoundland and Labrador Child Benefit (NL CB) is to be considered the primary caregiver.
- In some cases, it may be still impossible to designate a primary caregiver as both parents may be in receipt of Income Support benefits, have equal custody of their only child and split the CCTB. To address these extenuating circumstances, staff are able to issue the Child Custody Equally Split Rate Adjustment. This new benefit is to accommodate exceptional situations where a primary caregiver cannot be assigned as per the policy directive found under this section. Providing this benefit allows both parents to be considered as family units and the addition of this adjustment ensures that both families are treated equitably from a financial perspective.
- The Income Support Program has no ability to have a child or any person become active on two cases in CAPS and therefore no ability to provide a single person with family benefits. The new benefit allows the ability to top up the assistance of the parent receiving the individual benefit to the appropriate family benefit level, and therefore ensure both parents receive equal income support amounts.

Recipients with children who are in open/secure custody or who are the care of the Director of Child, Youth and Family Services:

- As with any change in client circumstances, it is the client's responsibility to advise the Department of a change in family status (i.e. if their child is placed in open/secure custody or is in the care of the Director of Child, Youth and Family Services). This is important as:
  - an overpayment will be incurred if:
    - the child is not removed from the file to reflect a change in income support rates/family status (i.e. change from single parent to single person or couple with dependents to couple without dependents)
    - there are income support benefits attached specifically to the child (i.e. a
special diet) that will need to be removed from the file.

- There may be issues for the Newfoundland and Labrador Prescription Drug Program and MCP if the child is not removed from the drug/ambulance/dental cards.

- When a child in custody or the care of the Director of Child, Youth and Family Services returns to the parent's (recipient's) residence for a visit, Income Support benefits are not adjusted for the period of the visit, i.e., the family/individual and shelter benefits, and there is no eligibility for a Child Benefit Adjustment.

- All transportation needs vision care, dentures, other health-related matters, requests for burials etc. are the responsibility of the Department of Child, Youth and Family Services.

- Requests for household furniture (e.g., beds) may be considered in relation to the needs of the family, considering the length and frequency of visits by the child(ren) as part of a plan for the child(ren) to return home.

- Once the child (ren) is returned home permanently, a Child Benefit Adjustment can be provided immediately. Rates are to be adjusted effective from the date the child is returned home even if actual court order has yet to be rescinded.

Procedures

Client Services Officer should:

- Where custody is shared, obtain a signed Statement of Primary Caregiver.

- Verify which applicant/recipient is in receipt of the CCTB/NLCB.

  Note: In shared custody arrangements, recipients may have their monthly CCTB benefits split 50/50.

- Check Social Insurance Numbers of both parents to ensure that, if the parents are current Income Support recipients, the children are not included as dependents on both cases.

- Ensure that the custodial parent receiving income support benefits has been referred to Family Justice Services for potential child support as per the Support Applications Policy.

- Ensure non-custodial parents applying for Income Support are assessed as single adults based on the reason for assistance, and the living arrangements as a single adult. There is no entitlement to the rate specified in Regulation 16(1)(a)(ii) or 16(1)(b)(ii) to be included in the basic Income Support benefits for the non-custodial parent.

- Reassess income support benefits for the non-custodial parent and the primary care giver when the child is with the non-custodial parent for more than 30 days and this parent is requesting a reassessment.

  - a new Statement of Primary Caregiver is required.
• The new primary caregiver must apply for the Newfoundland and Labrador Child Benefit and the Canada Child Tax Benefit in order to be eligible to receive the Child Benefit Adjustment.

• Provide a Child Benefit Adjustment, if requested, as the amount issued will have to be repaid upon receipt of the lump sum payment of CCTB/NLCC.

• For cases which are identified as being eligible for the Child Custody Equally Split-Rate Adjustment, the following procedure applies:
  
  o Both clients & child must be identified and the rationale to provide the new benefit must be well documented and approval obtained by the Client Services Officer from the Client Services Manager.
  
  o The child must have an active role as a child and be the only child on an active income support case in order to be selected in this process. A reassessment must be started on the case receiving individual benefits and the Child Custody Equally Split-Rate Adjustment Benefit is selected from the special needs/other benefits list in order to top up the individual rate to the corresponding family rate by adding the new benefit.
  
  o The CSO must select the new benefit from the requirement screen and must determine the appropriate and correct rate for the benefit as the daily rate of $7.33 and semi-monthly rate of $111.50 are "up to" amounts (maximum).
  
  o The actual rate would be determined by deducting the individual rate from the family rate. For example: if the client receiving the new benefit is B/L with relatives, the daily rate is the difference between the current daily rate for a family of 1+1 who are B/L with relatives ($16.80) and the individual rate, B/L with relatives ($9.53) equaling ($7.27). The semi-monthly rate is ($255.50) minus ($145) equaling ($110.50). In this scenario, the daily rate for the new benefit would be $7.27 and the recurring rate would be $110.50.
  
  o Please note that the child will not be added to the case as a beneficiary.
  
  o The client screens of both cases associated with this child will display the words 'child custody case' to denote that the benefit is in use.
  
  o These requests must be sent to client service manager/regional manager for approval.
  
  o Supplementary benefits requests may be completed using the new benefit when required for replacement cheques or adjustments. Each request requires that the child be selected when making the benefit eligible.
  
  o A new report will be created to provide information on this benefit as the criteria will need to be reviewed on an ongoing basis.

• In the case of children in custody or the care of the Director of Child, Youth and Family Services:
  
  o Ensure that family benefits (including the removal of any benefits provided specific to
the young person such as special diet) are adjusted accordingly effective the date
that the child went into custody/care of the Director of Child, Youth and Family
Services. Likewise, benefits must be re-established/adjusted for the child effective
the date of their return home.
• Set up an overpayment on the client file in cases when the family continued to
receive benefits while their child/youth was in custody/care of the Director of Child,
Youth and Family Services.

Authority Level

Client Services Officer

Client Service Manager/Regional Manager – Approvals for the Child Custody Equality Split-Rate
Adjustment.

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Page updated: June 12, 2012
LABOUR DISPUTES

Intent

- Clarify the eligibility criteria for applicants/recipient who are on strike or affected by a job action.

Regulations

9 (5) Notwithstanding another provision of this section, where an applicant is applying for income support due to job action at the workplace, he or she shall not be eligible for income support.

Policy

- Applicants who apply for income support benefits as a result of job action (strike), who voluntarily and collectively withdraw their services from the workforce as a result of a labour dispute are not eligible for income support as per Regulation 9 (5).

- This also includes individuals who have been "locked out" by employers while labour negotiations are continuing.

- Individuals who experience financial hardship due a labour dispute must be referred to their appropriate union for assistance.

- Recipients who were receiving income support benefits as a supplement to earnings prior to the commencement of the job action, may continue to be eligible for the same level of income support benefits or less, depending on the amount of strike pay.

- In situations where a recipient receives more income as a result of the job action than the recipient would have received from just his/her part-time earnings, the income support benefits are to be adjusted and this increase in income must be considered.

- In situations where the strike pay is less than the amount of earnings they originally received prior to the job action, the amount of income support benefits are to remain unchanged.
• However, any other changes such as receipt of other income (except strike pay), family status, living arrangements or family size reported by the recipient must be taken into consideration when determining continued eligibility for income support benefits.

• Applicants or recipients not involved in a labour dispute themselves but who are unemployed because of a labour dispute, may be granted income support benefits, provided all eligibility criteria is otherwise met.

Procedure

A Client Service Officer must:

• verify the amount of strike pay a recipient is receiving and if it is less than the amount declared as earnings, enter the amount in the case note, but maintain the previous amount of income support benefits provided.

• determine if the strike pay is greater than the previous recorded earnings, and if so, record the strike pay as "Other Income" under non-exempt income and deduct the full amount from the income support entitlement.

• discuss emergency situations when an applicant applies for Income Support and no eligibility exists with the Client Service Manager. Client Service Managers must then obtain approval from the Director of Income Support, before any income support benefits, (including regular benefits, special needs, transportation, or health supplies/equipment, are provided to these applicants.)

Authority Level

Client Service Officer

Client Service Manager

Director of Income Support — exceptions to this policy
Determining Eligibility -- Non Canadians

Intent
To clarify Income Support eligibility criteria for applicants who are non-Canadians.

Policy
- Refugee Protection Claimants
  - Refugee protection claimants are individuals who, following their arrival in Canada, make a formal claim to an Immigration or Canadian Border Services Agency officer requesting protection based on fear of persecution if they return to their country of origin. Those eligible for determination under this process are referred to the Immigration and Refugee Board of Canada (IRB) for a decision on their claim for refugee status. The IRB is an independent administrative tribunal responsible for making decisions on who needs refugee protection among the thousands of claimants who come to Canada annually.
  - Refugee protection claimants are allowed to remain in Canada while their application is being processed. While waiting, they are also entitled to apply for Income Support benefits.
  - Refugee protection claimants under the age of 30 years who apply for Income Support may be considered as having barriers to employment as most may be unable to speak English and/or require time to adjust to a new culture.
  - Refugee protection claimants may be eligible to receive a temporary foreign worker document (work permit) allowing them to seek employment while in Canada. A federal officer will make this determination based on:
    - whether the individual can subsist without public assistance,
    - if they are eligible to have their claim heard by the Immigration and Refugee Board of Canada, and
• If they have filed a personal information form and completed the necessary medical examination, accompanied by their picture and fingerprints.

• Although refugee protection claimants may be deemed eligible for Income Support benefits, they are not eligible for benefits under the Newfoundland and Labrador Prescription Drug Program. Citizenship and Immigration Canada has an Interim Federal Health Program for claimants who do not have funds to pay for urgent and essential health care as well as the immigration medical examination. The determination of "unable to pay" is left to the discretion of the port-of-entry or immigration officer with the federal government. Individuals should be directed to contact the Interim Federal Health Program at 1-888-242-2100 with any issues surrounding medical treatment or services.

• If the applicant is not granted status as a refugee/protected person by the Immigration and Refugee Board of Canada, they can pursue other options available for refused applicants, or they will be deported, likely at federal expense.

• When a refugee protection claimant's application has not been approved and they are awaiting deportation and not detained, eligibility for Income Support may still exist. In these situations, the applicant is not considered employable unless the removal order is unenforceable for an extended period of time. If this is the case, the individual is entitled to apply for a work permit until the issue is resolved.

• Refugee protection claimants may require financial assistance for interpretation services. Such requests must be approved as a special need by the program supervisor.

• Claimants with Approved Refugee Status

• This group has their claim for refugee status approved by the Immigration and Refugee Board of Canada. They are not eligible for Income Support for at least one year while federal assistance is available.
  • They either have their own financial resources, or have been accepted for assistance under the Immigrant Settlement and Adaptation Program and the Resettlement Assistance Program.
  • Should Income Support be requested from a government assisted refugee or a claimant who has approved refugee status, Citizenship and Immigration Canada must be contacted immediately. Any eligibility for Income Support will depend on the response received.

• When the benefits from these programs cease, the individual may apply for Income Support and be considered in the same manner as any other resident of the Province.

Temporary Residents/Visitors to Canada

• Individuals come to Canada for many reasons including as tourists, to work temporarily, to visit family or to study. All visitors must meet specific entry requirements including:
  • having valid travel documents
• being in good health
• having ties to a home country such as a job, or friends/family who reside there
• having adequate money for their stay in Canada and return home
• plans to leave Canada at the end of their visit
• posing no security, health or criminal risks to Canadians and
• for those who come to study, work or stay for an extended time, depending on their home country and circumstance; a study, work or temporary resident visa.

• There are occasions when temporary residents/visitors apply for Income Support benefits. These requests may occur as a result of quitting school, job loss, or a dispute with a family member. However, Section 39 if the Immigration and Refugee Protection Act denotes “A foreign national is inadmissible for financial reasons if they are or will be unable or unwilling to support themselves or any other person who is dependent on them, and have not satisfied an officer that adequate arrangements for care and support, other than those that involve social assistance, have been made.” Given this clause, temporary residents/visitors to Canada are not eligible for Income Support benefits.

Procedures

• When refugee protection claimants apply for Income Support benefits, the Client Services Officer must:
  o Contact Citizenship and Immigration Canada at 1-888-242-2100 to determine the applicant's status within Canada. When their status as a refugee protection claimant has been verified by Citizenship and Immigration Canada:
    ▪ refer to policy on Determining Eligibility for Income Support and
    ▪ refer the refugee protection claimant to the Interim Federal Health Program at 1-888-242-2100. These individuals are not eligible for coverage under the Newfoundland and Labrador Prescription Drug Program.

• When temporary residents/visitors apply for Income Support benefits, the Client Services Officer must:
  o Contact Citizenship and Immigration Canada at 1-888-242-2100 to report the application for Income Support to federal officials. Citizenship and Immigration Canada and Canadian Border Services agency will complete an assessment of the situation. This can, in some cases, result in the temporary resident/visitor (and dependents) being removed from Canada.
    ▪ Given that temporary residents/visitors to Canada must be able to financially support themselves and their dependents, Income Support benefits should not be provided. This includes non-residents who are spouses of residents in receipt of Income Support benefits. In these cases, the non-resident should not be added to the case.
    ▪ Should the Client Services Officer believe that, due to extenuating circumstances, benefits should be provided to the individual, they should consult with the Client Services Manager and contact should be made with the Division of Income Support.
• When applicants with approved refugee status apply for Income Support benefits, the client services officer must:

  o Contact Citizenship and Immigration Canada at 1-888-242-2100 to confirm their status, and ensure that their benefits under the Immigrant Settlement and Adaptation Program and the Resettlement Assistance Program have ended.
  o refer to policy on Determining Eligibility for Income Support and,
  o provide clients who are financially eligible for Income Support benefits with Newfoundland and Labrador Prescription Drug Plan coverage.

• When an applicant/recipient requires the services of a translator, the CSO should:

  o contact the Association for New Canadians who maintains a database of translators and interpreters and
  o request approval for special needs funding to cover the cost of the interpreter in CAPS and forward to the program supervisor for approval

Authority Level

Client Services Officer

• Approval of benefits for refugee protection claimants

• Approval of income support for applicants with approved refugee status whose benefits under the Immigrant Settlement and Adaptation Program and Resettlement Assistance Program have ended (these federal programs are available for at least one year).

Client Services Manager

• Approval of translation fees

Provincial Director of Income Support

• Approval of benefits for temporary visitors due to extenuating circumstances

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Draft Page updated: May 1, 2012
Liaison Social Worker Services

Intent

To present an overview of the role of the Liaison Social Worker, outlining the referral process and the services provided.

Overview

Liaison Social Workers (LSWs) provide service in all four regions of the Department; with staff located in Happy Valley-Goose Bay, Stephenville, Corner Brook, Grand Falls-Windsor, Clarenville, Carbonear and St. John's.

- The role of the LSW is varied, but typically involves:
  - serving as a liaison with community agencies/other government departments (e.g. NL Housing, Regional Health Authorities, advocacy groups, shelters) regarding programs and services that impact the clientele of this Department
  - supporting staff in delivering services to clients with complex social issues (such as those defined in this policy)
  - creating multi disciplinary teams, including staff persons from HRLE and other agencies/departments, to coordinate services/supports for clientele
  - working on both inter and intra departmental committees that deal with issues affecting clients (e.g. committees dealing with family violence, homelessness or youth issues)
  - providing crisis counseling
  - consulting with staff regarding interventions and community resources available to clients
  - acting as an advisor to management/program specialists in the development of programs designed to meet the needs of Departmental clients, especially those with multiple and complex needs
  - assisting with staff training that is within the social work scope of practice (i.e. training related to domestic violence, suicide intervention, homelessness, community resources, etc.)
  - working with other HRLE staff as part of the Department's Emergency Social Services response team to:
    - address issues with any active LSW cases, or with other income support clients who need additional support due to a disaster/emergency
    - assist managers in indentifying employees who are showing signs of unusual stress due to the impact of the event
- providing short term intervention and support, including the completion of a social work assessment, advocacy and referrals: to clients with complex social issues such as:
  - homelessness/problems finding and maintaining housing
  - a transitory lifestyle
  - mental illness
  - addictions
  - a lengthy criminal history/multiple incarcerations
  - developmental/physical disabilities
  - frequent requests for emergency assistance/frequent contacts with departmental staff
  - difficulty navigating government/community systems
  - post traumatic stress
  - exposure to violence/victim of violence
  - physical health/self care concerns
  - few natural supports available to assist (i.e. few connections with family/friends who can assist)
  - concerns with personal safety/well being
  - ties to many service providers, but inadequate service coordination

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**Policy**

- Clinical management and case consultation for LSW staff is provided by the Client Services Manager of Income Support and Social Work Services.
- Consideration should be given to referring a client to a LSW when:
  - A client is not connected to other helping agencies/professionals and who:
    - is chronically homeless
    - is availing of emergency accommodations with no plan to find stable housing
    - is a victim of violence with few resources/supports
    - is transitory, from another part of the province or country, and needs an assessment to determine background/supports required
    - appears to have a developmental or physical disability and is not connected to a Regional Health Authority
    - requires assistance from a helping agency, but has difficulty navigating the system
    - appears to have mental health concerns that have not been assessed
    - makes frequent requests for service (i.e. transportation, emergency food)
    - is a youth who is transferring from Child, Youth and Family Services and requires case planning/transitioning to Income Support/CEYS
    - is a youth who is in a conjugal relationship (please see policy for further information)
    - is a client who appears to have complex social issues (as defined above) that have not been addressed

- A client is connected to many helping agencies/professionals, but there does not appear to be any case coordination/consultation.
  - In these instances, a LSW may assist the client by arranging a case plan.
• Referrals should not be made to the LSW:
  o for case management as it is not the role of the LSW to provide long term intervention to clients
  o when clients are opposed to LSW interventions/are not voluntary
  o when clients are not eligible or will not be eligible for services within the Dept of HRLE (exceptions may be clients who are stranded and require assistance returning home, or victims of violence who are not in receipt of income support)
  o when the services required by the client are within the scope of practice of the referring agent who is working with the client
  o to work with clients solely because they have been denied a service, except when there may be other services/agencies able to assist and the LSW can make the necessary referrals
  o solely to find accommodations. The LSW may assist the client by referring to agencies that may help (i.e. NL Housing), but is not responsible for finding housing
  o directly without consulting with the LSW’s manager first

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Procedures

• When making a referral for liaison social work services, the referral source should
  o ensure that the client:
    ▪ consents to the referral,
    ▪ understands the reason for the referral and the role of the LSW, and
    ▪ is aware that the referral may not be accepted, and is advised by the referral source if it is not.
  o Contact the LSW manager, noting the client file number, the reason for the referral and the urgency of the request. Referrals may also be made to the manager through e-mail. To ensure that a client’s privacy is not breached when using e-mail, staff should use a file number as opposed to a name as an identifier. For further information, please see the policy on Managing Client information/Client Confidentiality.
  o Once received, the manager will review the referral and make a determination regarding if it will be assigned to a LSW. The referral source will be made aware of the decision and it will be recorded in CAPS.

• Once referred and assigned, the LSW will assess the case and should:
  o contact the client to advise of the referral and role of the LSW,
  o ensure that the client provides consent prior to seeking or exchanging information as part of the assessment process (please refer to policy on Managing Client information/Client Confidentiality), and
  o conduct a thorough bio-psycho-social assessment of the client’s needs. As part of the assessment, the LSW will gather information such as the client’s:
    ▪ demographics,
    ▪ family history,
    ▪ social supports,
    ▪ health history, including the client’s emotional well being, physical and mental health,
addictions, and if the client has any developmental or physical disabilities.

- strengths,
- barriers,
- connections to other agencies/helping professionals and
- current service needs.
- Part of the assessment may involve organizing a case plan meeting with others involved with the client and working with other agencies/professionals that are connected with the client.

- Once assessed, the LSW will:
  - advocate on behalf of the client for necessary services,
  - make referrals for required supports,
  - coordinate and participate in case planning, and
  - maintain client records in CAPS/TRIM.

- To close a case, the LSW should ensure that they have
  - completed their assessment,
  - advocated for the client,
  - made the necessary referrals for supports/services with other agencies/government departments,
  - coordinated case planning if required,
  - notified the client of the closure and
  - discussed closure with their manager and documented the consultation/reason for closure in CAPS.

Authority Level
Client Services Officer
  Submission of written referral to manager

Client Services Manager of Income Support and Social Work Services
  Approval of referral and assignment of case to LSW

Page updated: May 26, 2011
Other Special Needs

Intent

To clarify when additional items of Special Needs can be provided through the Income Support Program, to support the well-being of an applicant or recipient.

Regulations

19. (1) Other monthly income support for which an applicant or recipient may be eligible is:

   (i) for items of special need, an amount determined by the minister.

Policy

- Items of Special Needs cannot be used to increase the rates for basic benefits identified in the Income Support Regulations such as individual/family benefits.

- The following items are a few of the standard items which may be included as items of Other Special Needs for applicants/recipients of Income Support benefits. These can be approved at a CSO level, with the exception of septic tank cleaning. The latter, as well as any other items of special need which are required must be approved by a Client Services Manager.
Cleaning Septic Tanks

- This service is available to income support recipients who are homeowners, and is arranged through the Newfoundland and Labrador Housing Corporation (NLHC). They in turn bill HRLE. This benefit can be paid under 'septic tank cleaning'.

- For other septic tank problems that are not related to cleaning, the recipient is to be referred to NLHC under the Provincial Home Repair Program (PHRP).

Paternity Testing

- From time to time, a parent may identify an individual as the father of a child who subsequently denies paternity. All these cases are to be referred to Family Justice Services unless the issue was previously addressed by Family Justice Services and there is no change or new information to provide.

- In situations where parties agree to Paternity testing outside the court process, HRLE can pay up to 50% of the total cost. However should there be more than one alleged father then HRLE may pay for two thirds of the cost (mother and child's portion), while each alleged father would pay their share. It should be noted that the mother and child’s cost would be a one time payment. Payment for this testing should only be made to accredited DNA laboratories. A list of accredited laboratories can be found in Appendix E of the linked document from Citizen and Immigration.

- If paternity testing and costs are ordered by a court order, HRLE can cover the amount that the income support client is ordered to pay.

- Should the court give leave for paternity testing without addressing the issue of cost, HRLE can pay up to a maximum of 50% of the total cost.

- There is no provision to pay paternity testing for cases where there is no potential for child support or a person was already declared the father in a previous child support order. However, staff of Family Justice Services may be able to assist individuals with the process of obtaining paternity testing with the cost being paid by the individuals involved.

Extermination and Fumigation Services

- Recipients who are homeowners with an infestation of insects/rodents may request assistance to cover the cost of extermination and fumigation services. Recipients who are renting should be referred to their landlord/landlady.
- In the case of bedbugs, fumigation can be covered for clients who are renting, assuming that it has been established that the pests were not there prior to the client moving into the accommodations, in which case it would be the homeowner’s responsibility. Within the Avalon region, staff are able to utilize an existing standing offer with a specified company. Staff should check with a manager for details on this arrangement.

- Prior approval is required before the recipient engages a pest control service.

- The recipient may either pay the fee charged by the professional pest control service and receive reimbursement from the Department, or request it be approved as a service authorization and that the invoice be forwarded to the Department for payment.

- **Summer School Registration Fees/Transportation and Supplementary Examinations**

  - Summer School Registration Fees may be paid for a dependent child/student of a recipient.

  - Confirmation from the school is required indicating the completion of a specific course(s) in summer school is necessary for promotion to a higher grade level in the next school year or to graduate.

  - For students in Levels 1, 2 and 3 only, a compulsory course may be considered for payment to avoid a student having to attend high school beyond the regular time frame in order to graduate.

  - The recipient must provide a receipt to HRLE verifying the payment was made.

  - If a receipt is not provided, the amount will be set up as an overpayment.

  - Transportation costs to attend summer school via busing or private vehicle use, can be considered if a student lives more than 1.8 km from the summer school site (which is the criteria that the Department of Education uses for the normal school year). The amount to be used cannot exceed the current medical transportation rate of .30 cents/km. The use of taxis for this purpose is not to be approved.

  - Approval can also be given to cover the cost of supplementary exams for a dependent student of a recipient. In order to qualify, the recipient must provide verification from the school that the exam is in a course required for the student to graduate in the appropriate year, or necessary to move into the next grade.
Medic Alert Bracelets & Lifeline Applications

- Staff may receive a request from clients or from a health professional on behalf of a client for the payment of a Medic Alert Bracelet. Available options include:
  
  - Purchase a bracelet at a local store which has already been engraved with generic information (i.e., allergic to penicillin)
  - Purchase through a local retail store and arrange engraving for conditions where a generic description is not available.
  - Purchase it online through MedicAlert. This has an annual membership fee which includes 24 hour protection and emergency information service. Should clients choose to go this route, they will be responsible for the costs as this fee will not be considered under the income support program.

- Lifeline Services is a personal response service whereby individuals can summon help at any time – by pressing a personal help button. Funding for this service is not provided under the income support program. Clients who request such funding should be referred to their regional health authority for an assessment.

Technical Assistance Devices, Deaf or Hard of Hearing

- The Department considers the provision of technical assistance devices to those recipients who can provide verification that they are deaf or hard of hearing and that the item being requested is necessary for their safety, health and well-being. Any or all three of the following items per recipient can be considered as a one-time only purchase:
  
  - Visual Smoke Detector up to $250.00 per purchase inclusive of HST.
  - Alertmaster telephone/doorbell combination system up to $155.00 per purchase inclusive of HST.
  - TTY device up to $422.00 per purchase inclusive of HST.

- All regular monthly cost and/or maintenance cost associated with these items will be the responsibility of the recipient.

Special Clothing/Bedding

- In extraordinary circumstances, up to $500 can be provided to clients for emergency clothing/bedding.
  
  - Where an individual was incarcerated and the landlord disposed of their belongings
  - Clients who have lost belongings as a result of fire/flood etc (although staff should be aware that Red Cross intervenes in these cases)
- Complex needs clients who, as a result of their situation, require assistance with special clothing or bedding
- Other circumstances deemed eligible upon consultation with the CSM

- This benefit is not meant to supplement basic benefits to purchase clothing such as winter boots or any other clothing expected to be purchased from the Income Support basic benefits.

Procedures:

- **Cleaning Septic Tanks**
  - The CSO should arrange for payment to NLHC when an invoice is received to cover the cost of cleaning a septic system.

- **Paternity Testing**
  - The applicable HRLE Office will be notified by Family Justice Services when there is potential for support and paternity testing is required.
  - The paternity testing service will require payment authorization prior to conducting the test.
  - The CSO should ensure, by checking the *Citizenship and Immigration OP.1 Procedures*, that the laboratory conducting the testing is accredited. If it is not, authorization for payment should not be provided.
  - The Client Services Officer will provide Family Justice Services or the recipient with an Authorization to Provide Goods and Services to accompany the requisition being sent to the paternity testing service.

- **Summer School Registration Fees/Transportation and Supplementary Exams**
  - The CSO must request that the recipient obtain verification from the school that the completion of a specific course(s) in summer school is necessary.
  - Generally, a Service Authorization is provided directly to the School Board; however there may be occasions when the client pays the School Board directly and HRLE can reimburse the client once a receipt is provided.
  - Transportation to summer school can be considered for busing or private vehicle use, if a student lives more than 1.6 km from the summer school site. Payment can be
made directly to the client for private vehicle or to a busing service by way of a service authorization. Where the client pays the busing company/school directly, the client can be reimbursed upon presentation of the receipt.

- In the case of supplementary exams, the client must provide the CSO with verification from the school that the exam is in a course necessary for the student to move into the next grade, or for the student to graduate with their peer class.

Medic Alert Bracelets

- Once medical documentation is received from a Health Care Professional, approval may be given for the purchase of a Medic Alert Bracelet. The maximum approval amount in CAPS is $200, however, the most economical option must be chosen.

- Once the Medic Alert Bracelet is purchased, the receipt can be submitted for reimbursement up to the maximum allowable.

- Technical Assistance Devices, Deaf or Hard of Hearing

  - Client Services Officers are being requested to determine eligibility for such items upon receipt of verification of deafness or hard of hearing and by completing a thorough assessment of such factors as living arrangements, family supports, access to such items from other sources. For example, persons who may be board and lodging with relatives may or may not require the Alertmaster telephone/dingbell combination. One has to assess all factors which relate to safety, health and well-being on a case by case basis.

  - All devices purchased would be considered the property of the recipient and in this regard must be portable should recipients move from one accommodation to another.

  - Verification of recipients being deaf or hard of hearing can be obtained from physicians, audiologist, Canadian Hard of Hearing Association (CHHA-NL) or an approved professional as determined by our regulations/policy.

  - This benefit can be paid directly to the recipient via cheque or to the supplier via service authorization, but if paid to a recipient, a receipt of purchase will be required within 90 days. Failure to provide a receipt of purchase would result in an overpayment on recipients' file.

Authority Level
Client Services Officer

- requests for Paternity Testing
- requests for Extermination and Fumigation Services
- requests for Summer School Fees/ Supplementary exams

Client Service Managers/Regional Manager of Income & Social Supports

- requests for Items of Special Needs up to $2,500
- requests for Septic Tank Cleaning

Regional Directors

- requests for Items of Special Needs that exceed $2,500
Outpost Program

Intent

To clarify the involvement of the Department of Human Resources, Labour and Employment in providing Income Support services to persons involved in the Outpost Program.

Overview

The Outpost Program is an approved community program available to Innu residents of Sheshatshiu and Natuashish, both in the Spring and in the Fall,

- Only persons approved by the Outpost Co-ordinator of the Band Council can participate in the Outpost Program,
- Transportation, to and from the country is arranged by the Band Council,
- The Department is advised in writing when a person is approved, when the person will travel to the country and when the person will return

Policy

- Only persons, approved to participate in the Outpost Program, who are in receipt of Income Support or Employment Insurance Benefits, may receive Income Support in advance for a period of up to three months.
- There is no future eligibility for any Income Support for the covering period of the advancement of Income Support benefits.
- Medical transportation, while in the country, is the responsibility of the Band Council.

Procedure

Client Services Officers must:

- Income Support Recipients
  - verify that notification has been received from the Band Council indicating that the
person has been approved, when the person will travel to the country and when the person will return

- issue the applicable income Support benefits in advance to cover the period from the time the recipient leaves to go into the country until the scheduled return, (up to three months).
- issue Income Support benefits using Non-Recurring Pay.

- Employment Insurance Claimants

- verify that notification has been received from the Band Council indicating that the person has been approved, when the person will travel to the country and when the person will return
- request the applicant complete the Application for Income Support
- ensure the person has sufficient weeks remaining on the E.I. claim to cover the period he/she is in the country;
- ensure the only source of income is E.I. benefits;
- ensure the liquid assets are within the maximum permissible limits;
- obtain proof from the applicant that he/she agrees to repay the Income Support provided. Section 24 (2) (b) of the Income and Employment Support Act
- issue Income Support benefits using the appropriate rate of Income Support in advance to cover the period from the time the recipient leaves to go into the country until the scheduled return, (up to three months).
- set up an overpayment immediately for Employment Insurance Benefits claimants for the amount of the Income Support benefits provided or the amount of the E.I. Benefits for the covering period, whichever amount is the less.

- record the full amount of Income Support provided on the Assignment of Benefit Form (INS 3118(09-92)B and forward to Social Development Canada. Refer to 5. 3660 Employment insurance
- The Assignment of Benefit will be processed by Social Development Canada when the person returns from the Outpost Program.
- Payment will be returned to the Finance Division of the Department at that time for crediting towards the overpayment.

Note:

There is no Assignment of Benefits provision for participants for the Outpost Program receiving Old Age Security, Canada Pension or Department of Veteran’s Affairs.

Authority Level

Client Services Officer

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Page updated: April 4, 2006
Determining Eligibility for Residents of Personal Care Homes and Nursing Homes

Intent

To provide clarification on determining eligibility for Special Needs and/or Health Related Items to residents of Personal Care Homes and Nursing Homes.

Policy

- Requests for Income Support can be received from subsidized and non-subsidized residents of Personal Care Homes, licensed by the Department of Health and Community Services.

- The Income Support Program does not provide basic Income Support benefits, i.e., Board and Lodging and/or Comfort's Allowance to residents in Personal Care Homes.

- When residents no longer have the resources to cover their basic costs, they are to be referred to the Personal Care Subsidized Program of the Department of Health and Community Services for assistance.

- **Subsidized Residents**
  - Subsidized residents are automatically eligible for a NLIDP Drug Card, medical equipment, and disposable orthotics, provided their liquid assets are within HRLE's permissible limits.
  
  - Requests for vision care and transportation can only be provided if the resident's liquid assets or funds held in trust are below the maximum permissible amounts. The resources of the spouse, i.e., income and liquid assets have to be considered.
  
  - The following requirements of the resident and spouse are used to determine eligibility for these services only,
Monthly Requirements of the Subsidized Residents (Only to Determine Eligibility)

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board and Lodging per resident</td>
<td>up to $791</td>
</tr>
<tr>
<td>Comfort’s Allowance per resident</td>
<td>$125</td>
</tr>
<tr>
<td>GISS (Different rate for a single resident vs. couple)</td>
<td>$105.00 or $65.00</td>
</tr>
<tr>
<td>Cost of Vision Care</td>
<td>Set Rate</td>
</tr>
<tr>
<td>Cost of Medical Transportation</td>
<td>Actual Cost</td>
</tr>
<tr>
<td>Requirements of spouse, living in the community,</td>
<td>Set Rates</td>
</tr>
<tr>
<td>(Family/Individual Benefits, Special Needs Items and Shelter)</td>
<td></td>
</tr>
<tr>
<td>Less: Total Income of Resident and Spouse</td>
<td>Net Amount</td>
</tr>
</tbody>
</table>

- **Non-Subsidized Residents**
  - Non-subsidized residents are meeting their basic needs from their own income/resources.
  - Non-subsidized residents can apply for Special Needs and/or Health Related Items i.e., Prescription Drug Coverage, Vision Care, Medical Transportation or Other Health Services.
  - An Application for Income Support is required to be completed by the resident and the spouse, if applicable.
  - The following requirements of the resident are used to determine eligibility for these services only, and can only be provided if the resident’s and/or spouse’s liquid assets or funds held in trust are below the maximum permissible amounts. Regulation 26
  - In addition, the basic needs and resources of the spouse, i.e., income and liquid assets also have to be considered.

Monthly Requirements of the Non Subsidized Residents (Only to Determine Eligibility)

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</tbody>
</table>
Less: Total Income of Resident and Spouse  Net Amount

- For no contribution items, if there is eligibility for at least $1.00, the items i.e., Regular Drug Card or Authorization for Service for health services other than medical equipment or disposable orthotics, can be provided.

- For contribution items, i.e., medical equipment, vision care, transportation or disposable orthotics, if the applicant's total requirements, including the cost of one of these items, is greater than his/her total resources, the applicant contributes the difference towards the cost of the requested item.

Procedures

Client Services Officer

- The Client Services Officer must determine eligibility based on the completion of the Application for Income Support.
- First calculate the amount of liquid assets. If liquid assets are greater than the maximum permissible amounts, no eligibility exists.
- If the total requirements of the resident (applicant, and spouse, if applicable) including the cost of the Special Needs and/or Health Related Item(s) is greater than the total resources, the Client Services Officer must determine the contribution the Department can provide towards the cost of the item, but never exceeding the actual cost of the item.
- For further guidelines, refer to the Procedures Section of Determining Eligibility for Families and Singles 21 and Older.
- For Subsidized Residents, only the cost of vision care and medical transportation can be considered when determining eligibility for these items as all other items are provided automatically for these residents.
- An official record must be maintained.
- Full verification of the resources (liquid assets and income) is required.

Authority Level

Client Services Officer
TRANSPORTATION - GENERAL

Intent

- To clarify situations in which recipients of income support benefits are eligible to receive assistance with transportation costs.

Regulations

Other income support

19. (5) Other income support for which an applicant or recipient may be eligible is:

   (a) for transportation, an amount determined by the prevailing commercial rates;

Overview

- Eligible transportation

  There is provision under the Income Support Program to assist clients with transportation expenses in certain situations. Please refer to the following list:

  - Transportation costs associated with employment. These costs are considered expenses incurred to earn an income and are deducted from the gross income when calculating eligibility for a supplement to income support benefits. This does not include costs incurred by a client to travel outside of the province to seek employment (see Partially Exempt Income policy).
  - Transportation associated with burials (see Burials policy).
  - Medical and Psychiatric treatment (see Medical Transportation policy).
  - Transportation for emergency situations.
  - Transportation for persons who are victims of violence to leave an abusive situation and to attend supportive counseling (see Victims of Violence policy).
  - Transportation for clients to attend Appeal Board Hearings.
  - Transportation to meet with a legal aid lawyer outside of the client’s district of residence to obtain child/spousal support payments. Also on the recommendation of a Support Applications Social Worker, transportation can be provided for clients to attend parenting sessions held by Family Justice Services and the initial intake appointment with a Support Application Social Worker when pursuing support payments (see Support Payments - Child and Spousal policy).
  - Transportation to move household furniture (see Household Moving/Storage policy).
  - Repatriation of stranded persons (see Transportation - Stranded Persons policy).
  - Transportation associated with child care (see Transportation to/from Daycare policy).
Transportation for summer school (see Other Special Needs policy).

Non Eligible Transportation

The following requests for transportation from clients cannot be provided through the Income Support Program:

- Assistance to enable clients to attend court hearings (other than for child/spousal support payments).
- Assistance to attend funerals.
- Assistance to visit chiropractors or obtain physiotherapy from private clinics.
- Assistance to visit family members who are hospitalized.
- Assistance for social reasons of any kind.
- Assistance for school children to attend regular school (responsibility of the Department of Education).
- Assistance to parents who request funding to send their child from one parent to the other to meet a shared living arrangement.
- Assistance to pick up prescriptions from pharmacies.
- Assistance for any other reason not listed under the Eligible Transportation section.

Policy

- Clients who receive basic income support benefits are eligible for transportation costs as per guidelines outlined in this section. Residents of Nursing Homes, community care homes and those HCS clients in receipt of home support services may be eligible to have such costs considered but must be assessed by the RHA using the enhanced needs test and be eligible under HRLE's liquid asset criteria.
- Individuals not in receipt of income support benefits must first use their own resources before requesting assistance from the department. However, when a request for transportation is received from a non-IS recipient, who can verify this need, the cost of the transportation is to be included with the other applicable requirements to determine eligibility. These individuals must meet all of the eligibility criteria of the Income Support program. See Needs Test when ongoing income cannot meet the cost of a requirement. Applications for transportation assistance would be limited to burials, medical appointments, stranded individuals and emergency situations.
- Clients who choose to personally attend their HRLE Appeal Board Hearing, as opposed to a telephone conference call, may be eligible for the transportation costs incurred. This is usually issued as a reimbursement to the client, based upon the provision of confirmation of attendance by the Appeal Board. However, if a client cannot arrange for transportation to the hearing site, the Client Services Officer may issue transportation in advance of the hearing and confirm attendance with the Executive Secretary. Meals and accommodation costs may be considered under this code at the discretion of the Board, if required in order for the client to attend the hearing.
- In matters of child support, transportation outside the local district may be provided to the IS client to obtain legal aid services in order to ensure fair representation. In arranging transportation, the Client Services Officer would only approve the most economically available transportation mode.
- Emergency transportation would be associated with medical emergencies, persons who are victims of violence and individuals affected by a fire, flood, or other situation which would jeopardize the health or safety of a person in crisis. CSO's have the authority to provide transportation by the most economical means possible to resolve the emergency situation.

Procedure

- Most approvals for transportation are completed through a service authorization which is either mailed or faxed to the supplier. The authorization is completed in CAPS and the supplier requests payment from the Accounts Division at Provincial Office. Where a client travels by a private vehicle and reimbursement of the expense is requested, verification of the service is required and a reimbursement is issued. In some instances, in order for the client to be able to attend the appointment, it will be necessary to issue the private vehicle rate in advance.

Authority Level

Client Services Officer

Revision Date – May 5, 2010.
Transportation - HCS Programs

Overview

- **Medical Transportation Assistance Program (Non-Emergency)**

The intent of this program is to provide financial assistance for persons who travel by commercial air or registered taxi/bus service to access medically insured services not available within their place of residence and/or within the province.

To be assessed for eligibility for in-province travel, the referring physician is required to complete an application indicating the medical nature of the referral and to whom the patient is being referred. Assessment for eligibility for out-of-province travel requires referral by a specialist.

Persons in receipt of income support are excluded from eligibility under this program as they may be eligible for medical travel assistance through the Department of Human Resources, Labour and Employment. Kidney, bone marrow and stem cell donors are also exempt from this program as donors are eligible for travel assistance through the Eastern Regional Integrated Health Authority.

Further information on this transportation program can be obtained by contacting the Department of Health and Community Services at 729-3108 or on the HCS website.

- The Eastern Regional Integrated Health Authority, on behalf of the Department of Health and Community Services, administers the following universal programs to offset travel costs for residents of Newfoundland and Labrador to avail of the following services:
  
  - **Home Renal Dialysis Training Program**
    
    - The program provides assistance to family members who have been advised by a physician to take training for Home Dialysis for their relative, who is a patient in a hospital or who must travel long distances to an approved centre for dialysis.
    
    - There is a 100% coverage for transportation and accommodation costs.

  - **Organ Transplant Program**
    
    - The Eastern Regional Integrated Health Authority administers an Organ
Transplant Program, which is available to all residents of Newfoundland and Labrador.

- The program covers 100% of the transportation and accommodation costs for donors accompanying patients to approved centres for organ transplants.

Further information on these transportation programs can be obtained by contacting the Eastern Regional Integrated Health Authority.
Medical Transportation

Intent

To identify factors which need to be considered in order to determine eligibility for medical transportation and the circumstances warranting approval.

Regulations

Other income support

19. (5) Other income support for which an applicant or recipient may be eligible is:

(a) for transportation, an amount determined by the prevailing commercial rates;

Overview

- Income Support recipients may require financial assistance in attending medical appointments or treatment facilities. This service may be provided by a physician, psychiatrist, or by other professionals such as social workers, psychologists and nurses employed under the Regional Health Authorities or non-profit agencies.

Policy

General Principles

In determining eligibility for medical transportation, staff must assess the need based on the distance that the client must travel to receive the treatment, the frequency of the required travel and the most cost effective means of transportation.

- Transportation is not normally provided to clients who have access to medical treatment within their local area; rather clients are required to find their own means of transportation. Where clients demonstrate a need for frequent trips for medical treatment, situations are to
be assessed on an individual basis taking into account the frequency and cost of trips. Transportation is only to be provided when a failure to cover the costs will result in the client being unable to access the medical treatment.

- Transportation funds for clients can only be provided to enable clients to visit the nearest (from the client’s residence) doctor, medical clinic, optometrist, dentist or hospital (outside the local area) which provides the service required. Assistance to visit doctors, clinics or hospitals of their choice, which does not correspond to this requirement, cannot be provided through the Income Support Program unless there are extenuating circumstances as approved by a manager.

- Where possible, clients should arrange transportation through their own vehicle if applicable, or through a friend or family member. Reimbursement for transportation using a private vehicle can be issued at $0.30 per km provided that this is more economical than public transportation. It is not contrary to the Motor Carrier Act to use an unlicensed vehicle to transport oneself, or for a person to provide transportation to take a friend or relative in one’s own car as long as it is not done for hire, gain or reward.

- Where a client does not have access to private transportation, public transportation by licensed carriers may be approved subject to the following guidelines:
  
  - The most economical mode of public transportation is to be utilized at all times (e.g. bus pass versus taxi).
  
  - Clients requiring assistance to travel long distances must travel by the most economical means. In most instances, a bus should be used instead of an airline. Any deviation from this policy must be supported by medical documentation which explains why a particular client must travel by a certain mode of transportation. (Exception: out of province medical transportation is normally by airline unless there is a medical reason why this is not appropriate, or for long term trips – i.e. awaiting transplants, where the client will be traveling by own vehicle)

  - When considering the most economical means, this should be as a package which includes any accommodations and meals, as the choice of a bus may then include overnight accommodations and meals, whereas a taxi may make the return trip in one day without those additional costs and may in the end be less expensive.

Other Criteria

- Transportation may be considered in cases which enable a client to receive treatment, if it is court ordered or if a physician/psychiatrist, social worker, psychologist, nurse or counsellor verifies that the treatment is necessary. These services may include group therapy offered by one of these professionals or through a support group recommended by the professional as part of the client’s service/treatment plan.

- Clients must utilize counselling/treatment services that are available through Health & Community Services or non-profit agencies in their communities. There is no provision within the Income Support Program to cover the cost of counselling/treatment services. The only assistance that can be provided is to cover the cost of transportation to the closest service.

In Province Medical Transportation
- Clients requesting transportation assistance for medical reasons must obtain prior approval from the Department before invoicing. Emergencies are exempt from prior approval and must be verified after the service is provided to the client and before payment is made.

- Where possible and practical, transportation should not be provided when medical needs are not immediate (where appointments can be flexible, such as eye examinations, prescription renewal and unscheduled follow-up appointments).

- When defining the cost that the Department will pay for clients' medical transportation, Client Service Managers are responsible to identify in their districts: which communities, under what circumstances, and what rates of transportation assistance may be considered. Managers must also determine what medical procedures are provided at local clinics in the district as opposed to major facilities such as hospitals outside the district. The district policy must be available to the district Staff, to clients and to the general public upon request.

- If an escort is being requested for an adult or the request is for two parents/escorts for a child, documentation of medical need (not just for emotional support) for same is required.

- Clients occasionally request assistance for transportation to self help groups i.e. AA, GA, etc. where obtaining verification of attendance may be an issue due to the confidentiality rules of the group. HRLE can provide the transportation as long as there is medical documentation of need on file.

- Costs incurred in visiting a chiropractor cannot be covered through the Income Support Program, even if medically recommended by a physician. Chiropractic treatment is not recognized as a medical treatment by the Medical Care Plan (MCP).

- Transportation may be provided for dental appointments to the nearest dental clinic in the following circumstances (and assuming it meets the criteria of being outside of the local area or as trips considered in the frequency of overall medical transportation):
  - For children under 12, as per the Provincial Children's Dental Health Program, once every six months for a regular examination. As a fluoride treatment and a cleaning can be provided to children under twelve once every 12 months, these should be completed during one of the regular six month examinations and not approved as a separate trip. (Verification of attendance required prior to reimbursement)
  - For children age 13-17, as per the Provincial Children's Dental Health Program, once every 24 months for a regular examination. (Verification of attendance required prior to reimbursement)
  - For children under the age of 17 who require additional appointments for other MCP covered procedures (x-ray, or routine fillings and extractions as required) a letter verifying the need must be provided by the dentist prior to transportation being approved.
  - When a family in receipt of Income Support benefits has more than one child who requires routine dental work such as cleanings or examinations, the parents should schedule the children's appointments on the same day to eliminate the need for multiple trips/transportation costs.
  - For all clients of the Income Support Program, including adults, who require emergency dental treatment for issues such as pain, infection, trauma or extraction, in these instances, a letter confirming the visit must be provided.

- If a client requires physiotherapy treatment, it must be obtained at the nearest hospital where the treatment is available. Transportation assistance to access physiotherapy at other facilities or private clinics is not to be provided through the Income Support Program.

- Whenever possible, return transportation costs should be arranged for the client.
• If required, waiting time for taxis must be kept to a minimum and clients should be advised of same. Claims for waiting time can only start at the appointment time and will stop when the client finishes the necessary appointment or treatment.

• Where travel is frequent and transportation costs are significant, consideration can be given to providing the client (with his/her consent) with in-town accommodations (i.e. hostel costs or a rental unit) where the cost of the accommodation costs would be less than the transportation costs.

Medical Transportation outside the Province

• Medical transportation outside the province is sometimes required by clients who are in receipt of income support benefits or non-clients who have been determined eligible for assistance with medical transportation costs.

• When a request is received to provide transportation outside the province, the Client Services Officer must obtain the particulars required for consideration. This includes the name of the referring specialist, where and to whom the patient must be referred, the date of the confirmed appointment, the reason for the referral and any other pertinent information. Funding will only be provided in cases where the consultation or treatment is not available in this province and the documentation must verify this. If further information regarding the particular request is required, contact can be made with the Physician Services Division of the Department of Health and Community Services at 758 – 1501.

• Consideration should be given to arranging the flight through Hope Air where applicable. As well, non-clients who request financial assistance should also be aware of the Medical Transportation Assistance Program through the Department of Health and Community Services.

• Under the Income Support Program, the following costs can be included in the total cost of the trip:
  - airfare, bus or mileage for private vehicle from this province to the other province;
  - taxi from the airport to the health care centre and return;
  - accommodations (preferably hostel);
  - meal costs of $20 per day per person and
  - expenses for an escort where medically required.

• For non-IS clients, the amount required to cover the total cost of the trip is to be included with the other applicable basic assistance requirements. The amount of deductible income is to be subtracted from the total requirements. The difference will be the HRLE contribution towards the cost of the trip.

• Where a non-client is required to travel for emergency treatment on short notice and time does not allow for an assessment to determine eligibility for income support benefits, the Client Services Officer may issue funds to cover the transportation costs and establish eligibility upon return to the province. Any amount for which there was no eligibility must be set up as an overpayment. Receipts for all expenses will be required.

• In certain circumstances, individuals may have had to borrow funds to travel outside the province because time did not permit an assessment to be completed to determine eligibility through the income support program. Upon return to the province, reimbursement may be considered for any amounts the program would have covered. Receipts for all expenses will be required.
Escort Duty (if medically required)

- In certain cases it may be necessary to cover costs for escorts to accompany children or clients to the closest medical facility outside the local office area. The referring doctor or nurse must verify that an escort is absolutely necessary for medical reasons when dealing with adult clients. One parent may act as an escort for minor children. A second escort will only be considered upon documentation of medical necessity. The escort is selected by the client.

- Where escorts spend their own money to accompany clients, they may submit claims to the Client Services Officers for reimbursement. Expenses cannot exceed the $30 per/km for private vehicle usage or actual bus/airline costs, hostel/hotel costs and meal costs at $20 per day per person. Receipts are required.

- When nursing personnel are required by the attending physician to act as escorts for out patients who are eligible for income support, payment of transportation and other related expenses of the escort is the responsibility of the hospital. Only the standard escort fee and administration fee that is directly billed by the hospital to the client for escorted road and air ambulance services may be paid as medical transportation.

Alcohol Treatment Related Medical Transportation

- There are three recognized alcohol residential treatment centers in the province:
  - Recovery Centre, St. John’s
  - Howard House, St. John’s
  - Humber Wood Alcohol and Drug Treatment Centre, Corner Brook

Persons who are eligible for Income Support Benefits will be provided transportation to and from these centers.

- There is no provision to send persons outside of the province for alcohol related treatment unless approved by the Department of Health and Community Services.

Air and Road Ambulance Program

- Income support client will be issued a new ambulance/dental services card on their cheque each month. When clients require road ambulance services, they must present their ambulance card to the ambulance driver for coverage. The patient fee charged for road ambulance usage is $115. This coverage is also valid for subsidized residents in nursing homes and non-subsidized residents deemed eligible for transportation assistance.

- For clients requiring an air ambulance, there is an administrative fee charged of $80 which is to be paid as medical transportation. In addition, if a medical escort is required, the additional fee is $60.

- Where clients are outside of the province and require an ambulance, MCP will not cover any portion of the cost. In the case of income support clients, coverage can be provided for the full amount paid directly to the service provider or reimbursed to the client where they provide proof of payment.
Clients who Require Road Ambulance Transportation for Renal Dialysis:

- Individuals who access renal dialysis treatment at a hospital or community site and who have medical documentation noting their need to travel by road ambulance can have these fees paid through HRL if they are in receipt of income support benefits or subsidized home support services through an Integrated Health Board.

- Individuals who access renal dialysis treatment at a hospital or community site at least three times/week by road ambulance, who are not eligible for income support benefits or subsidized home supports should be referred to their local Regional Health Authority. The Regional Health Authorities can use enriched needs guidelines to determine eligibility for partial/full payment of transportation by road ambulance if this need is medically documented by a physician/nephrologist.

Methadone Treatment

- Clients who are seeking financial assistance with transportation to receive methadone treatments are required to get medical documentation advising of the need for regular transportation to receive their treatments, normally dispensed at pharmacies. In some instances, pharmacists allow "carries" (a dosage to take home as opposed to ingesting the medication at the pharmacy) of the drug. The fee associated with these ‘carries’ are normally covered by a special authorization under NLPDP. However, where there are multiple ‘carries’ provided (i.e., for 3 days), NLPDP only provides for 1 dispensing fee and the pharmacy may charge for 3 – one for each ‘carry’. Where it would otherwise mean that without payment for the additional dispensing fees, HRL would be required to pay a higher cost for the transportation, approval can be provided to cover the dispensing fee as a form of medical transportation.

Blood Collection

- The Income Support Program does not normally provide for the payment of direct health services such as private blood collection services. However, for clients who would be approved for medical transportation based on frequency of visits or the distance of the medical facility from their home, consideration can be given to the payment of such costs where they are more economical than the cost of transportation/waiting time.

Waterford Community Care/Nursing Homes

- Subsidized residents of the Waterford Community Care Homes and nursing homes are assumed to be eligible for medically related transportation if their liquid assets are within income support guidelines.

- Regional Health Authorities are responsible for the transportation of subsidized residents of Personal Care Homes and this should not be approved under the Income Support Program.

- Where non-subsidized residents of nursing homes, Community Care homes or Personal Care Homes require assistance with medical transportation, a needs test must be completed to determine if eligibility exists.

Procedure

General
• Where prior approval is given for medical transportation, a request to reflect same should be added in CAPS as well as a casa note.

**Payment**

• Transportation assistance in the amount of $0.30 per kilometer will be paid directly to the client to provide for the expenses involved provided that the transportation meets the other conditions (eg. nearest treatment, frequency of trips, is not within the local office area and is less expensive than public transportation).

• Payment for public ground transportation may be made payable to the service provider or to the client. Payment for air travel must be made payable to the airline or travel agent.

**Benefit added to recurring pay cheques**

• Clients with long term ongoing medical transportation needs can have funding for these trips included in their regular semi-monthly cheque. The use of recurring pay for ongoing medical transportation requests will be offered to cases where the source of transportation is private vehicle or public transportation (i.e. bus pass). Clients who use taxi transportation, via service authorization, should not have their travel costs added to recurring pay. Those utilizing a taxi for medical appointments, but paying the same as private vehicle rates (shared taxis), can have these benefits placed on recurring pay.

• To be considered to have this benefit added to a recurring pay cheque, the transportation requirement should be needed for a minimum of 3 months. As this is meant for long term, frequent medical treatment, it is anticipated that the following types of treatment would fall into the criteria noted:
  ▪ Dialysis
  ▪ Chemotherapy
  ▪ Radiation
  ▪ Methadone Program
  ▪ Psychiatric Programs
  ▪ Other treatments which are frequent and will last at least 3 months in duration.

• While this option is available to all clients, there may be some individuals who because of medical or management issues, would be better served if their bus pass is mailed to them on a regular basis or they are reimbursed for each trip. This decision will be left to the discretion of the CSO, in consultation with management.

• Initial verification of the need for ongoing medical transportation is required upfront – i.e. client will require chemotherapy for 15 weeks. Further verification of attendance at medical appointments must then be provided by the client every 3 months. This attendance verification may require only 1 note from the medical professional indicating that the client attended the appointments with the dates noted, as opposed to a separate note for each date. Based on the compliance of the documentation being received, consideration will be given to extending the time frame for up to six months so that the need for the documentation is less frequent. For clients who receive bus passes, a request from a health care professional for additional months is sufficient verification that previous appointments were kept.

• KIV’s must be set up and actioned to ensure that verification of medical attendance is received and that the benefit is removed from the allowance at the end of the treatment. KIV categories already exist in CAPS for “medical confirmation” and “verification of medical appointment;” however for purposes of this new procedure an additional KIV
category has been created in CAPS-Medical Transportation/Recurring Pay and should be utilized for this purpose. Once the verification of attendance is received, staff must action the current KIV and set up a new one for the following 90 days (or 180 days for clients who submit documentation every six months). It is essential that the PAU keep these KIV’s up to date. If verification is not received within the time frame, the benefit should be removed from the recurring pay allowance and paid only as a reimbursement to the client, or as a payment directly to the supplier. To ensure the integrity of this procedure, managers are asked to monitor the KIV’s and compliance of the documentation received.

- When the medical transportation request is entered into CAPS, the start and end date of the benefit is required. These dates should not exceed six months as verification of medical appointments are required before further approval can be given. Dates are for informational purposes only. The benefit will not end unless a CSO suspends the case and completes a reassessment. Although it will not be necessary to change the start and end dates when a further 90 or 180 days are approved, it is expected that when a reassessment is completed for other reasons, that the dates are updated at that time.

Ambulance transportation

- When income support benefit clients request medical transportation via road ambulance – they present their ambulance card to the ambulance driver and the ambulance operators bill the Regional Health Authorities for payment. Prior to payment by the RHA, a client’s eligibility for the service is validated by utilizing the Newfoundland & Labrador Prescription Drug Program. Once eligibility is determined, the Regional Health Authorities pay the ambulance fee and request HRLE to reimburse them. However, there are situations where an income support client failed to present the ambulance card to the operator and has received an invoice for payment of the patient fee for road ambulance services. The patient fee is $115 and in those cases, the client requests the assistance of the Department for payment. The Client Services Officer should advise the client to provide their ambulance card information to the ambulance operator so that he can resubmit his claim to Eastern Health.

- The issuance of this card is linked to regular drug card records created within CAPS. If staff tick the ‘include drug card’ button on AM 5000, the cheque issued will include the new ambulance/dental services card, unless there is a private health care record which indicates these benefits are already provided under that plan or the drug card issued is an ‘extended’ card.

- Non-IS clients who request assistance with the cost of ambulance bills must apply to the income support program and have a needs assessment completed.

Escort Fees

- Medical escort fees are billed by the applicable RHA and can be paid via service authorization using the medical transportation code. Current rates are $50 for the escort.

Authority level

Client Services Officer – regular transportation requests

Client Services Manager – Exemnuating transportation requests
Out of Province medical transportation
Monitor KIV's for recurring pay medical transportation
Revision Date – April 2, 2012
Transportation - Hope Air Network

Overview

- Hope Air is a national charitable organization that provides free air transportation (utilizing empty seats on existing corporate, government, commercial and private aircraft) for Canadians requiring medical treatment or diagnosis outside their home communities.
- Hope Air
  - is not an Air Ambulance or emergency service. Therefore patients must
    - be able to board an aircraft with a minimum of aid,
    - be able to sit in a regular aircraft seat, and
    - must not require medical attention while on board
  - accepts telephone referrals from patients, health care professionals and social service agencies for either one-way or return flights.
  - usually requires a minimum of five (5) business days (prior to the scheduled medical appointment) to arrange air transportation. Normally it takes 2 - 4 weeks prior to the scheduled medical appointment to ensure that all necessary doctor consents have been received;
    - two-weeks notice is required for those requiring surgery;
    - three-weeks is required for those going for assessments; and
    - four-weeks notice is required for those travelling for a check-up
  - cannot guarantee assistance and reserves the right to refuse any flight request at its sole discretion.
  - makes every effort to schedule flights as close as possible to medical treatment times occasionally however patients may have to depart earlier or return later than requested.
  - Hope Air may arrange up to 2 return trips per client in one calendar year on commercial airlines. Flights utilizing the Volunteer Pilot Program are not subject to this restriction.
  - Requests for an escort (companion), when deemed necessary by the patient's physician, are accommodated whenever possible.
Transportation - Hope Air Network

- In order to be considered, applicants must:
  - be Canadian citizens or landed immigrants and be living in Canada;
  - demonstrate financial need;
  - have a scheduled appointment for non-emergency medical treatment covered under a provincial medical plan;
  - pay a $50 processing fee per person.

- Applicants can:
  - call Hope Air at (416) 222-6335
    - calls are answered by volunteers between 9:00 a.m. and 5:00 p.m. (E.S.T.), Monday to Friday, i.e., 10:30 a.m. and 6:30 p.m. (NL time)
    - after hours, a telephone answering machine records the calls and a volunteer returns them the next business day.
  - or
  - contact their website at http://www.hopeair.org/#

- The following information must be provided to Hope Air by the applicant or person calling on behalf of the applicant:
  - Name of the closest mid-size or major airport;
  - Name, address and telephone number of the patient’s of the referring physician;
  - Name and contact information of the treatment physician. Physicians are contacted later to obtain medical clearance to fly and to validate appointment details;
  - Type of treatment being required;
  - Date and time of the first appointment at the treatment facility/with the treating physician;
  - For payment of processing fee via credit card, have credit card number and expiry date available;
  - Name and contact information for the escort when deemed medically necessary;
  - Information about special medical requirement (i.e., wheelchair at airport, oxygen during flight, etc.);

Policy

- Persons who are required to travel outside Newfoundland and Labrador for medical procedures are required to access the Hope Air Transportation Network to determine if there is eligibility for that program.
- The registration fee will be covered under the Income Support Program for persons in receipt of or deemed eligible for Income Support.
Transportation - Household Moving and Furniture Storage

Intent

To provide information for applicants/recipients who require transportation because they have to move from their current accommodations.

Regulation

19 (5) (a) for transportation, an amount determined by the prevailing commercial rates;

Policy

- Program Supervisor/District Manager must establish acceptable practices and rates to be paid within the local communities served by the appropriate District and between adjacent communities.

- Transportation costs to move furniture, by the most economical arrangement, can be considered when it is necessary for a recipient to move because of safety, inadequate housing, excessive heating costs or medical reasons.

- Recipient must obtain approval of transportation costs prior to the move and provide an invoice from the person or company who provided the transportation and/or is storing the furniture.

- Transportation to move furniture because of an eviction may only be considered in an emergency situation and must be set up as an overpayment.

- Income Support may also be provided to cover the cost of storage of household furniture in special situations, i.e., a recipient was hospitalized or institutionalized for an extended period of time.

Procedures
Client Services Officer must:

- if a request for transportation is made due to eviction, determine if an emergency situation exists.
- advise recipient, if transportation is provided because of an eviction, the amount provided for transportation will be set up as an overpayment;
- ensure the invoice was be signed/authorized by the recipient, before payment is made.

Authority Level

Client Services Officer

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Page updated: May 28, 2007
Transportation - Stranded Persons (Repatriation)

Intent

To provide a general overview of the benefits that may be available to a stranded person to offset the cost of transportation to return to their home community.

Regulation

19 (5) (a) for transportation, an amount determined by the prevailing commercial rates;

Policy

- A Stranded Person is a person temporarily in a location with no established residence who wishes to return to his/her home community and has no resources to cover the transportation costs.

- Stranded persons are required to use all available liquid assets or any other resources at their disposal. If there are no resources available, it appears absolutely necessary to provide assistance to send the person home, the person can apply and be considered under the Income Support Program for repatriation through the most economical and practical mode of transportation available.
  
  - board and lodging or a drug card can be provided for the interim period

- Stranded persons, who are normally residents of Newfoundland and Labrador, are expected to contact family members, where possible, to cover the cost of transportation.

- Stranded persons who are normally residents of another Province may be approved to return to the original Province.
  
  - In order for a stranded person to be repatriated, the person must provide a name and telephone number of a person in the community/province willing to accommodate the person.
  
  - If the contact person will not accommodate the applicant (even for a few days) the
application for repatriation may not be provided as the Income Support Program does not support returning people to other jurisdictions without at least a temporary place to stay.

- If the person was in receipt of Income Support in the other Province, the name and address of the appropriate Department is required, so the Department can be notified their former recipient is being repatriated and may be requesting assistance in the near future.

- Stranded persons who are normally residents of another country are not eligible for repatriation. [see Determining Eligibility Landed Immigrants/Refugees (non-canadians)]

Procedures

Client Services Officer must:

Residents of the Province

- contact the District Office responsible for the area of the stranded person's destination to verify availability of residence;
- if approved, provide transportation using a service authorization or by cheque;

Non-Residents of the Province

- collect the following information in order to determine eligibility for such requests:
  - full name of the applicant,
  - social insurance number,
  - marital status,
  - number of dependents (if applicable),
  - applicant's original residence [original Province],
  - determine if he/she was in receipt of Income Support in the original Province prior to coming to Newfoundland and Labrador
  - next of kin and their address and telephone number,
  - reason why he/she came to this Province,
  - length of time in this Province,
  - current living arrangements and if there are any relatives in this Province, and
  - reason why the individual is requesting repatriation.

- contact the former province to determine if the person has a place to stay;

- if the contact person agrees to accommodate the person, provide assistance with transportation by the most economical and practical arrangements;
  - if it is agreed to send the person to the home community contact the local social service agency to advise them this person is being returned to the original Province;

- if the contact person does not agree to accommodate the person consult with Program Supervisor/District Manager to determine what assistance can be provided. This may involve contacting the local social service office in the original province to determine if there are other options for this client, i.e., shelters, transitional housing, etc.;
- If the person is a recipient of Income Support in the original Province, request the name and address of the Department and telephone number of the worker, if known.
  - Advise the appropriate agency, their former recipient is being repatriated and may be requesting assistance in the near future;
- Sufficient information from the individual must be obtained in order to register the client in CAPS and to approve cheques, service authorizations or drug cards as required.

Authority Level:

Client Services Officer

Program Supervisor/District Manager To return Non-Residents Outside the Province

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Page updated: Sept 25, 2007
SUPPORTS TO PERSONS WHO ARE VICTIMS OF VIOLENCE

Intent

To clarify the services available through the Department of Advanced Education and Skills for persons who are victims of violence.

Policy

- Any individual, not just a person in receipt of income support, who self-identifies as a victim of violence, can receive emergency transportation to a safe place regardless of distance, and/or emergency accommodations.

  - This service can be authorized by staff of the Department of Advanced Education and Skills or by transition house/shelter staff.

    - Transition house/shelter staff can authorize emergency transportation and/or one night accommodations on weekdays and up to three night accommodations on weekends.

    - The transition house/shelter is responsible to forward the necessary information to HRLE within 24hrs - 72hrs of the authorization.

- Financial assessments are not required prior to providing an emergency service to persons who self-identify as victims of violence and who require a safe haven.

- Emergency transportation may include:
  
  - transportation from the victim's home to a shelter/transition house; or

  - transportation to a safe location other than a shelter (i.e., with friends/family, at a hotel/motel).
• A hotel/motel may be used as a temporary shelter if:
  o it is the nearest safest place
  o it is not feasible/safe for the individual to be with friends or relatives,
  o there is no transition house/shelter in their local area, and/or
  o the local transition house/shelter is at capacity.

• Victims of violence who are in receipt of income support benefits when they enter a transition house/shelter can continue to receive their individual/family benefits. This will assist in providing financial stability during a critical period of transition. The ex-spouse should be removed from the allowance, if applicable.

• Payment of rent or mortgage may continue if the person intends to return to their own home/rental property.

• Victims of violence who are not in receipt of income support benefits when they enter a transition house/shelter may be eligible for a Personal Allowance for part or full duration of their stay depending upon their financial situation. The Personal Allowance is not provided by the Dept. of Advanced Education and Skills, but by the transition house through an agreement with the Department of Health and Community Services.

• It may be necessary for a person who is a victim of violence to apply for income support benefits. Eligibility for income support will be based on the immediate need of the applicant.

• Applicants must normally provide all required documentation (see policy on Information Required to Assess/Review Eligibility) when applying for income support; however, this may not always be possible for victims of violence. In these cases, some flexibility can be provided with the approval of the Program Supervisor/District Manager.

  o Birth certificates for all family members
    • If not available, the Client Services Officer can complete an “Application for Birth Certificate” and forward to the Vital Statistics Division of Service NL. In situations when the applicant was born outside of the province, the Program Supervisor/District Manager can extend the number of days to 90 without the appropriate documentation.

  o Social Insurance Number(s)
    • Verification of the Social Insurance Number is required within 60 days of the application. As it may be difficult for a person who is a victim of violence to provide verification within this timeframe, it can be extended to 90 days with the approval of the Program Supervisor/District Manager.
    • The Client Services Officer may be able to assist, with the consent of the client, by contacting Service Canada to obtain authentication of the applicant’s Social Insurance Number.

  o Child/Spousal Support
    • The Client Services Officer should advise the client of the Family Justice Services Program and determine if they want to complete a “Request for Services” to that program. If the client does not, the Client Services Officer
should determine if and when the case should be KIV'd for future discussion surrounding the referral.

- Verification of Income
  - Verification of income of the ex-spouse to determine eligibility in the previous 80 days is not required.
  - Verification of applicant's income and liquid assets is required.
  - Client Services Officers can assist applicants in acquiring the necessary documentation, with consent, by sending the Rights, Responsibilities and Client Consent form to financial institutions.
  - Once the documentation has been received, the Client Services Officer should discuss with the applicant if they have access to assets (i.e. bank account).
  - Note: In situations where it is not safe for the applicant to access the family assets, the Client Services Officer should discuss this with the Supervisor/District Manager.

- Other Related Needs
  - When considering net income, employed persons who are victims of violence may continue to work while staying in the safe environment. As this may result in additional costs associated with travelling to and from employment, these increases can be considered as legitimate expenses.
  - Assistance with Rent
    - Assistance with board and lodging, especially with a relative or friend, maybe more appropriate in order to meet the needs of the victim of violence.
    - If board and lodging is not appropriate, rental assistance can be provided with the approval of the Program Supervisor/District Manager.
    - Once a person is safe and plans to remain apart from the family home, additional services may be available based on eligibility for income support.

Procedure

Client Services Officer
• Maintaining client confidentiality is particularly crucial when working with victims of violence as providing information without the client’s consent can compromise their safety and well being, as well as that of their children.

• Provide as much information as possible about services available within the Department and the community to persons who are victims of violence. With consent, it may be beneficial to contact community agencies/services on the client’s behalf.

• Discuss the importance of having a plan in place if they decide to leave the violent situation including storing information such as SIN cards and birth certificates in a safe accessible location should they need to leave abruptly, and memorizing emergency telephone numbers such as crisis lines/police.

• Set up a service plan if requested (a non-financial case in CAPS or a physical file record) containing: information pertaining to the person, information provided to the person on services offered by the Department and the community, and a record of information provided by the person to the Department, which would be readily available in the event that the person calls in a crisis.

Note: Information held in the service plan records or even the existence of these records must not be revealed to anyone other than the person named on the record.

• An alert can be added in CAPS to indicate that the individual is a victim of violence who has a service plan in place.

• When adding case notes on issues of a delicate/highly confidential nature for a victim of violence (i.e. a client’s safety plan) the Client Services Office should tick the sensitive box in the CAPS system.

• Reassure recipients of income support that their individual/family benefits can continue if they enter a transition house/shelter.

• Inform persons not in receipt of income support on how to apply for benefits prior to leaving the violent home.

• When paying invoices for services authorized for victims of violence:

  o all transportation, including out of province, support group and shelter/safe house transportation; shall be authorized under “Special Needs -Non-Medical Transportation” in the CAPS system
  o the start up allowance must be authorized under “Special Needs – Furniture”
  o all accommodations funded for victims of violence including hotels, shelters and other residential settings; must be authorized under “Emergency Assistance – Board and Lodging”
  o services that were authorized by transition houses/shelters should be paid directly to the service provider

• Continue basic income support benefits for recipients who have moved from a violent situation.
- Determine if a recipient who is a victim of violence and has moved from their original residence, will be returning in order to continue payment of rent or mortgage benefits.

- Provide a "Start-Up Allowance" to assist recipients moving into new accommodations to purchase the necessary items to set up a new home, e.g., beds, dishes, linens, clothing, etc.

<table>
<thead>
<tr>
<th>Adult</th>
<th>Child</th>
<th>Island</th>
<th>Coast of Labrador</th>
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<tbody>
<tr>
<td>1</td>
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<tr>
<td>1</td>
<td>7</td>
<td>$1,500</td>
<td>$1,950</td>
</tr>
</tbody>
</table>

- Forward subsequent requests for "Start Up Allowance" to the program supervisor/district manager for approval.

- When authorizing transportation to support groups:
  - obtain verification from the group facilitator on the frequency of sessions and the anticipated duration
  - obtain confirmation of attendance from the recipient

- A request for transportation outside the province is based on the following criteria:
  - the person who is a victim of violence must be eligible for income support;
  - a written recommendation verifying that the move is necessary must be received from one of the following: police (RCMP, RNC), transition house worker, a women’s council, Health and Community Services, Child Youth and Family Services or Victim Services (Dept. of Justice).

  Document the request including:
  - an outline of the recipient's circumstances,
  - why the move to another province is the most appropriate option, and
  - verification that the person/family has a place to stay in the receiving
province;
and forward to Program Supervisor/District Manager for approval.

- Upon approval of the request for transportation outside of the province, inform the
  appropriate social services office in the receiving province that the individual is coming, giving
  dates of arrival, covering period of assistance, etc.

Program Supervisor/District Manager

- Review and approve/deny request for transportation outside of the province, including moving
  expenses for household furniture and other belongings if required.
  
  o Consideration must be given to what are reasonable expenses. In some situations, it
    may be more cost effective to provide funds for furniture or “start-up” in another
    province rather than paying actual moving expenses.

  o If the request is denied, inform the recipient in writing of the reason for denial, his/her
    right to appeal and how to do so.

- Review and approve/deny subsequent requests for a “Start-Up Allowance” to recipients
  moving into new accommodations.

Authority Levels

Transition House/Shelter Staff

- one night accommodations on weekdays and up to three nights accommodations on
  weekends
- emergency transportation

Client Services Officer

- one night accommodations on weekdays and up to three nights accommodations on
  weekends
- emergency transportation
- transportation to assist persons to move household furniture from one residence to
  another, if the reason for the move is the personal safety of the individual/family
- transportation to assist recipients to return to their original residence to gather their
  belongings when/if they feel it is safe to do so
- transportation to move an individual or family from one shelter within the province to
  another upon request from transition house/shelter staff
- transportation to support groups (confirmation of attendance and verification from the
  group facilitator of the frequency of sessions and the anticipated duration is required)
- continuation of basic income support benefits for recipients who have moved from a
  violent situation
- “Start-Up Allowance” to recipients moving into new accommodations
Program Supervisor/District Manager

- transportation outside of the province including moving expenses for household furniture and other belongings if required
- approval of subsequent requests for a “Start-Up Allowance” to recipients moving into new accommodations
 Procedures:

Client Services Officer must:

- inform the recipient of Judgment Enforcement Regulations and advise the applicant/recipient to notify the employer to make the correction for the next pay cheque.
- provide Income Support benefits only to the date the correction to the attachment is to be made.
- notify the Support Enforcement Agency, if the attachment was made by that Agency, to have it suspended/adjusted so the applicant is no longer eligible for Income Support.
- obtain Program Supervisor/District Manager approval if the covering period exceeds 30 days.

Authority Level

Client Services Officer

Program Supervisor/District Manager - covering period > 30 days
# Delegation of Authority – Income Support Program

**Intent**
To identify the authority level for income support benefits and services.

## Client Services Officer

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Amount/Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Basic Benefits</strong></td>
<td></td>
</tr>
<tr>
<td>Additional assistance</td>
<td>Up to amount in Regulation 16.(4) monthly for rent or mortgage only.</td>
</tr>
<tr>
<td>Board and Lodging – daily rates</td>
<td>Prevailing rate or those negotiated with facilities. Private accommodations - $25 per day. Meals where not included in commercial accommodations - $20 per day.</td>
</tr>
<tr>
<td>Child Benefit Adjustment</td>
<td>As per CBA tables.</td>
</tr>
<tr>
<td>Comforts Allowance</td>
<td>As per Regulation 19.(2) and (3).</td>
</tr>
<tr>
<td>Condo Fees</td>
<td>Included as a mortgage payment subject to Regulation 16.</td>
</tr>
<tr>
<td>Cost Of Living Allowance (coastal Labrador)</td>
<td>As per Regulation 19 (1) (b). Client must reside in coastal Labrador and maintain a residence or have dependents and live in a board and lodging arrangement.</td>
</tr>
<tr>
<td>Emergency Assistance</td>
<td>Up to $1000 per request.</td>
</tr>
<tr>
<td>Emergency accommodations – placement in a commercial establishment (i.e. hotel)</td>
<td>Up to 3 days.</td>
</tr>
<tr>
<td>Family Benefits</td>
<td>Rates as per Regulations 13, 14 and 15.</td>
</tr>
<tr>
<td>Fuel Supplement</td>
<td>Rates as per Regulation 19 (1) (a) and (b). Must maintain a home, and be responsible for the payment of utilities.</td>
</tr>
<tr>
<td>Guaranteed Income Supplement Supplement</td>
<td>Rates as per Regulation 19 (1) (f). Must be in receipt of OAS/GIS.</td>
</tr>
<tr>
<td>Individual Benefits</td>
<td>Rates as per Regulations 13, 14 and 15.</td>
</tr>
<tr>
<td>Municipal Taxes and Fees</td>
<td>Rate as per charged by municipality.</td>
</tr>
<tr>
<td>Mortgage</td>
<td>Rates as per Regulation 18.</td>
</tr>
<tr>
<td>Refund of Credit Balance</td>
<td>Up to $500</td>
</tr>
<tr>
<td>Rent</td>
<td>Rates as per Regulation 16. For a single applicant, where that person has maintained a rental unit for a minimum of 6 months.</td>
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<tr>
<td>Description</td>
<td>Description</td>
</tr>
<tr>
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<tr>
<td>Retroactive assistance/underpayment</td>
<td>As per section 23 of the IES Act. Retroactive income support benefits where the covering period is less than 12 months in duration.</td>
</tr>
<tr>
<td>Security Deposit</td>
<td>Rates as per Regulation 19 (5)(d) initial request only.</td>
</tr>
<tr>
<td>Special Needs Rent/Mortgage</td>
<td>Rates as per Regulation 16 (3)(a) and (b).</td>
</tr>
<tr>
<td>Utilities included in rent/mortgage</td>
<td>Rates as per Regulation 16 (2).</td>
</tr>
<tr>
<td>Health Benefits</td>
<td></td>
</tr>
<tr>
<td>Ambulance/Dental card</td>
<td>As per eligibility for basic income support benefits and conditions of Dental Health Program.</td>
</tr>
<tr>
<td>Blind Persons Supplement</td>
<td>Rates as per Regulation 19(1)(l) as verified by an approved professional.</td>
</tr>
<tr>
<td>Dentures</td>
<td>Rates as per Regulation 24, where a client has been in receipt of IS for 6 months, and request is based on employment needs, medical or compassionate grounds.</td>
</tr>
<tr>
<td>Diets (Diabetic and others)</td>
<td>Rates as per Regulation 19 (1)(l) and (l) (up to $90).</td>
</tr>
<tr>
<td>Drug card</td>
<td>As per eligibility for basic income support benefits and based on NLPDP’s coverage criteria.</td>
</tr>
<tr>
<td>Eye exams</td>
<td>Rates and frequency as per Regulation 22.</td>
</tr>
<tr>
<td>Eye Glasses</td>
<td>Rates and frequency (every 12 months for dependent and 36 months for adult) as per Regulation 23</td>
</tr>
<tr>
<td>Eye Glasses repair</td>
<td>Rates as per Regulation 22 (4) and (5).</td>
</tr>
<tr>
<td>Hearing Aids</td>
<td>As per eligibility for basic income support benefits.</td>
</tr>
<tr>
<td>Medical Transportation – in province</td>
<td>As per Regulation 19 (5)(a), by the criteria as outlined in policy.</td>
</tr>
<tr>
<td>Medical Equipment</td>
<td>As per eligibility for basic income support benefits and based on Department of Health’s coverage criteria.</td>
</tr>
<tr>
<td>Medical gases</td>
<td>As per eligibility for basic income support benefits and based on Department of Health’s coverage criteria.</td>
</tr>
<tr>
<td>Medical Supplies</td>
<td>As per eligibility for basic income support benefits and based on Department of Health’s coverage criteria.</td>
</tr>
<tr>
<td>Orthotics and prosthetics</td>
<td>As per eligibility for basic income support benefits and based on Department of Health’s coverage criteria.</td>
</tr>
<tr>
<td>Special Needs</td>
<td></td>
</tr>
<tr>
<td>Benefits via Appeal</td>
<td>As per decision of Appeal Board.</td>
</tr>
<tr>
<td>Burials</td>
<td>Rates as per Regulation 27.</td>
</tr>
<tr>
<td>Earned Income Supplement</td>
<td>Rates established in policy.</td>
</tr>
<tr>
<td>Fumigation</td>
<td>As per Regulation 19 (1)(m) for homeowners, prevailing rate.</td>
</tr>
<tr>
<td>Furniture – beds</td>
<td>Rates as per Regulation 21 (1)(d) for children only, not to exceed $1000 for total request.</td>
</tr>
<tr>
<td>Furniture – repairs</td>
<td>Repair costs which exceed $50 but that do not exceed 50% of the contribution cost as prescribed in the Regulations</td>
</tr>
<tr>
<td>Furniture – Start up Allowance</td>
<td>Rates as per Regulation 17, Initial allowance.</td>
</tr>
<tr>
<td>(Victims of Violence)</td>
<td></td>
</tr>
<tr>
<td>High School Incentive Allowance</td>
<td>Rates as per Regulation 19 (1)(m).</td>
</tr>
<tr>
<td>Housekeeper Allowance</td>
<td>Rates as per Regulation 19 (1)(c) and (d) up to 6 months.</td>
</tr>
<tr>
<td>Medic Alert bracelets</td>
<td>As per Regulation 19 (1)(m), prevailing rate.</td>
</tr>
<tr>
<td>Job Start Benefit</td>
<td>Rates as per Regulation 19 (1)(n) and (o) no more than once in 12 months.</td>
</tr>
<tr>
<td>Paternity testing</td>
<td>As per Regulation 19 (1)(m), prevailing rate.</td>
</tr>
<tr>
<td>Private Child care</td>
<td>Rates as per Regulation 19 (1)(e).</td>
</tr>
<tr>
<td>Service of Documents</td>
<td>Funding for service of legal documents concerning child/spousal support.</td>
</tr>
<tr>
<td>Service Description</td>
<td>Amount/Conditions</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td><strong>Summer School Fees/transportation</strong></td>
<td>As per Regulation 19 (1)(m), prevailing rate. Transportation by bus or private vehicle.</td>
</tr>
<tr>
<td><strong>Technical Assistance Devices</strong></td>
<td>As per Regulation 19 (1)(m) and need verified by an approved professional: Visual Smoke Detector up to $250.00 per purchase; Alertmaster telephone/doorbell combination system up to $155.00, TTY device up to $422.00.</td>
</tr>
<tr>
<td><strong>Transportation</strong></td>
<td></td>
</tr>
<tr>
<td>Appeal Board hearings</td>
<td>As per Regulation 19 (5)(a), prevailing rate.</td>
</tr>
<tr>
<td>Household Moving and storage</td>
<td>As per Regulation 19 (5)(a), prevailing rate.</td>
</tr>
<tr>
<td>Legal Aid Services (To obtain support)</td>
<td>As per Regulation 19 (6)(a), prevailing rate where the other parent has legal representation.</td>
</tr>
<tr>
<td>Stranded Persons</td>
<td>As per Regulation 19 (5)(a), within the province.</td>
</tr>
<tr>
<td>Summer School transportation</td>
<td>Transportation by bus or private vehicle.</td>
</tr>
<tr>
<td>Support Applications</td>
<td>As per Regulation 19 (5)(a) to attend court hearings for support, to meet with Legal Aid re support, and upon the recommendation of a Support Applications Social Worker, to attend an initial intake appointment for support and to attend parenting sessions held by Family Justice Services.</td>
</tr>
<tr>
<td>Victims of Violence</td>
<td>Transportation to safe accommodations, to retrieve and transport belongings and furniture within the province, and to support groups.</td>
</tr>
<tr>
<td><strong>Other Limits</strong></td>
<td></td>
</tr>
<tr>
<td>Action memos</td>
<td>Creating an overpayment up to $1000.</td>
</tr>
<tr>
<td>Set recovery rate to zero</td>
<td>Cases of bankruptcy.</td>
</tr>
<tr>
<td>Providing assistance where income has not been verified</td>
<td>In exceptional circumstances, benefits can be provided for a period of 7 days without income verification.</td>
</tr>
</tbody>
</table>

**Client Services Managers**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Amount/Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board and Lodging – special needs</td>
<td>As per regulation 18.(1)(k), living with non-relatives.</td>
</tr>
<tr>
<td>Burials</td>
<td>Requests for assistance when death occurred outside the province and emergency out of hours requests for burials for non-clients.</td>
</tr>
<tr>
<td>Child Custody Equally Split Rate Adjustment</td>
<td>Where there is no primary caregiver as both parents are in receipt of Income Support benefits, have equal custody of their only child and split the CCTB.</td>
</tr>
<tr>
<td>Dentures/Other Dental Services</td>
<td>Approval of other dental services.</td>
</tr>
<tr>
<td>Diets (Other and those exceeding $60.00 per month)</td>
<td>Rates as per Regulation 19 (1)(l) (over $60).</td>
</tr>
<tr>
<td>Disaster Services</td>
<td>In consultation with the Director of Income Support.</td>
</tr>
<tr>
<td>Emergency Assistance</td>
<td>Up to $2500 per request. Approve setting up the emergency assistance as an overpayment where applicable.</td>
</tr>
<tr>
<td>Emergency accommodations – placement in a commercial establishment (ie hotel)</td>
<td>Beyond 3 days.</td>
</tr>
<tr>
<td>Eye exam</td>
<td>More frequent than Regulation 22.</td>
</tr>
<tr>
<td>Eye Glasses – special prescription</td>
<td>Frequency exceeding every 36 months for adult as per Regulation 23 (2) and cost exceeding those in Regulation 23(6) in exceptional circumstances, and where verified by...</td>
</tr>
<tr>
<td><strong>Furniture</strong></td>
<td>an approved professional.</td>
</tr>
<tr>
<td><strong>Furniture - orthopedic mattress</strong></td>
<td>Total request cannot exceed $2600.</td>
</tr>
<tr>
<td><strong>Furniture – cribs</strong></td>
<td>Rates as per Regulation 21 (1)(e)</td>
</tr>
<tr>
<td><strong>Furniture – dryer</strong></td>
<td>In extenuating circumstances – medical verification required.</td>
</tr>
<tr>
<td><strong>Furniture – exceptions</strong></td>
<td>Exceptions as outlined in policy.</td>
</tr>
<tr>
<td><strong>Furniture – refrigerator</strong></td>
<td>Rates as per Regulation 21 (1)(b) to recipients with children.</td>
</tr>
<tr>
<td><strong>Furniture – repairs</strong></td>
<td>Repairs that exceed 50% of the contribution costs as defined in the Regulations (i.e. repairs that exceed $150 for a stove, or $200 for a refrigerator).</td>
</tr>
<tr>
<td><strong>Furniture – Stoves</strong></td>
<td>Rates as per Regulation 21 (1)(a)</td>
</tr>
<tr>
<td><strong>Furniture -Washers</strong></td>
<td>Rates as per Regulation 21(1)(c) to recipients with children.</td>
</tr>
<tr>
<td><strong>Furniture –Start up Allowance</strong></td>
<td>Rates as per Regulation 17, Subsequent allowance.</td>
</tr>
<tr>
<td><strong>(Victims of Violence)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Medical Transportation – out of province</strong></td>
<td>Where treatment cannot be obtained within the province. Most economical means.</td>
</tr>
<tr>
<td><strong>Mortgage arrears</strong></td>
<td>Arrears less than 6 months.</td>
</tr>
<tr>
<td><strong>Other Special Needs</strong></td>
<td>As per Regulation 19 (1)(m), not to exceed $2500.</td>
</tr>
<tr>
<td><strong>Private Child Care Transportation</strong></td>
<td>As per Regulation 19 (5)(a) for transportation.</td>
</tr>
<tr>
<td><strong>Refund of Credit Balance</strong></td>
<td>Amounts over $500.</td>
</tr>
<tr>
<td><strong>Retroactive assistance/underpayment</strong></td>
<td>As per section 23 of the IES Act. Retroactive income support benefits where the covering period exceeds 12 months in duration, but not to exceed 6 years.</td>
</tr>
<tr>
<td><strong>Septic Tank Cleaning</strong></td>
<td>As per Regulation 19 (1)(m), arranged in conjunction with NLHC.</td>
</tr>
<tr>
<td><strong>Security Deposit</strong></td>
<td>Rates as per Regulation 19 (5)(d) Subsequent requests.</td>
</tr>
<tr>
<td><strong>Special Needs Rent/Mortgage</strong></td>
<td>Rates as per Regulation 16 (3)(c).</td>
</tr>
<tr>
<td><strong>Stranded Persons transportation</strong></td>
<td>As per Regulation 19 (6)(a), outside of the province.</td>
</tr>
<tr>
<td><strong>Victims of Violence transportation</strong></td>
<td>Transportation outside of the province including moving expenses for household furniture and other belongings.</td>
</tr>
</tbody>
</table>

**Situations**

<p>| Regular income support benefits to those hospitalized | Approval to extend the payment of a mortgage for a recipient without dependents for an additional 3 month period. |
| Regular income support benefits where an individual’s income is reduced due to an Attachment of Wages | Approval to assist beyond 30 days pending the Attachment being lifted. |
| Action memos | Approving an overpayment over $1000. |
| Additional expenses or deductions from income | Reducing an overpayment. |
| Assets – joint accounts | Additional expenses or deductions from income which were reasonable and incurred while earning the income. |
| Conjugal Relationships – youth | Approval to exempt the portion of funds in a joint bank account which are owned by the non IS client. |
| DACS cheques | Approval of issuance. |
| Exceptions to assisting applicants with student aid income | Approving income support benefits where an applicant with dependents and who has student aid income. |</p>
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Amount/Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent exemptions to referrals for support to Family Justice Services.</td>
<td>Applies for 15 during a study period. Student Aid must be notified.</td>
</tr>
<tr>
<td>Providing assistance where income has not been verified</td>
<td>Based on other parent deceased.</td>
</tr>
<tr>
<td>Replacement Cheques</td>
<td>Approval of replacement earlier than 5 days waiting period or where original cheque has been cashed.</td>
</tr>
<tr>
<td>Spouse Away for employment</td>
<td>Approval of accommodation expenses that are higher than those outlined in Regulations.</td>
</tr>
<tr>
<td>Supporting documentation for victims of violence</td>
<td>May extend the time frame for persons who are Victims of Violence to provide supporting documentation beyond 90 days.</td>
</tr>
</tbody>
</table>

**Regional Manager of Income and Social Supports**

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Amount/Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board and Lodging – daily rates</td>
<td>Approval of daily board and lodging rates to be used for rental accommodations exceeding Regulation 16 (1) for persons outside the Province for medical reasons.</td>
</tr>
<tr>
<td>Support Trusts</td>
<td>Approve submissions as meeting the criteria of a support trust; inform the trustee of the approval and conditions; evaluate expenditures within the trust.</td>
</tr>
</tbody>
</table>

**Regional Director**

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Amount/Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burials</td>
<td>Requests for assistance which exceed 30 days from the date of burial. Requests for a charter plane to return remains to coastal Labrador.</td>
</tr>
<tr>
<td>Emergency Assistance</td>
<td>Over $2500 per request</td>
</tr>
<tr>
<td>Furniture</td>
<td>Total request exceeding $2500.</td>
</tr>
<tr>
<td>Incentive Allowance</td>
<td>As an exempt income – up to $175 per month. Regulation 8 (d)(vi)</td>
</tr>
<tr>
<td>Mortgage arrears</td>
<td>Arrears more than 6 months.</td>
</tr>
<tr>
<td>Other Special Needs</td>
<td>As per Regulation 19 (1)(m), which exceed $2500.</td>
</tr>
</tbody>
</table>

**Director of Income Support**

<table>
<thead>
<tr>
<th>Situations</th>
<th>Amount/Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Income Support benefits for individuals involved in a labour dispute</td>
<td>Exceptions to the policy as outlined</td>
</tr>
</tbody>
</table>
Minister via the Income Support Division:

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Amount/Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual benefits to those hospitalized</td>
<td>approval to extend the payment of regular income support benefits for a recipient without dependents beyond a 6 month period</td>
</tr>
<tr>
<td>Mortgage on behalf of single hospitalized clients</td>
<td>approval to extend the payment of a mortgage for a recipient without dependents beyond a 6 month period</td>
</tr>
<tr>
<td>Rent on behalf of single hospitalized clients</td>
<td>approval to extend the payment of rental assistance for a recipient without dependents beyond 3 months</td>
</tr>
<tr>
<td>Reduce recovery rate</td>
<td>For reasons other than bankruptcy</td>
</tr>
</tbody>
</table>

Revision Date – May 5, 2010
Bankruptcy

Intent

To clarify the role of the Department when a recipient or former recipient applies for bankruptcy.

Policy

- When a recipient applies for bankruptcy, any overpayment with the Department is reported as a debt.

- The trustee, will forward a proof of claim form to the Provincial Office for completion by the Department.

- Under the Bankruptcy and Insolvency Act, the Crown does not have the status of a preferred creditor as Crown claims under Section 86 also includes departmental overpayments.

- Any claim by the Crown for an overpayment which is not barred by Section 178 would be recoverable by civil action, by deductions from Income Support benefits or other actions available under the Income and Employment Support Act.

- Recoveries of overpayments, except those created when a recipient was convicted under the Income and Employment Support Act, will cease when bankruptcy process commences.

- Any sums, received after creditors have petitioned for bankruptcy or after the debtor has made an assignment into bankruptcy, must not be retained by the Department.

- If a judgment has been obtained against the bankrupt individual under the Income and Employment Act and has been completely satisfied by executing against the bankrupt individual's property prior to filing for a Petition in Bankruptcy, the Department may retain the amount collected.

- For recipients convicted of an offence under the Income and Employment Support Act, all overpayments, which may have been assessed as recoverable outside bankruptcy proceedings are valid and can be recovered even after bankruptcy is completed and the bankrupt discharged.

- After the Order of Discharge, a claim for Income Support that is still unsatisfied can be recovered if the overpayment was caused by the fraudulent misrepresentation of a recipient. Overpayments caused by other means, i.e., a clerical error cannot be recovered after discharge.
• Once bankruptcy begins there is no execution against the bankrupt's property and if the Sheriff has seized but not sold property under execution, it must be turned over to the trustee and not the bankrupt.

• New overpayments can be set up if applicable.

• Once an approved Order of Discharge is received by Provincial Office, steps are taken to request a write off of any overpayment included in the order of discharge for which no money was reimbursed by the minister. The review of the documentation, the preparation of the write off request any follow up work is completed at provincial office.

Procedures:

Client Services Officer must:

• return any recoveries made against an overpayment after a recipient files for bankruptcy.

• set recoveries to 0% once a claim has begun unless the overpayment was the result of fraud.

Program Supervisor/District Manager must:

• provide a detailed record of all overpayments and credits for an existing overpayment to substantiate the present balance of the overpayment as per Section 136(1)(j) of the Bankruptcy and Insolvency Act as the Department can make an unsecured claim.

• request trustee to advise if and when the Bankruptcy is approved.

Authority Level

Client Services Officer

Program Supervisor/District Manager

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Page updated: Sept 12, 2007
False Pretenses

Intent

To clarify the procedures when a recipient knowingly receives Income Support benefits to which they are not entitled.

Act

48. (1) A person shall not, on behalf of himself or herself or on behalf of another person, knowingly obtain or receive income or employment support that the person or the other person is not entitled to obtain or receive under this Act.

(2) A person shall not provide a false or misleading statement in an application made under this Act or provide any false or misleading information to the minister or an officer.

(3) A person shall not knowingly aid or abet another person in applying for, obtaining or receiving any support under this Act that the person is not eligible for under this Act.

(4) A person who has committed fraud in respect of income or employment support received under this Act is guilty of an offence and, in addition to the penalty referred to in section 49, shall repay the income or employment support fraudulently obtained.

(5) A person who violates this section is guilty of an offence.

49. A person guilty of an offence under this Act or the regulations is liable on summary conviction to a fine of not more than $1,000.

50. A prosecution under this Act or the regulations shall be started within 3 years from the date the offence is alleged to have been committed.

Policy

- Applicants/recipients have a responsibility to ensure their eligibility for Income Support has been established and the information provided by the applicant/recipient is true and accurate.
- Section 13 (1) of the *Income and Employment Act* requires applicants to pursue all other financial resources available to them as a condition of eligibility for Income Support benefits.

- Section 14 of the *Income and Employment Support Act* requires applicants/recipient to provide any information needed in order to confirm eligibility for Income Support or continued eligibility for Income Support benefits.

- In situations, where a recipient has obtained Income Support benefits under false pretences a referral must be made to the Eligibility Assurance Unit.

**Procedures**

**Client Services Officer must**

- determine if the recipient still meets the criteria for eligibility for Income Support if there has been evidence the recipient has received benefits to which there was no entitlement.

- refer for investigation if there are possible false pretences (e.g., unreported income or unreported family unit relationship).

- in consultation with the Program Supervisor/District Manager decide if the recipient should be referred for prosecution under the Income and Employment Support Act or the Criminal Code of Canada.

- if an overpayment is created, advise the recipient in writing, giving the amount and the reason for the overpayment.

**Program Supervisor/District Manager must:**

- review all information provided by the Client Services Officer who investigated the case and make a decision regarding continued income support benefits.

- for situations, where the dollar value is greater than $5,000 determine if there was intent or pre-meditation to defraud, and if so, prosecution should take place.

- while, prosecutions involving these situations where the amount of the overpayment exceeds $5,000, is usually limited to repeat offenders and blatant abusers of the Income Support Program, consideration should be made to prosecute cases where the alleged theft/fraud is greater than $5,000.00 under Section 380 (1) (a) of the Criminal Code of Canada.

- proceed with prosecution within three years from the date on which the offence is alleged to have been committed.

**Authority Level**

Client Services Officer

Client Services Officer Responsible for Investigations

Program Supervisor/District Manager

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Payment Methods

Intent

To identify the different methods by which income support benefits can be issued.

Act

How support granted

19. (1) Income and employment support may be granted in a form and manner that an officer, with the approval of the minister, may determine.

(2) Notwithstanding subsection (1), an officer may, in accordance with the regulations, at the request of the recipient and with the approval of the minister, use funds available for a recipient’s income support to provide that recipient’s employment support.

(3) Where funds are used in the manner described in subsection (2), the consent of the recipient’s spouse or cohabiting partner shall be obtained.

(4) Notwithstanding subsection (3), the minister may, in exceptional circumstances, dispense with the consent required under that subsection.

Regulations

Frequency and manner of payment

20. (1) Income support may be paid

(a) daily;

(b) semi-monthly;

(c) monthly; or

(d) at an interval determined by the minister.

(2) Notwithstanding another provision of this Part, a recipient’s income support may be used to provide his or her employment support in the manner referred to in section 44.
Overview

For all requests relating to a financial payment, a Client Service Officer completes a request which is subsequently reviewed and verified (or denied) by the Payment Authorization Unit.

Once eligibility for benefits has been determined, issuance of these benefits may be granted in several different manners:

- Non-recurring pay cheque *
- Recurring pay – cheque *
- Recurring pay – direct deposit *
- Payment to a trustee or contact (see Payment to a Trustee)
- Group payments
- Service authorizations
- Authorizations for health benefits

* which may include payments to third parties

General

- Attached to both recurring and non-recurring cheques/notices of deposit is a stub which outlines:
  - the benefits included,
  - any income which was deducted,
  - a notice where any part of the benefits has been issued to another payee (i.e. landlord)
  - as well as the current accounts receivable balance if applicable and any recovery applied towards the balance from the enclosed payment.

- In the case of cheques/notices of deposit which are for basic income support benefits, also attached is the ambulancidential card for clients on the case. This is only printed where drug care coverage has been included in the CAPS request for benefits. For recurring pay cases, this card is issued on the first of the month covering the current month, while for non-recurring cases, the coverage will usually mirror the benefits included in the payment.

Non-Recurring Pay

- Non-recurring payments consist of one-time cheques which are issued through CAPS. This is the preferred way of issuing cheques to clients who:
  - Have fluctuating income from month to month
  - Are anticipating a change in their circumstances such as a change in income, family composition, or address
  - Are anticipating a source of income which will be received in the near future (i.e. EI, W-FISCC) and there may be an assignment of benefit in place
  - Are transient in nature, making the calculation of benefits difficult because of changes in accommodations

Non-recurring pay as a method of payment also includes supplementary assistance to individuals who are eligible for:

- One time supplementary benefits such as security deposits, medical transportation etc.
- An adjustment to previous benefits, replacement cheques etc.
• These cheques are issued via the Department of Finance on a daily basis and placed in the mail in St. John’s.
• Payments of basic benefits verified by the Pay Authorization Unit through the non-recurring screens in CAPS cannot be issued until 4 working days prior to the benefit start date (regardless of the verified date), while payments for benefits processed under the supplementary benefits screens will be issued in the next payment batch after verification.
• Cheques are issued for the period of eligibility for the client – most are for 30 days, but can be for 14 days while awaiting EI, or for any other number of days mirroring the client’s entitlement.
• Cheques can be issued to clients, landlords/landladies-mortgage holders, or proxies/trustees.

Recurring Pay (cheque or direct deposit)

• Recurring pay is a repetitive pay system used for clients where eligibility has been determined and where payments are expected to continue with minimal change in requirements or income. Where possible, clients should be placed on this payment method.
• Recurring pay cheques are dated for the 1st or 16th of the month (unless those dates fall on a weekend or holiday in which case the cheques are dated for the previous day). These cheques are printed and placed in the mail on such a schedule that clients should receive them on the date printed on the cheque.
• Where clients are eligible for benefits on a start date other than the 1st or 16th of a month, the client can still be placed on recurring pay effective the date of eligibility. In these cases (or where clients are eligible on the 1st or 16th but have missed the computer run date for that cycle), a “partial” recurring pay cheque will be issued until the next regular semi-monthly cycle. These partial cheques will not contain more than 30 days of benefits regardless of the time frame between the eligibility date and the date of the next run.
• Payments will continue to be produced unless there is action to suspend the allowance.
• Payments can be issued to clients, landlords/landladies/mortgage holders, utility companies, proxies/trustees or others identified as a contact on the case.
• Payments can be issued via cheque or direct deposit for most payees, with the exception of some of the group payees.
• Payments which are made direct to landlords are issued for the 1st of the month. The portion for rent from the previous 16th of the month (where applicable) is held or deferred, and combines with the portion to be issued for the 1st of the following month.
• Where clients receive their benefits via direct deposit, a notification of direct deposit is mailed on the same schedule as the cheques.

Clarification of Direct Deposit Requests

To initiate a direct deposit payment on behalf of a client (applicant/recipient or landlord), there are two main requirements:

• Signed permission from the client to have their payments deposited into their bank account
• Accurate banking information

These two requirements are normally achieved by:

• Completing the Direct Deposit Form #14-6-0. The financial institution is not required to stamp the form but a banking official’s signature is always required.
- A signed statement by the client clearly directing The Department of Advanced Education and Skills to deposit their IS payments into their bank account. The client signing the bottom of a bank's letter containing banking information is NOT acceptable unless there is a statement similar to "I wish to have my payment deposited electronically into my bank account noted on this form."

- Valid banking information can be provided by:
  - VOID cheque, or
  - Section of form 14-850 completed and signed by a bank official, or
  - Correspondence from the financial institution providing all necessary information to process the request, i.e. name of financial institution, branch and account number

- Two necessary requirements are the client's signed permission and accurate banking information.

**Direct Deposit (Group Payee)**

- Effective April 01, 2012 when selecting NL Power as a group payee in recurring pay, CAPS will default the "Bank Information" to Scotia Bank at Halifax. The Bank account number on the payee information screen AM5850 will show ########.
- Currently NL Power is the only group payee set up for direct deposit. Any additional group payees being added for payment by direct deposit will require involvement by headquarters.

**Overlap of Shelter Benefits When Placing on Recurring Pay**

- When setting up a client on recurring pay, there is a permissible overlap of shelter (rent or mortgage payments) for a 15 day period. This allows the client to have sufficient funds to pay their shelter costs at the beginning of the month (see Shelter Assistance).

**Suspension of Recurring Pay Benefits**

- Recurring pay benefits can be suspended by the CSO up to and including the day of the cheque run for that cycle. No PAU verification is required. CSO’s are required to indicate the reason for the suspension. In some cases, the suspension is simply a result of a change in the client’s circumstances and the allowance will be immediately reinstated with the correct requirements based on these changes.
- Where an allowance is suspended for the first of the month and there is a direct payment deferred for a landlord from the 16th of the previous month, this payment will be cancelled and shown as such within CAPS.

**Payment to a Trustee**

- There are clients who are unable, for whatever reason, to manage their own affairs. For these cases, there is provision to have another individual act on behalf of a client for the purpose of applying for or receiving income support benefits (see Payment to a Trustee).

**Group Payments**

- Where there are multiple payments for the same payee on different cases, CAPS can group the payments and produce one cheque. This assumes that the payee matches exactly in name and address. There is a limit of 8 payments per cheque produced, and
the stub identifies the clients on whose behalf the payment is being made, their address and the amount included.

- For payees where the number of clients are significant (i.e. NLHC, NL Power), these payees have been established within CAPS as group payees. Staff should select them as a payee from the payee screen which drops their title and mailing information forward. Disbursements to these payees can exceed the limit identified in the previous bullet and as opposed to printing the client information on the cheque, a formal report of clients and amounts is produced and distributed to the group payee.

**Service Authorizations**

- While disbursements for basic income support benefits are provided by cheque or direct deposit, payments for supplementary benefits such as medical transportation, burials, and dentures etc. are usually issued as a service authorization when the payee is the service provider. Instead of selecting a payee within CAPS, staff can complete a service authorization. Once verified, the service authorization has a status of "Open" and the authorization number is generated. Staff can mail out the service authorization directly to the service provider or provide the authorization number and details by phone. After the client has received the benefit/service, the service provider invoices the Department of Advanced Education and Skills, quoting the authorization number provided. Payment is made at provincial office by the Finance Division.

- Service authorizations are completed for the amount of the service before tax is added, but the service provider bills for the service amount plus applicable tax

- In the case of municipal taxes, the majority of payments are made as a bulk service authorization, without individual requests for each taxpayer being completed in CAPS.

**Authorizations for Health Benefits**

- For many health related benefits such as medical equipment, medical supplies and hearing aids, payment is not made by The Department of Advanced Education and Skills. In these cases, staff provides an Authorization for Health Benefits form to the applicable Regional Health Authority (RHA) which confirms the client's financial eligibility for a specific item. The RHA must then determine if the item is a covered benefit under their programs. Where clients meet this eligibility, the RHA arranges for the payment of the item or service.

- Where this authorization is for accommodations at the Agnes Cowan Hostel, the Income Support Division is billed monthly for all clients who used the facility. The invoice is paid in bulk at provincial office with no reference to this expenditure within an individual client payment history.

- Service authorizations and authorizations for health benefits are very different. A service authorization is similar to a cheque which is paid by the Department. Authorizations for health benefits confirm financial eligibility on behalf of a client for specific health benefits, and with the exception of hostel accommodations, are funded by Health and Community Services/RHA's.

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**Authority Level**

Client Services Officer
Payment to a Trustee

Intent

To provide the ability to redirect Income Support benefits on behalf of a recipient to a third party, because the recipient is unable to manage his/her own affairs.

Act

20. (1) Where

(a) an applicant or recipient requests; or

(b) an officer determines, based on the criteria set out in the regulations, that an applicant or a recipient is temporarily or permanently incapable of managing his or her financial affairs,

an officer may direct that the income support, in whole or in part, be paid to another person on behalf of the recipient, and where a person has not been designated, an officer may refuse to release the income support until a person is designated.

(2) The person to whom income support is paid under subsection (1) shall be considered to be a trustee of the recipient and shall use the income support to the benefit of the person in respect of whom it was granted, and where that person fails to do so, he or she is guilty of an offence.

Regulation

47. Whether an applicant or recipient is permanently or temporarily incapable of managing his or her financial affairs shall be determined by an officer based on an assessment of the applicant or recipient which shall include

(a) a recommendation by the applicant's or recipient's parents, guardians or others as the minister may determine, together with an opinion by an approved professional with supporting documentation;

(b) an opinion by an approved professional alone, with supporting documentation; or

(c) a determination by the court.
Policy

- Recipients unable, due to physical, social, psychiatric or developmental limitation, to manage their own affairs, can have another individual act on their behalf as a trustee for the purpose of applying for or receiving Income Support benefits.

- Verification from an approved professional and a family member, if available, indicating the recipient is unable to manage his or her affairs is required.

- The family is usually the first resource to provide trustee services for the purposes of managing a recipient's Income Support benefits.

- If no family member is available or willing to provide this service, a non-family member may be a trustee. If that is not possible, then a trustee may have to be appointed through the legal system.

- Any responsible person, excluding a Departmental employee, who is prepared to administer the Income Support benefits in the best interest of a recipient, may act as a trustee.

- When a trustee manages funds on behalf of a recipient, the trustee assumes full responsibility for the administration of all the Income Support benefits provided to the recipient.

- Trustees must notify the Department of any changes in the recipient’s circumstances, keep any necessary records and provide any information to the Department upon request. This includes the completion of all pertinent forms/declarations during the review process.

- If there is misuse of Income Support benefits by a trustee, the trustee may be personally responsible for the repayment of any debt owed the Crown.

Procedures

Client Services Officer must:

- Ensure the Declaration by Proxy (Form 14-721) is completed as part of the application process and a copy scanned to the official file.

- Obtain Verification of the identity information of the trustee, and have this documentation scanned to the official file.

- Ensure verification from the approved professional as well as other identifying information on the applicant: i.e., birth certificates, Social Insurance Number, etc is scanned to the official file.

- KIV for up to 30 days for required information, if not provided, suspend payments.

- Ensure the trustee is fully aware of all his/her responsibilities in relation to receiving Income Support benefits on behalf of the recipient.

Authority Level

Client Services Officer
Replacement of Income Support Payments

Intent

To identify the circumstances under which an income support payment can be replaced.

Overview

HRLE staff will need to respond to requests from clients or other payees where an income support payment (cheque or direct deposit) was not received, was stolen, lost or accidentally destroyed.

Policy / Procedure

- An income support payment should be replaced only after every reasonable effort has been made to locate the original cheque. Initially the CSO should verify:
  - That the cheque/direct deposit payment was issued (payment screen)
  - That the payment is not held (held cheque screen)
  - That the address and postal code or banking information is correct.

- As the bank requires 3-4 days to advise if a cheque has been cashed, there is a 5 day waiting period after the cheque date before replacing a cheque made out to a client or trustee. Where the fifth day falls on a weekend the Client Services Manager’s approval is required to replace a cheque prior to the 5 day waiting period, and will be based on the circumstances of the client. For a payment made to any other third party payee (i.e. landlord, mortgage holder) the waiting period is 30 days.

- If the CSO determines that the payment was issued to the correct address and has not been held, Client Payment Services (CPS) within the Division of Finance should be contacted to determine if the cheque has yet been cashed. The process of replacing the payment will then depend upon whether or not the cheque has been cashed.

- Clients must be advised that if a cheque is replaced and the original cheque subsequently turns up, it must be returned to HRLE immediately. This cheque should be stamped “cancelled” on the face by district staff and returned to Client Payment Services.

- Replacement cheques for recurring pay cases are to be issued in CAPS through the Supplementary Benefits screens. As there is no ability to document income deducted from these benefits on these screens, pro-rated benefits for the covering period should be entered.

http://www.intranet.gov.nl.ca/hrle/eDocuments/HRLEManuals/Income_Employment_Su... 2011/12/06
Replacing Uncashed Payments

- The CSO contacts Client Payment Services (CPS) with the name, date of cheque, amount and cheque number, who check with the bank to determine if the cheque has been cashed. If it is found that the cheque has not been cashed, CPS will ask the Department of Finance to place a ‘stop payment’ status on the cheque. Once put in place, this cannot be reversed. As a result, if this cheque is subsequently cashed, government’s bank will not honour it, and the bank or store which cashed it will be out the value of the cheque. Once a cheque is replaced, HRLE cannot re-issue the original cheque to the store owner or other party who cashed the cheque.

- The recipient/payer will be required to sign a ‘Guarantee of Issue of a Duplicate Cheque’ form. Clients are to be advised that if the original cheque turns up cashed, the matter may be referred to the police for investigation.

- Where distance permits the clients ready access to a District Office, this form should be completed in the office and witnessed by the CSO. In situations where the client lives at a considerable distance from the office, the CSO can fax the Guarantee for issue of a Duplicate Cheque form to the client directly or to a person/business with a fax machine that the client has identified. The client would have to give his/her permission to receive the form in this manner and provide the fax number to the CSO.

- The form is to be completed by the CSO and sent to the client who then signs the form in the presence of a witness, whose signature is also required and faxes the form back to the CSO. Also in situations where the Guarantee for Issue of a Duplicate Cheque form is sent out by fax then this action would need to occur prior to the 5th day in order to ensure that the client can receive his/her replacement cheque on the 5th day. The form with the client’s original signature must be returned to the office by regular mail.

- The payment can then be replaced using CAPS or DACS. Where the payee is a client or trustee, payment should be made so that the cheque is received no later than the 5th day after the original payment date. If using CAPS, this may mean that the CSO must complete the request for a replacement cheque on the third day and confirm with the client that the cheque has not been received prior to forwarding the request to the Pay Authorization Unit (PAU). It is important that the replacement cheque request be verified by the PAU on the third day or else the client will not receive his/her cheque until after the fifth day.

- Should the replacement cheque request not be verified by the PAU on the third day or distance would prevent the client from receiving the cheque through the mail on the 5th day, then the CSO should consult with the Client Service Manager regarding options, including a FACTS/DACS cheque, to ensure the client receives his/her service in a timely manner. If a FACTS/DACS is chosen, then the request in CAPS should be closed so that a second replacement cheque is not inadvertently sent out.

Replacing Cash Payments

- Where it has been determined that a cheque has been cashed, the CSO will request that CPS fax or email a copy of the cheque to the office immediately. The CSO should compare the signature or other identifying information on the cheque endorsement to that found in the client file/TRIM. The CSO may also contact the business where the cheque was cashed to determine the identity of the person who presented the cheque.

- Where the CSO in consultation with the Client Services Manager is satisfied that the two signatures are the same, a replacement cheque will not be issued. The client should be advised of this decision and their right to appeal.
Replacement of Income Support Payments

- Where it appears that the signatures are different or the identification used for the cheque does not match the client's information, the client should be shown the cheque and asked if he/she cashed the cheque or benefited from the proceeds.

- If the client indicates that the signature is not theirs, they will be required to sign a “Statutory Declaration of Forgery” form in addition to the Guarantee Issue of a Duplicate Cheque. In situations where the client lives at a considerable distance from the office, the CSO can fax both forms to the client. The client will sign the forms and then fax the forms back to the CSO. The form with the original signature must be returned by regular mail. The “Statutory Declaration of Forgery” form requires that the client signature be witnessed.

- Upon receipt of the faxed forms, the CSO in consultation with the Client Services Manager will make a determination as to whether a replacement cheque will be issued. Where a decision is made to replace the cheque, copies of both forms are to be immediately sent to Client Payment Services who record the information and forward the original copies to the Department of Finance.

- In such cases where a cashed payment has been replaced, the CSO should consult with their supervisor with a view to making a referral to police for an investigation.

Replacement cheques for Direct Deposit Payments

- In addition to replacing ‘cheques’, staff may also be required to replace direct deposit payments which were not credited correctly. The same policy as above will guide the worker. However, before replacing this payment, it is critical to ensure that the worker determines exactly what happened to the original payment. As the recurring pay runs are completed and the payments are placed in the clients’ bank accounts, the Department of Finance identifies to Client Payment Services any rejections or errors they encounter. If the payment was rejected by the bank for whatever reason and this is verified by the CSO, a replacement cheque can be issued.

- In some instances, while the bank may indicate that a payment is not in a particular bank account, this in itself is not sufficient grounds to replace a payment. The bank may have placed the payment in another bank account of the client (in which case we would not replace) or the payment may have been placed in an account belonging to another person. The latter occurs when either the bank ID, the account number or the transit/branch number is incorrect for a specific client, but may in fact be a valid combination belonging to someone else. In these cases, CSO’s must work with Client Payment Services and the bank to rectify the matter before replacing the payment. Steps must also be taken to ensure that the error is corrected before the next pay cycle.

- CAPS does not allow the replacement of a direct deposit payment with another direct deposit – the replacement must be issued via cheque.

Damaged Cheques

- Uncashed cheques which are damaged and returned to HRLE can be quickly replaced where the CSO can ascertain enough information on the cheque to identify the cheque number and can link the cheque to the client file.

- Where the CSO is not able to verify the cheque information (ie cheque was washed out and is in pieces), this will require the completion of the Guarantee Issue of a Duplicate Cheque form and a check with Client Payment Services to determine if the cheque was cashed, before being replaced.

- The original cheque will be stamped “replaced” and the replacement cheque should indicate the original cheque number in the comments section. The original cheque, along with a covering letter should be submitted to Client Payment Services.
Authority Level

Client Services Officer

Client Services Manager –

- to approve the replacement of a cheque earlier than a 5 day waiting period
- to approve a DACS cheque as a replacement cheque
- to approve a replacement cheque where the original cheque has been cashed
Held Cheques

Intent

- To identify the circumstances under which an income support payment can be held.

Overview

The Held Cheque System was designed to prevent, where possible, a recurring payment to a client where it has been determined by the Client Services Officer that there may be no entitlement for income support benefits or there is a valid reason why the client should not receive a particular cheque. Changes to an allowance can be made up to and including the day of a computer run, which should negate the need to hold many cheques. When it is necessary to place a hold on a payment which is normally issued as a direct deposit, CAPS converts the payment into a cheque which is then printed and held.

Procedures

- The CSO can place a hold directly in CAPS or contact Client Payment Services (by faxed form, telephone call or email) to place the hold on recurring pay cheques.
- Disbursements to one specific payee on a case (e.g. landlord) can be held or all payments can be held, including a payment to a group payee (e.g. NL Power).
- Cheques can also be held by Client Payment Services based on information given in writing or by telephone from a client, or because cheques were returned by the Post Office or payee. The District Office will be notified by email when Client Payment Services hold cheques.
- There are also cheques held by the system based on automatic processes, such as client receipt of a retroactive child benefit or the review cycle process.
- The Held Cheque System removes the specified recurring pay cheque automatically from the cheques to be mailed out. These cheques are held at Provincial Office and if no other directions are received, will be cancelled before the next run. CSOs can request that cheques be redirected to their office for distribution.
- Cheques can be automatically held up to and including the recurring pay run date, prior to each pay period.
- Within CAPS, the Held Cheque System produces a listing of the held cheques, found under the "Financial" menu of CAPS. The listing allows CSO's to search by district for a complete listing of held cheques or by file number, client ID number, client name or SIN for a specific case. In addition, within CAPS there are indicators which identify if a hold order is in place on the applicable client and case screens. Staff are also able to determine if a cheque is held by viewing the status of a cheque on the financial and cheque screens of a given case.
- Once a 'Hold Order' is placed on the case, unless the case is suspended or the hold order is lifted, recurring pay cheques for the next pay cycle will still be printed but removed from the
cheques which are to be mailed out. Consequently, the held cheque list will accumulate further
held cheques if action is not taken to resolve the case. These cheques will be cancelled prior
to the next cheque run.

- If recurring pay cheques are held beyond two pay periods, CAPS will automatically suspend
the case.

- Unless the recurring pay cheques are held pending an investigation, it is very important that
the changes or suspensions affecting the case are completed immediately to ensure cheques
are not held unnecessarily. If a suspension is actioned before the cut-off date, a hold order is
not necessary.

- Client Service Managers should monitor the held cheque lists within CAPS and the action
taken to resolve these cases.

- If it is subsequently determined that a held cheque can be released into the mail, contact
should be made with Client Payment Services. Otherwise, these cheques will be cancelled
prior to the next cheque run.

Authority Level

Client Services Officer

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Page updated: March 11, 2010
Canada Child Tax Benefit

Intent

To provide a basic overview of how the Canada Child Tax Benefit (CCTB) is incorporated in the Income Support Program.

Overview

- The CCTB is an indexed child benefit paid to low and middle income families based on family net income.

- The amount families receive is based on the number of dependent children under the age of 18 years and family net income in the previous calendar year.

- The CCTB is made up of two separate benefits:
  - the Child Tax Benefit which is the successor of the Family Allowance, and
  - the National Child Benefit Supplement (NCBS) which is a benefit which came into effect July 1998.

- Families receive the CCTB around the 20th of each month.

- Families are required to apply for the Canada Child Tax Benefit as part of their eligibility for Income Support. In addition, families are required to file their income tax prior to May of each calendar year in order to continue to receive their child benefits.

- Families are to notify Canada Revenue Agency (CRA) of any changes in the family status and the addition or reduction of the number of children in the household.

- The CCTB cannot be garnished; however, families can voluntarily agree to a deduction from these benefits to pay off an outstanding debt to the Canada Revenue Agency (CRA).

- CRA can respond quickly to a change of address, but it may take up to 3 months or longer to
adjust the CCTB amount as a result of adding or deleting a child, resulting in an underpayment or overpayment.

- Overpayments of child benefits are recovered at 50% of the monthly CCTB, however, families in receipt of Income Support may have this rate reduced by contacting CRA directly and requesting the recovery rate be reduced.

- Families who are separated for at least 90 days can have CRA recalculate the amount of child benefits based on the income of the parent with whom the child(ren) is(are) living.

Child Tax Benefit

- Families qualify for the CTB by filing an income tax return and applying for the CCTB.

- Effective July 2012 families receive the maximum amount if their net family income is below $42,707 per year.

- When family net income exceeds $42,707, the CTB is reduced by 2% for families with one child and 4% for families with more than one child.

- One and two-child families with net incomes between $42,707 and approximately $112,957 will receive partial benefits. Larger families may also be entitled to a partial CCTB if their income is above $112,957.

- Effective July 1, 2001, the Child Tax Benefit and the associated income levels were indexed.

National Child Benefit Supplement

- Effective July 2012, families receive the maximum benefit if the total family income is less than $24,863.

- Families with income greater than $42,707 in the previous year are not eligible for the NCBS.

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** The Universal Child Care Benefit (UCCB) of $100.00/month per child is added to this amount for each child under 6 years of age.
JOB START

Intent

To assist Income Support recipients with the transition from Income Support to employment and a long term attachment to the work force.

Overview

Income support clients find the first month of employment difficult and it is often viewed as a disincentive/barrier to employment due to additional employment expenses; overlap of rent, change in payment cycles from semi-monthly to weekly or bi-weekly; child care costs; transportation costs, etc.

This program will complement other programs available through the Income Support and Career, Employment and Youth Services programs.

Regulations

19(1) Other monthly income support for which an applicant or recipient may be eligible is:

(n) for a recipient with a dependent who begins employment, a payment of $250 once in a 12 month period; and

(o) for a recipient without a spouse, co-habitating partner or dependent who begins employment, $125 once in a 12 month period.

Policy

- Written confirmation of paid employment (full or part time), including the start date of the employment is required.

- The benefit can be paid up to two weeks prior to the commencement of employment to
provide an opportunity to prepare for the transition to work.

- The Job Start benefit can only be issued once in a 12 month period, regardless of the number of employers/positions the recipient obtains in that 12 month period. This benefit is payable once/year to each adult client (if applicable); therefore, should two adults in the household obtain employment, they can both be issued this benefit.

- This benefit can be provided to recipients who may also have an EI reach-back status.

- This one time benefit can also be provided to eligible participants for Job Creation Partnerships (JCP). The Department supports this initiative and will invest in these clients during their transition from Income Support Benefits to employment.

- Clients who become self-employed are also eligible for this benefit

- Dependent children and/or dependent student(s) are not eligible for the Job Start benefit.

- Recipients obtaining employment under the Student Employment Summer Programs (High School Level I, II and III, SWASP paid employment component, SWASP community service component and Summer Career Placements (SCP) ) are not eligible for the Job Start Benefit.

- The Job Start Benefit must not be applied towards a client overpayment, unless the case is inactive.

Procedure

- Obtain written verification of employment and the start date for the recipient. Where the client begins to operate a business, the documentation provided by the client regarding the business and the referral to Metro Business Opportunities will serve as verification of the start of employment.

- For JCP clients, the sponsoring agency may provide some verification that the individual has been accepted on the project. Another option may be to use their EI stubs which would show the increase from the basic EI to the Enhanced Benefits provided under this process.

Authority Level

- Client Services Officer.
Mother Baby Nutrition Supplement (MBNS)

Intent

To provide information on a program delivered by the Department of Human Resources, Labour and Employment to assist low-income pregnant women and low-income families with children under 1 year of age with the additional costs of eating healthy during these periods.

Overview

- Pre-Natal Component
  - The Mother Baby Nutrition Supplement (MBNS) of $60.00 per month is an income tested benefit provided outside of the Income Support Program to low-income pregnant women and families with children under the age of 1 year old.
  - Individuals may apply for the MBNS by calling the toll free number: 1-800-608-4788.
  - To be eligible for the prenatal component of the Mother Baby Nutrition Supplement a person must:
    - provide medical proof of pregnancy;
    - live in Newfoundland and Labrador;
    - have a family net income for the preceding taxation year less than the maximum income parameter for the Newfoundland and Labrador Child Benefit (NL CB); or
    - be currently in receipt of Income Support benefits.
  - The benefit assists with the additional costs of eating healthy during these periods.
when proper nutrition is vital for fetal and infant health and development.

- Pregnant women may be eligible for the benefit at any point during their pregnancy up to the first month after their child's birth.

- Eligibility can only be determined after the receipt of a completed application and the required documentation.

- Pregnant women expecting multiple births will only receive a single $60.00 monthly benefit payment during pregnancy but are still entitled to receive multiple payments, consistent with the number of new born, only during the first month after the children's births.

- In the month of birth, pregnant women will also receive a one time Birth Benefit of an additional $90. When multiple births occur, the Birth Benefit will be paid consistent with the number of new born.

- The pre-natal component of the MBNS is managed by the Department of Human Resources, Labour and Employment. The benefit is delivered directly to recipients around the 20th of each month.

- Payments for the pre-natal component begin in the month eligibility is determined and continue until one month after a child's birth. Payments will be retroactive only to the month of eligibility up to a maximum of $120.00.

* Post-Natal Component

- The post-natal component of the MBNS is managed by the Canada Revenue Agency. The benefit is delivered on the 20th of each month in a single combined monthly payment with the Newfoundland and Labrador Child Benefit (NLCB) and the Canada Child Tax Credit (CCTB).

- First time parents and families not receiving the Canada Child Tax Benefit (CCTB) must apply for the CCTB and file an income tax return.

- Parents already in receipt of the CCTB/NLCB must notify the Canada Revenue Agency of the birth of the child so their benefits can be adjusted to reflect the additional child.

- There is no separate application form for the MBNS.

- Families with child (ren) under the age of 1 year who are receiving at least $1.00 of the NLNB will automatically receive the MBNS effective for the month of birth of the child up to and including the month preceding their child's first birthday.

- Payments will be retroactive only to the month of the child's birth up to a maximum of 11 payments.

- Families with more than one child under the age of one are entitled to a monthly benefit payment for each child.

- Payments for the post-natal component begin in the month of a child's birth and continue until the month preceding the child's first birthday.
- Recipients of Income Support with children under 1 year old, not receiving any amount of the NLCB, will have the MBNS added to the Child Benefit Adjustment automatically.

- The Mother Baby Nutrition Supplement program also provides:
  
  - access to pre- and post-natal information and supportive community services

  - referrals to Community Health Nurses and/or Family Resource Programs (including Healthy Baby Clubs) across the province.
NEWFOUNDLAND AND LABRADOR CHILD BENEFIT (NLCB)

Intent

To provide a basic overview of the Newfoundland and Labrador Child Benefit (NLCB).

Overview

- The NLCB is an indexed child benefit financed by the Government of Newfoundland and Labrador to assist low-income families; including families receiving Income Support benefits, to help raise their children.

- The NLCB was developed by the Department of Advanced Education and Skills through funding from the Income Support Program to cover the cost of this benefit.

- There is no separate application for the NLCB. It is delivered by the Canada Revenue Agency (CRA) as part of the Canada Child Tax Benefit (CCTB) around the 20th of each month.

- If a family’s income is below the income threshold, and the family is residing in Newfoundland and Labrador, the family will automatically receive the NLCB.

- Families are to notify Canada Revenue Agency (CRA) of any changes in the family status and the addition or reduction of the number of children in the household.

- Families with family “adjusted net income” i.e. line 236 less than $17,397 will receive the maximum NLCB, while families with adjusted net income between $17,397 and $24,398 will receive a reduced benefit.

- Families with “adjusted net income” i.e., line 236 greater than $24,398 are not entitled to receive the NLCB.
• The NLCB cannot be garnished; however, families can voluntarily use these benefits to pay off an outstanding debt to the Canada Revenue Agency.

• In the case of an overpayment of the NLCB, the rate of recovery is 50% of the monthly NLCB.

• Families eligible for at least $1.00 of NLCB who have a child under the age of 1 year, are automatically entitled to receive the Mother Baby Nutrition Supplement (MBNS) of $80 per month.

<table>
<thead>
<tr>
<th>Family Size</th>
<th>Canada Child Tax Benefit**</th>
<th>Newfoundland and Labrador Child Benefit *</th>
<th>Total Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Child</td>
<td>$117.08</td>
<td>$29.58</td>
<td>$326.07</td>
</tr>
<tr>
<td>2 Children</td>
<td>$234.16</td>
<td>$60.91</td>
<td>$336.98</td>
</tr>
<tr>
<td>3 Children</td>
<td>$359.41</td>
<td>$94.58</td>
<td>$454.87</td>
</tr>
<tr>
<td>4 Children</td>
<td>$484.66</td>
<td>$130.66</td>
<td>$1,262.57</td>
</tr>
<tr>
<td>5 Children</td>
<td>$609.91</td>
<td>$166.75</td>
<td>$1,576.57</td>
</tr>
<tr>
<td>6 Children</td>
<td>$735.16</td>
<td>$202.83</td>
<td>$1,890.56</td>
</tr>
<tr>
<td>7 Children</td>
<td>$860.41</td>
<td>$238.91</td>
<td>$2,099.32</td>
</tr>
</tbody>
</table>

* An additional amount of $60/month/child (Mother Baby Nutrition Supplement) is added to the Newfoundland and Labrador Child Benefit for each child under 1 year of age.

** The Universal Child Care Benefit (UCCB) of $100.00/month/per child is added to this amount for each child under 5 years of age.
## NON-RECURRING PAY

### DAILY RATES FOR MOST COMMONLY USED PERIODS

#### Single Adults

Reason for Assistance: (Barriers to Employment or Greater than 30 Years)

(Maximum Rates)

<table>
<thead>
<tr>
<th>Family/Individual Benefits</th>
<th>Family Size</th>
<th>Daily Rates</th>
<th>1 Day</th>
<th>7 Days</th>
<th>14 Days</th>
<th>30 Days</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A</td>
<td>C</td>
<td>Rate</td>
<td>Recy</td>
<td>Rate</td>
<td>Recy</td>
</tr>
<tr>
<td>Maintaining Own Home</td>
<td>1</td>
<td>0</td>
<td>$16.73</td>
<td>$17</td>
<td>$117</td>
<td>$6</td>
</tr>
<tr>
<td>Not Employable or ≥ 30 Yrs</td>
<td>1</td>
<td>0</td>
<td>$10.13</td>
<td>$10</td>
<td>$71</td>
<td>$4</td>
</tr>
<tr>
<td>Boarding with Relatives</td>
<td>0</td>
<td>0</td>
<td>$15.88</td>
<td>$16</td>
<td>$111</td>
<td>$6</td>
</tr>
<tr>
<td>Not Employable or ≥ 30 Yrs</td>
<td>0</td>
<td>0</td>
<td>$8.05</td>
<td>$8</td>
<td>$56</td>
<td>$3</td>
</tr>
</tbody>
</table>

#### SINGLE "EMPLOYABLE" RATES (NON-RECURRING PAY) (Only Applies to Individuals 18 Yrs. Old and Over and Less than 30 Yrs Old)

(Reason for Assistance: UNEMPLOYMENT)

<table>
<thead>
<tr>
<th>Family/Individual Benefits</th>
<th>Family Size</th>
<th>Daily Rates</th>
<th>1 Day</th>
<th>7 Days</th>
<th>14 Days</th>
<th>30 Days</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A</td>
<td>C</td>
<td>Rate</td>
<td>Rec.</td>
<td>Rate</td>
<td>Rec.</td>
</tr>
<tr>
<td>Boarding with Relatives</td>
<td>1</td>
<td>0</td>
<td>$3.85</td>
<td>$4</td>
<td>$27</td>
<td>$1</td>
</tr>
<tr>
<td>Not Employable or ≥ 30 Yrs</td>
<td>1</td>
<td>0</td>
<td>$5.56</td>
<td>$6</td>
<td>$39</td>
<td>$2</td>
</tr>
<tr>
<td>Maintaining own Household</td>
<td>1</td>
<td>0</td>
<td>$8.05</td>
<td>$8</td>
<td>$56</td>
<td>$3</td>
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</tbody>
</table>

### Family

<table>
<thead>
<tr>
<th>Family/Individual Benefit</th>
<th>Family Size</th>
<th>Daily Rates</th>
<th>1 Day</th>
<th>7 Days</th>
<th>14 Days</th>
<th>30 Days</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A</td>
<td>C</td>
<td>Rate</td>
<td>Rec.</td>
<td>Rate</td>
<td>Rec.</td>
</tr>
<tr>
<td>(Maintaining Household or Living with Non-Relatives)</td>
<td>1</td>
<td>1-10</td>
<td>$21.73</td>
<td>$22</td>
<td>$162</td>
<td>$8</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>0</td>
<td>$23.67</td>
<td>$24</td>
<td>$166</td>
<td>$8</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>1-10</td>
<td>$23.24</td>
<td>$23</td>
<td>$163</td>
<td>$8</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>1-10</td>
<td>$27.02</td>
<td>$27</td>
<td>$189</td>
<td>$9</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>1-10</td>
<td>$30.81</td>
<td>$31</td>
<td>$216</td>
<td>$11</td>
</tr>
<tr>
<td>Family Living With Relatives</td>
<td>1</td>
<td>1-10</td>
<td>$17.85</td>
<td>$16</td>
<td>$125</td>
<td>$6</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>0</td>
<td>$20.09</td>
<td>$20</td>
<td>$141</td>
<td>$7</td>
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<tr>
<td></td>
<td>3</td>
<td>1-10</td>
<td>$23.24</td>
<td>$23</td>
<td>$163</td>
<td>$8</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>1-10</td>
<td>$27.02</td>
<td>$27</td>
<td>$189</td>
<td>$9</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>1-10</td>
<td>$30.81</td>
<td>$31</td>
<td>$216</td>
<td>$11</td>
</tr>
</tbody>
</table>

**REVISION DATE: 2013/04/01**
## RECURRING PAY

### APPENDIX R.2

<table>
<thead>
<tr>
<th>Living Arrangement</th>
<th>Family/Individual Benefits</th>
<th>Recurring Pay (Semi-Monthly)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Employable</td>
<td>Non-Employable</td>
</tr>
<tr>
<td>Boarding with</td>
<td>$58.50</td>
<td>$52.95</td>
</tr>
<tr>
<td>Relatives</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boarding with</td>
<td>$64.50</td>
<td>$54.35</td>
</tr>
<tr>
<td>Non-Relatives</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintaining a</td>
<td>$122.50</td>
<td>$101.50</td>
</tr>
<tr>
<td>Residence</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Shelter

Recurring Pay (Semi-Monthly)
(Upto the Maximum Reported Below)

<table>
<thead>
<tr>
<th>Living Arrangement</th>
<th>Single Person</th>
<th>2 or More Persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mortgage</td>
<td>$74.50</td>
<td>$116.50</td>
</tr>
<tr>
<td>Renting</td>
<td>$74.50</td>
<td>$116.50</td>
</tr>
<tr>
<td>Renting in a Subsidized Unit</td>
<td>$74.50</td>
<td>$131.50</td>
</tr>
<tr>
<td>Mortgage - Rural and Remote</td>
<td>$74.50</td>
<td>$131.50</td>
</tr>
</tbody>
</table>

* For each dependent student added beyond "3 adults with or without children" i.e., (2 adults and one dependent student) or (single parent and 2 dependent students), increase the Family/Individual Benefits by $57.50 semi-monthly for each dependent student added and increase the semi-monthly recovery rate by $2.86 for each dependent student.*

** A "two adult family" may consist of a two parent family without dependent children or a single parent without dependent children and one dependent student.

*** A "three adult family" may consist of a two parent family with or without dependent children and one dependent student or a single parent with two dependent students.

**Revision Date:** 2012/04/01
APPENDIX B. 3

The monthly amount by which Family/Individual Benefits are to be reduced when rent or mortgage includes heat and/or electricity is as follows:

<table>
<thead>
<tr>
<th></th>
<th>Monthly Deduction</th>
<th>Semi-Monthly Deduction</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>APARTMENT OR HOUSE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heat and Electricity Included</td>
<td>$76.00</td>
<td>$38.00</td>
</tr>
<tr>
<td>Heat Only Included</td>
<td>$49.00</td>
<td>$24.50</td>
</tr>
<tr>
<td>Electricity Only Included</td>
<td>$27.00</td>
<td>$13.50</td>
</tr>
<tr>
<td><strong>BED SITTING ROOM</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heat &amp; Electricity Included</td>
<td>$61.00</td>
<td>$30.50</td>
</tr>
<tr>
<td>Heat Only Included</td>
<td>$49.00</td>
<td>$24.50</td>
</tr>
<tr>
<td>Electricity Only Included</td>
<td>$12.00</td>
<td>$6.00</td>
</tr>
</tbody>
</table>

**REVISION DATE: 1999 08 01**
BURIALS

Flat Rates

- For an adult or a dependent 12 years of age or older.
  $2,329

- For a dependent under 12 years of age.
  $1,302

- For a still-born child
  $744

- For an adult or a dependent 12 years of age or older for a traditional funeral with casket, cremation and burial
  $2,338

- For a dependent under 12 years of age for a traditional funeral with casket, cremation and burial
  $1,532

- For an adult or a dependent for a traditional funeral with no casket, but with cremation and burial
  $2,025

Other Burial Rates

- Clothing, when required up to
  $195
- Mileage, when body is transported for burial in this Province
  $0.95 per km. actual amount charged up to $780.00
  $18.00
- Cemetery charges, (plots and grave digging)
  $187.00
- Oversized caskets (extra costs)
  $125.00
- Post-mortem embalming
  $75.00
- Embalming of persons with infectious diseases
  up to $60.00
  up to $75.00
  up to $75.00
  $113.00
- Removal of body from place of death to hospital
  $113.00
- Removal of body from or transport to airport or other carrier
  $195.00
- One funeral notice
  $113.00
- An organist stipend
  $113.00
- A clergy stipend
- Use of chapel
- Provision of shipping container, when required

REVISION DATE: 2006 07 01
## APPENDIX B.5

### SPECIFIC - BASIC & SPECIAL NEEDS RATES

<table>
<thead>
<tr>
<th>REQUIREMENTS</th>
<th>MONTHLY AMOUNT</th>
<th>SEMI-MONTHLY AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional Assistance (Rent or Mortgage Requirement)</td>
<td>$150.00</td>
<td>$75.00</td>
</tr>
<tr>
<td>Blind Persons Allowance</td>
<td>$89.00</td>
<td>$44.50</td>
</tr>
<tr>
<td>Board &amp; Lodging - Adults requiring additional support due</td>
<td>$362.00</td>
<td>$181.00</td>
</tr>
<tr>
<td>to a persistent and permanent social impairment as certified by an approved professional (in addition to B&amp;L Non-Relatives Only)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comforts Allowance</td>
<td>$125.00</td>
<td>$62.50</td>
</tr>
<tr>
<td>Cost of Living Allowance (Coastal Labrador Only)</td>
<td>$150.00</td>
<td>$75.00</td>
</tr>
<tr>
<td>Diabetic Food Allowance</td>
<td>$60.00</td>
<td>$30.00</td>
</tr>
<tr>
<td>Fuel Supplement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Island Fuel</td>
<td>$50.00</td>
<td>$25.00</td>
</tr>
<tr>
<td>Labrador</td>
<td>$90.00</td>
<td>$45.00</td>
</tr>
<tr>
<td>Guaranteed Income Supplement Supplement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Description</td>
<td>Amount1</td>
<td>Amount2</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>---------</td>
<td>---------</td>
</tr>
<tr>
<td>One Recipient Receiving GIS in Family</td>
<td>$105.00</td>
<td>$52.50</td>
</tr>
<tr>
<td>Two Recipients Receiving GIS in Family</td>
<td>$55.00</td>
<td>$27.50</td>
</tr>
<tr>
<td>High School Incentive Allowance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Parent Family</td>
<td>$269.00</td>
<td>$134.50</td>
</tr>
<tr>
<td>Two Parent Family</td>
<td>$213.00</td>
<td>$106.50</td>
</tr>
<tr>
<td>Single Person (Exceptions)</td>
<td>$269.00</td>
<td>$134.50</td>
</tr>
<tr>
<td>Housekeeper Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Provided by a Relative)</td>
<td>$239.00</td>
<td>$119.50</td>
</tr>
<tr>
<td>(Provided by a Non-Relative)</td>
<td>$298.00</td>
<td>$149.00</td>
</tr>
<tr>
<td>Job Start Benefit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recipient with Spouse/Partner or Dependents</td>
<td>$250.00</td>
<td>N/A</td>
</tr>
<tr>
<td>Recipient with no Spouse/Partner or Dependents</td>
<td>$125.00</td>
<td>N/A</td>
</tr>
<tr>
<td>Special Diets</td>
<td>$60.00</td>
<td>$30.00</td>
</tr>
<tr>
<td>Vision Care</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eye Exams</td>
<td>$55.00</td>
<td>N/A</td>
</tr>
<tr>
<td>Single Vision Eye Glasses</td>
<td>$125.00</td>
<td>N/A</td>
</tr>
<tr>
<td>Bifocal Eye Glasses</td>
<td>$175.00</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Revision Date: Nov.19/12
**CHILD BENEFIT ADJUSTMENT**  
**CALCULATION TABLE**  
July 1, 2011

### NCBS ADJUSTMENT AMOUNT

**SEMI-MONTHLY RATE**

<table>
<thead>
<tr>
<th>MONTHLY NCBS</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>$162 or $1,050</td>
<td>$7.50</td>
<td>$15.00</td>
<td>$22.50</td>
<td>$30.00</td>
<td>$37.50</td>
<td>$45.00</td>
</tr>
<tr>
<td>$163.00</td>
<td>$7.00</td>
<td>$14.00</td>
<td>$21.00</td>
<td>$28.00</td>
<td>$35.00</td>
<td>$42.00</td>
</tr>
<tr>
<td>$164.00</td>
<td>$6.50</td>
<td>$13.00</td>
<td>$20.00</td>
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<td>$34.00</td>
<td>$41.00</td>
</tr>
<tr>
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<td>$12.00</td>
<td>$19.00</td>
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<td>$33.00</td>
<td>$40.00</td>
</tr>
<tr>
<td>$166.00</td>
<td>$5.50</td>
<td>$11.00</td>
<td>$18.00</td>
<td>$25.00</td>
<td>$32.00</td>
<td>$39.00</td>
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<tr>
<td>$167.00</td>
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<td>$17.00</td>
<td>$24.00</td>
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<td>$38.00</td>
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<tr>
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<td>$9.00</td>
<td>$16.00</td>
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<td>$31.00</td>
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<td>$10.00</td>
<td>$17.00</td>
<td>$23.00</td>
<td>$29.00</td>
</tr>
<tr>
<td>$175.00</td>
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<td>$2.00</td>
<td>$9.00</td>
<td>$16.00</td>
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<tr>
<td>$176.00</td>
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<td>$8.00</td>
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<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>

### NLCB ADJUSTMENT AMOUNT

**SEMI-MONTHLY RATE**

*If a family is not receiving any NLCB add in $30.00 for the months for each child under 1 year.*

<table>
<thead>
<tr>
<th>MONTHLY NLCB</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1.00</td>
<td>$14.33</td>
<td>$29.66</td>
<td>$43.99</td>
<td>$58.33</td>
<td>$72.66</td>
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<td>$1.05</td>
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</tr>
<tr>
<td>$1.10</td>
<td>$12.93</td>
<td>$26.66</td>
<td>$39.99</td>
<td>$53.26</td>
<td>$64.93</td>
<td>$77.13</td>
</tr>
<tr>
<td>$1.15</td>
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Page 1 of 18
# Child Benefit Adjustment Calculation Table

**July 1, 2011**

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## NLCB Adjustment Amount

**Semi-Monthly Rate**

*If a family is not receiving any NLCB add in $30.00 for the MBNS for each child under 1 year*

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Page 2 of 18
## CHILD BENEFIT ADJUSTMENT
### CALCULATION TABLE

**July 1, 2011**

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### NCBS ADJUSTMENT AMOUNT

#### SEMI-MONTHLY RATE

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### NLCB ADJUSTMENT AMOUNT

#### SEMI-MONTHLY RATE

*IF A FAMILY IS NOT RECEIVING ANY NLCB ADJUSTMENT 10% OF THE MBNS FOR EACH CHILD UNDER 1 YEAR*

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**Page 3 of 18**
# CHILD BENEFIT ADJUSTMENT
## CALCULATION TABLE
### APPENDIX B9
### July 1, 2011

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Page 4 of 18
# Child Benefit Adjustment Calculation Table

**July 1, 2011**

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*If a family is not receiving any NLCB add in $30.00 for the MBNS for each child under 1 year.*
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If a family is not receiving any NLCB Add-in $30.00 for the MBNS for each child under 1 year.

Child Benefit Adjustment Calculation Table
July 1, 2011
### Child Benefit Adjustment Calculation Table

#### July 1, 2011

**NCBS Adjustment Amount**

**Semi-Monthly Rate**

**If A Family Is Not Receiving Any NLCB Add In $30.00 For The MBNS For Each Child Under 1 Year**

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Page 7 of 18
### CHILD BENEFIT ADJUSTMENT
### CALCULATION TABLE
#### July 1, 2011

#### NCBS ADJUSTMENT AMOUNT
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#### NLCB ADJUSTMENT AMOUNT
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### Child Benefit Adjustment

**Calculation Table**

*Appendix B9*

**July 1, 2011**

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#### NLCB Adjustment Amount

**SEMI-MONTHLY RATE**

"*If a family is not receiving any NLCB add in $30.00 for the MBNS for each child under 1 year"
## CHILD BENEFIT ADJUSTMENT
### CALCULATION TABLE

**July 1, 2011**

### NCB ADJUSTMENT AMOUNT
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### NLCB ADJUSTMENT AMOUNT
#### SEMI-MONTHLY RATE
1. **IF A FAMILY IS NOT RECEIVING ANY NLCB ADD IN $30.00 FOR THE MBNS FOR EACH CHILD UNDER 1 YEAR**
## CHILD BENEFIT ADJUSTMENT
### CALCULATION TABLE

**July 1, 2011**

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### NLCB ADJUSTMENT AMOUNT

**SEMI-MONTHLY RATE**

*If a family is not receiving any NLCB add in $30.00 for the MBNS for each child under 1 year*

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*Page 11 of 18*
### Child Benefit Adjustment Calculation Table

**July 1, 2011**

#### NCBS Adjustment Amount

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#### NLCD Adjustment Amount

*IF A FAMILY IS NOT RECEIVING ANY NLCD ADD IN $30.00 FOR THE MBNS FOR EACH CHILD UNDER 1 YEAR*

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### NCBS Adjustment Amount
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### NLCB Adjustment Amount
#### Semi-Monthly Rate

*If a family is not receiving any NLCB add in $30.00 for the MBNS for each child under 1 year.*

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NCBS ADJUSTMENT AMOUNT
SEMI-MONTHLY RATE

**NLCB ADJUSTMENT AMOUNT**
SEMI-MONTHLY RATE

*IF A FAMILY IS NOT RECEIVING ANY NLCB ADD IN $30.00 FOR THE MBNS FOR EACH CHILD UNDER 1 YEAR*
## Child Benefit Adjustment Calculation Table

July 1, 2011

### NCBS Adjustment Amount

**Monthly** | **Number of Children in Family**
---|---
$820.00 | 1 | $ - | $ - | $ - | $ - | $ - | $7.50
$821.00 | 2 | $ - | $ - | $ - | $ - | $ - | $7.50
$822.00 | 3 | $ - | $ - | $ - | $ - | $ - | $7.50
$823.00 | 4 | $ - | $ - | $ - | $ - | $ - | $7.50
$824.00 | 5 | $ - | $ - | $ - | $ - | $ - | $7.50
$825.00 | 6 | $ - | $ - | $ - | $ - | $ - | $7.50

### NLCB Adjustment Amount

**Monthly** | **Number of Children in Family**
---|---
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$660.00 | 6 | $ - | $ - | $ - | $ - | $ - | $ -

*If a family is not receiving any NLCB add in $30.00 for the MBNS for each child under 1 year.*
## Child Benefit Adjustment Calculation Table

**July 1, 2011**

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*If a family is not receiving any NLCB add in $30.00 for the MBNS for each child under 1 year.*

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### Child Benefit Adjustment Calculation Table

**July 1, 2011**

**NCBS Adjustment Amount**

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**NLBC Adjustment Amount**

**Semi-Monthly Rate**

*IF A FAMILY IS NOT RECEIVING ANY NLBC ADD IN $30.00 FOR THE MBNS FOR EACH CHILD UNDER 1 YEAR*
## Child Benefit Adjustment Calculation Table

**NCBS Adjustment Amount**  
Semi-monthly rate

**NLCB Adjustment Amount**  
Semi-monthly rate

*If a family is not receiving any NLCB add in $30.00 for the mens for each child under 1 year.

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Income Support for the Provision of Employment Support

Definition

Section 19(2) of the Income and Employment Support Act allows for the Department to use Income Support to provide Employment Supports. Regulation 44 outlines the conditions in order to provide this level of support for a recipient.

Using Income Support to provide Employment Support requires an agreement to be signed between the recipient and the Department, whereby the Department would continue to provide the monthly Income Support benefits currently provided to the recipient to help financially support the recipient and his/her goal outlined in an Employment Plan. The ultimate goal of such an agreement would be to enable the recipient to become self-sufficient and no longer in need of Income Support benefits.

As this is a new initiative in delivering Income Support benefits, policies and procedures relating to how to administer this initiative will be further developed/modified as warranted, based on information gathered through close monitoring of how the initiative is applied.

Eligibility Criteria

In order to be eligible to have Income Support used for the Provision of Employment Support, a recipient must:

- be in receipt of basic Income Support benefits for a minimum of 3 months immediately preceding the request;

- be an individual who has demonstrated that no other intervention is appropriate to meet his/her needs;

- have an Enhanced Screening Assessment completed;

- agree to work with a Career Development Specialist to develop an approved Employment Plan which identifies the recipient’s employment and training needs and the interventions necessary to reach the goal of becoming independent of Income Support; and

- if determined that the use of Income Support for the Provision of Employment Support is
appropriate, enter into an agreement regarding the manner in which that use may be undertaken.

Assessment

- All requests from recipients who wish to use his/her Income Support for the Provision of his/her Employment Support must be referred to a Career Development Specialist.

- The Career Development Specialist, using the process outlined in Collaborative Action Planning (CAP), will work with the recipient to determine his/her employment and training needs and develop an Employment Plan which identifies the steps and interventions necessary to reach the goal of the recipient becoming independent of Income Support.

- When it is determined that a component of the Employment Plan cannot be met using other interventions, an agreement to use the recipient’s Income Support to finance the employment support will be developed by the Career Development Specialist and the Client Services Officer in consultation with the recipient.

When developing the proposed agreement, the following must be considered:

- Income Support is designed to address basic needs, i.e., food, clothing and shelter. When Income Support is used for any other alternative, it is essential the well-being of the recipient and his/her dependents are not compromised by ensuring they have sufficient funds to meet their basic needs;

- The recipient must be fully aware that should they require Income Support to offset the basic needs that were included in the calculation of the Income Support amount used to help finance the recipient’s Employment Plan, before the end of the covering period, the amount must be set up as an overpayment and recovered from future Income Support benefits; and

- The consent of the recipient’s spouse/partner must be obtained to enter into such an agreement. The Minister may dispense with the consent of the spouse/partner in exceptional circumstances.

A major component of the Agreement to use Income Support to provide Employment Support, is the completion of a Cost Benefit Analysis by the Client Services Officer/Career Development Specialist that has been agreed to by the recipient. The Cost Benefit Analysis must identify:

- the average net Income Support benefits received for the three (3) months prior to the request;

- the full amount of Income Support requested to be approved for the recipient and the period of time this amount represents;

- the cost of the present living expenses (accommodations, food, heat, light, etc.) of the recipient and his/her dependents;

- how their future living expenses will be met (by continuing income support and other financial sources, if appropriate) for the covering period;
- how the use of income support will support the Employment Plan;

- what portion of continuing income support will be used to fund the employment plan; and

- the date that independence from income support is expected to occur.

The Employment Plan and the "proposal" including the Cost Benefit Analysis are to be documented in CSMS.

The Career Development Specialist must meet privately and separately with the spouse/partner to obtain his/her consent to ensure that the spouse/partner

- understands the purpose of the agreement;

- understands that should they require Income Support to offset the basic needs that were included in the calculation of the Income Support amount used to finance the recipient's employment plan, before the end of the covering period, the amount must be set up as an overpayment and recovered from future income support benefits; and

- is providing his/her consent to the plan without duress.

There may be situations where the Career Development Specialist determines that it would be inappropriate to seek the consent of the recipient's spouse/partner. In such exceptional circumstances the Career Development Specialist must submit, along with the proposal, a written request for the Minister to dispense with the consent of the recipient's spouse/partner which clearly documents why seeking the consent would be inappropriate.

Once the "Proposal" (including the Cost Benefit Analysis and the Employment Plan) is completed, and the agreement is signed by the recipient and his/her spouse/partner, the proposal is to be forwarded to the Program Supervisor/District Manager/Regional Director for review and recommendation regarding approval to the Minister.

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**Recommendation**

When considering a proposal to use a recipient's Income Support to provide Employment Support, the Program Supervisor/District Manager/Regional Director must evaluate all the information to determine that:

- There will be no additional cost to Government. This can only be achieved if it has been established that the recipient would have received Income Support benefits for the next few months, if there was no intervention.

Recipients who normally move off Income Support for seasonal employment or receive Employment Insurance or may be eligible for other programs such as those provided through HRSDC would not usually be considered. However, there may be circumstances in which the use of this option to use Income Support to provide Employment Support to such recipients may be appropriate and the Program Supervisor/District Manager/Regional Director should consider such requests in consultation with the Program Directors.

- The recipient has provided consent by signing the contract, and is fully aware of the implications of using Income Support benefits for this purpose, and is in agreement with this
form of receiving Income Support benefits in an effort to be self-sufficient.

- There is reasonable assurance that the goal of self-sufficiency will be obtained.

- There is no other intervention available that can meet the needs of the recipient.

- There is reasonable assurance the recipient is fully aware that should he/she require Income Support before the end of the covering period, the amount will be set up as an overpayment and recovered from future Income Support benefits.

- The spouse/partner, where applicable, has been seen privately and separately and provided informed consent without duress or where a request to dispense with the consent is included that the rationale for dispensing with the consent is clearly stated and appropriate.

Once the proposal has been reviewed and considered complete, the Program Supervisor/District Manager/Regional Director must forward the proposal along with their recommendation regarding approval to the Minister.

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**Approval**

All proposals to use a recipient's Income Support to provide Employment Support must be submitted to the Minister for approval regardless of the recommendations of the Client Services Officer, Career Development Specialist and Management in the District Office.

The Career Development Specialist will be notified of the Minister’s decision on approval and must provide notification to the recipient as specified in the notification section.

For all approved agreements, Case Management by the CDS and the Client Services Officer is to continue during the covering period of the agreement. Approvals are to be recorded in the Client Service Management System and in the appropriate payment system in use in the recipient's District Office.

Copies of proposals must be forwarded immediately to the Director of Income Support and the Director of Career, Employment and Youth Services for the purposes of monitoring the usage of this section under the Act, budget evaluation, and policy review.

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**Notification**

When a proposal is not approved, the Career Development Specialist must notify the recipient in writing of the decision, the reason for the decision, his/her right to appeal and the process for doing so. This decision is to be recorded in CSMS and the appropriate payment system in use in the recipient's District Office.

If the request is approved, the recipient is to be notified of the approval in writing, given a copy of the agreement and reminded of his/her responsibility to report any changes in their circumstances which may affect eligibility.
Method of Payment

This is not to be considered additional Income Support, but a continuation of Income Support benefits based on the assumption the recipient would otherwise be in receipt of Income Support for the covering period.

The preferred method should be short-term installments, which can end should the initiative breakdown and the recipient needs to revert back to receiving regular Income Support benefits. However, in some circumstances, it may be necessary to advance the full amount required in the first month.

Additional Benefits

Recipients who avail of the option to use Income Support to provide Employment Support are still considered active recipients for the covering period Income Support was used to provide Employment Support. As a result, these recipients are entitled to all the "in-kind" benefits associated with being in receipt of Income Support, such as a Regular Drug Card, other Income Support benefits such as Vision Care, and Employment Supports such as work boots, without incurring an overpayment.

Once the covering period has expired, and the recipient is gainfully employed, the recipient is entitled to the Extended Drug Card for the six-month period following the end of the covering period Income Support was used to finance the Employment Support.

Administration

Case Management by the Career Development Specialist is to continue during the covering period of the Agreement. The Career Development Specialist will make follow-up contact at intervals specified in the Client Service Management section of the manual.

As this is a new initiative, it is essential the Regional Director keep a complete list of all cases where the use of Income Support for the provision of Employment Support was approved. These records must:

- identify the recipient,

- the length of time in receipt of Income Support benefits prior to the recipient availing of Income Support for the provision of Employment Support,

- the amount of Income Support benefits that provided for the covering period of the Income Support for the provision of Employment Support, and

- the number of months during the fiscal year, the recipient was no longer in receipt of Income Support.

Request to Re-Instate Income Support

There may be situations where a recipient needs to obtain regular Income Support benefits during the period when Income Support for the provision of Employment Support is still in effect. Regional Director approval is required. The Client Services Officer must request this approval providing a full...
explanation for the restatement. When it is determined that Income Support benefits are to be provided, the amount will be provided to the recipient through regular assistance as opposed to the use of emergency assistance. The amount of basic Income Support provided is to be considered an overpayment, apportioned between the recipient and the spouse, if applicable, and recovered from future Income Support benefits.

Overpayment

If the funds that were issued under the Income Support for Employment Support Agreement were not used for the intended purpose as specified in this agreement an overpayment must be set up, apportioned between the recipient and the spouse, if applicable, and recovered from future Income Support benefits.

Exceptional Circumstances

There is provision under Section 19(4) of the Income and Employment Support Act which allows the Minister, in exceptional circumstances, to dispense with the consent of the spouse/partner and in Section 44(7) of the Income and Employment Support Regulations to vary the time frames specified for eligibility and/or entitlement.
Issuance of Receipts

Intent
To identify the circumstances under which receipts are issued.

Overview:
Inactive clients may continue to make payments on their accounts receivable balance. In all such cases, a receipt must be provided to the client acknowledging this payment.

Receipt Types

- There are two types of receipts. Interim Cash Receipts (ICR’s) are issued by the Department and Official Cash Receipts (OCR’s) are issued by Newfoundland Exchequer. Funds received by the Department, usually at a local office, are credited to the accounts receivable balance via ICR’s. Funds received by Newfoundland Exchequer are credited and issued an OCR.

- The main purpose of receipts is to credit the payments made by former clients to their account. Most payments are made by the client and or spouse. However, payments can be made by another individual on the former client’s behalf. Monies also come from other sources such as CPP, EI, WHSCC, Support Enforcement Agency, other bulk payments and payments from insurance claims.

- Payments can be made by cash, cheque, money order and by debit/credit machine.

- Clients pay on their accounts by: visiting the local office; mailing payments to the office; or by mailing the payment to Central Cash.

Interim Cash Receipts:

- Interim Cash Receipts are receipts that are keyed at the local HRLE offices and submitted to Central Cash along with the monies; their Interim Cash Receipt Batch Report and a copy of the receipts in that batch. The money is keyed at Central Cash and an Official Cash Receipt is issued. Provincial Office ‘matches’ the OCR to the ICR Batch from the local office. This verifies that the money received at the office has been receipted by Central Cash.
• The payment can be credited to one client or several depending on the wishes of the person paying. For example, if a couple were together when an overpayment was created it would be split between them and usually any subsequent payments would be split as well; unless they are now separated and one client is making a payment only for himself/herself.

Official Cash Receipts:
• When the payment is mailed directly to Central Cash they issue an OCR as an individual receipt and this payment is keyed to the client account by staff at Provincial Office. Clients who pay at local offices are given a receipt - however when these receipts are keyed at Provincial Office, another receipt is not issued. In those cases client receive monthly statements which show the payment credited to their account.

• Payments made by other sources such as CPP, EI or from companies for Wage Attachments are received directly at Central Cash and are credited to the client’s account by Provincial Office staff. Funds are also received from the Federal Set-Off Program and this is credited to the accounts receivable balance matched by SIN #. This money is intercepted from Income Tax Refunds or GST Rebates.

• Money is also received from Service Canada on behalf of clients awaiting EI benefits where an Assignment of Benefits has been approved. Service Canada refunds the Department monies for any period which is overlapped. This money is keyed to the client’s account by Provincial Office staff and a CSO in the local office will complete an Action Memo for the overlapping amount. Usually one amount offsets the other but each case must be reviewed to determine if there remains an overpayment owed to the Department or a credit owed to the client.

Authority Level:

Client Service Officers - set up overpayments on clients.

Provincial Collection Officer - contacts former clients concerning repayment of overpayments.

Accounts Receivable Clerks - keys monies received at NIId. Exchequer to former clients account.

Administrative Support Staff - keys monies received at local office to former clients account.

Updated: March 19, 2010
REFUND OF A CREDIT BALANCE

Intent

- To outline the procedure involved in refunding a credit balance to an Income Support Benefit recipient or a former recipient.

Policy

- Normally, recoveries from Income Support Benefits should not exceed the balance of the existing Income Support overpayment.

- However, when excess funds are recovered, it is essential that credit balances are reviewed immediately and if, as a result of a thorough review of the case, it is determined the recipient is owed a refund, the refund is to be issued immediately.

Procedure

- Client Service Officer must:
  
  o review the credit balance list provided from CAPS – XA1009 refers - as provided each month for active cases in receipt of Income Support Benefits and inactive cases where the recipient's address is known.

  o determine how the credit balance was created by:

    ➢ reviewing all debits and credits made against the account,

    ➢ ensuring that all Income Support overpayments have been set up in the appropriate manner and the amounts are correct and there has been documentation to support the creation of the overpayment,

    ➢ checking DACS to determine if a recovery was made and not recorded in CAPS,

    ➢ checking the E.I. Assignment Report to ensure all balances have been recorded.
✓ checking Worker's Compensation Report to ensure the appropriate balances have been recorded, and

✓ checking the CPP Assignment Report to ensure all balances have been recorded.

  o refund the credit balance by Non-Recurring Pay cheque, once its determined that the credit balance is legitimate and owed to the recipient. It should show the requirement as Refund of a Credit Balance and the covering period as one day.

  - CAPS will automatically debit the amount to the existing credit balance.

  o record the refund of the credit balance as a case note outlining the activity undertaken to verify the refund was legitimate.

- When there is a credit balance for an inactive case, the Client Service Officer should:

  o try to locate the recipient either by mail or phone;

  o acknowledge that the recipient cannot be located and record in the case note all activities undertaken to locate the recipient;

  o remove the credit balance by creating an Action Memo to debit the account for the credit balance giving the reason "Unable to Locate Recipient";

  o record the Action Memo in the case record;

  o make a case note in CAPS that if the former recipient is located, to set up the credit balance and refund the amount to the recipient.

Authority Level

Client Services Officer - up to $500.00

Client Services Manager - > $500.00

Client Service Manager/Regional Income Support Manager - addressing and assigning the removal of credit balances for former Income Support Benefit recipients.
REVISION DATE: January 6, 2009
Reviews and Appeals

Intent

To provide clarification on the Appeal Process when a client does not agree with a decision that has been made concerning his/her Income and Employment Support Benefits. These decisions are usually made by a Client Services Officer, Social Worker or Client Services Manager.

Regulations

Request for internal review

55. (1) An applicant or recipient may request that a decision of an officer be reviewed by an officer or officers appointed by the minister to perform an internal review.

(2) A request under subsection (1) shall be in writing.

Internal review

56. (1) An internal review shall be performed in the time period referred to in subsection 41(5) of the Act and the outcome of an internal review shall be communicated to the applicant or recipient in the time period referred to in that subsection.

(2) A communication referred to in subsection (1) shall include

(a) the reasons for the finding or decision;
(b) a notice specifying the right of appeal to the appeal board;
(c) the time within which the right of appeal may be exercised;
(d) the appeal procedure;
(e) the manner in which an appeal may be conducted; and
(f) that the applicant or recipient may access his or her appeal file in anticipation of the appeal, including any record of the appeal.

Appeal to the appeal board

57. An applicant or a recipient aggrieved by the outcome of an internal review may, in writing, appeal that outcome to the appeal board under section 43 of the Act in the time period referred...
to in that section.

Board practice and procedure

53. The board may set its policy and procedure but it shall, at all times,

(a) receive sworn evidence in relation to an appeal; and

(b) give clear reasons, in writing, for its decisions.

Policy

- A person who applies for or receives Income and Employment Support Benefits has the right to have any decision made by a worker or manager reviewed if dissatisfied with the decision concerning the application or request for a particular service. Any decision made by any worker with respect to the granting, refusal, suspension, discontinuation, reduction, resumption, or amount of Income and Employment Support Benefits can be appealed. The person may request an internal review and appeal personally or give written consent for a duly authorized representative to review/appeal on his/her behalf.

- There are currently three levels of Review/Appeal which include:
  - Manager Review
  - Internal Review Committee
  - Appeal Board Hearing

Procedure

- The worker must ensure that the dissatisfied client is given a full explanation of the decision. They should advise the client in writing of the decision made when Income and Employment Support Benefits are denied, reduced or suspended or when any request for special needs or additional benefits is denied.

First Level: Manager Review

- Upon request from the client for a review of a decision, the manager will review the details of the particular decision and has the authority to uphold or change a decision in accordance with the Income and Employment Support Act, Regulations and policy.

- Upon the completion of the review by the manager, the decision to support or overturn the decision of the worker must be communicated to the client. Where the original decision is upheld, the reason for this decision is to be provided to the client, as well as information on the next level of appeal – the Internal Review. The client should be advised that a written request for an Internal Review is required within 60 days of receiving the decision.

Second Level: The Internal Review

- The Internal Review Committee is the first formal level of appeal. The client must make a written request for an Internal Review. This request must be made within 60 days of being notified of a decision. Applications received after 60 days shall not be accepted.

- The Internal Review will consist of an examination of written documentation and may include direct contact with the client. The internal review will be performed by departmental employees who have not been involved with the original decision.
• The delegation of responsibility for the compilation of these reports may vary dependent on the region. The Avalon, Central and Western Regions of the Department have Regional Enquiries Coordinators who complete Internal Review requests in consultation with the Regional Director. The Internal Review process in the Labrador Region consists of a committee that meets as required. This committee includes the Regional Director, a regional manager, a CSO and an administrative support person.

• An Internal Review shall be performed no longer than 15 days after the receipt of the appeal. The Review may result in the change or confirmation of the decision based on the Income and Employment Support Act, Regulations and related policy.

• The results of an Internal review will be communicated in writing, clearly outlining the reason(s) for the decision, to the client within five business days of being decided. The client is considered to have received the written outcome within seven business days. The client must be advised of their right to make a written appeal to the Appeal Board within 60 days from the date of notification. A copy of the decision will be forwarded to the appropriate Regional Program Manager and the Executive Secretary of the Appeal Board.

Third level: The Appeal Board

• As the second formal level of appeal, the Appeal Board is an independent body of three people, who are not employed by the Provincial Government but are appointed by the Lieutenant-Governor in Council.

• The Appeal Board will accept a written request for an appeal from dissatisfied clients or their representatives, up to sixty days from the date of receipt of the outcome of an internal review. The Executive Secretary of the Board will have received all documentation pertaining to the internal review from the applicable regional office. Further information maybe requested from the local office if necessary.

• The Executive Secretary will prepare the case and arrange for a hearing within 30 days. Arrangements are made for the client to participate via telephone from their home in most cases. Where clients request an 'in person' hearing, this can be arranged and the Department will provide funding for transportation to the hearing.

• A notification of hearing is communicated to all relevant parties seven days prior to hearing.

• During the hearing the client/representative, Regional Enquiries Coordinator/departmental representative and the Appeal Board members will participate.

• The Appeal Board will not render its decision at the end of the hearing. Instead, the Executive Secretary will issue a written 'notice of decision' stating clear reasons, in writing, for this decision to the client within one week. Copies will be sent to Board Members, the Director of Income or Employment Support, the Regional Director, Regional Program Manager and other relevant parties.

• If the client does not agree with the Board's decision, the matter can be taken to the Supreme Court of Newfoundland – Trial Division. The client should be advised to seek the assistance of a lawyer if this option is to be pursued.

Authority Level

Client Services Officer

Client Services Manager – Internal reviews

http://www.intranet.gov.nl.ca/hrle/eDocuments/HRLEManuals/Income_Employment_Su...

2011/12/06
Role of Internal Audit

Intent

To identify the role of internal audit as it relates to the issuance of income support benefits.

Mandate:

Provide independent and professional assessment, suggestions for improvement and consulting services to the Executive and other Departmental clients to improve and enhance the efficient and effective operations of the Department's internal controls, business processes, systems, policies and procedures and any part of the Departmental operations deemed appropriate.

Objectives of Audits & Reviews:

- Ensure Compliance with Acts, Regulations, Policy & Procedures
- Ensure proper accounting practices are utilized in financial reporting
- Ensure Management Systems provide accurate and reliable information
- Ensure Departmental funds are utilized in accordance with approved budget activities
- Provide comprehensive assessments of Program operations from an efficiency, effectiveness, economical and value added perspective
- Assess Department's IT systems to ensure systems include sufficient financial controls and maintain high levels of data integrity
- Perform investigations, where required, in situations involving possible fraudulent behavior and/or misappropriation of Departmental assets

Authority Level

The Audit section has a manager and senior departmental audit officers.
Integrity Measures

Intent

Program integrity Measures cover a broad range of services that focus on ensuring, to the extent possible, that income support clients receive benefits and services they are entitled to under current legislation. Examples of some services provided by Integrity Measures include: investigation services, intake verification, various eligibility review processes and data matching.

The department’s Internal Audit Division also provides an integrity measure function since it provides independent and professional assessments of services provided to the client.

Act

18. (2) The minister may designate an officer to perform investigations under this Act, and that officer may perform those investigations in the manner prescribed by the regulations.

Regulation

46. (1) An officer shall, in determining continued eligibility for income or employment support, verify the information provided by the applicant or recipient as required under these regulations to assess eligibility.

(2) Where a determination of eligibility is incomplete or unsatisfactory or new information regarding the eligibility of an applicant or recipient has come to the attention of and been verified by an officer, an officer may, under the authority of subsection 18(2) of the Act, perform those investigations that are necessary to determine an applicant’s or recipient’s eligibility for income or employment support.

(3) An officer performing an investigation

(a) may

(i) access the applicant’s or recipient’s personal information that may be necessary to complete the investigation,

(ii) contact third parties to obtain information about an applicant or recipient to complete an investigation,

(iii) make visits to an applicant’s or recipient’s residence to obtain information to complete
an investigation,

(iv) at the conclusion of the investigation, recommend that an applicant's or recipient's income or employment support be confirmed, denied, varied, suspended or cancelled under the authority of these regulations, or

(v) make a referral for prosecution where there is evidence that an applicant or recipient has committed an offence under section 48 of the Act; and

(b) shall

(i) only conduct an investigation of a recipient on the approval of a manager,

(ii) identify himself or herself as an officer and describe the purpose of the contact,

(iii) interview an applicant or recipient personally where possible,

(iv) at all times provide the applicant or recipient with the opportunity to respond,

(v) complete the investigation within 4 months of it being assigned,

(vi) only disclose personal information to third parties for the purpose of obtaining facts related to an investigation, and

(vii) not disclose the identity of third parties without their permission to do so

and, in addition to the powers and duties prescribed in this subsection, an officer may, with the approval of the minister, do those other things necessary to complete an investigation.

(4) An officer who has received a recommendation from an officer performing an investigation under this section shall

(a) confirm, deny, vary, suspend or cancel the income or employment support of the applicant or recipient who was the subject of the investigation; and

(b) inform the applicant or recipient in writing of any action taken under paragraph (a) and of his or her right to request an internal review of that action and pending the outcome of the internal review, of his or her right to appeal under the authority of the Act and these regulations

Policy/Procedures

Investigations

- Duties of a Client Services Officer (CSO) performing an investigation are noted in Section 46 (3) of the Income and Employment Support Regulations.
- Referrals for investigation are received from a variety of sources and must be approved by a Client Services Manager prior to being investigated.
- Referrals are assigned a referral number. The referral number and referral information are entered into the "Investigator Tracking System (ITS)."
- There must be a valid Rights, Responsibility and Client Consent form on file which covers the period for which the complaint was alleged to have occurred.
- An investigation must be closed within 4 months after it has been assigned.
- Investigations generally include checking various sources of information. Investigators will not
utilize sources indiscriminately.

- Client confidentiality and privacy should always be protected.
- When an investigation results in recommending a change in financial eligibility, a detailed "Investigation Report" form must be completed and provided to the Client Services Officer responsible for the case.
- Serious fraud matters may be referred to the local police agency but will require consultation and approval of a Client Services Manager.
- A client must be notified of any action taken as a result of an investigation. When an investigation results in a recommendation to suspend future income support benefits, every effort must be made to contact the client to advise him/her of the action to be taken on the file.
- The client must be advised, in writing, of their right to appeal any decision. The CSO who conducts the investigation may be requested to attend an appeal hearing.
- Once the investigation is concluded, the "Investigator Tracking System (ITS)" will be updated to reflect the outcome of the investigation.

Intake Verification

- Intake verification is completed during the application process and its purpose is to assist in determining an applicant's eligibility for income support benefits.
- There must be a Rights, Responsibility and Client Consent form signed by the applicant(s) prior to the verification process beginning.
- Normally, a referral to the Intake Verification Officer would occur if the Intake Worker reviews the application and determines that information contained in the application warrants further examination. When this occurs, a referral is made to the Intake Verification CSO.
- The applicant should be contacted in the first instance, whenever reasonable and practical and requested to provide required documentation.
- The intake verification process should not take any longer than five working days.
- Client confidentiality and privacy should always be protected.
- During the intake verification process an "Eligibility Review" form will be completed which provides a summary of the activities taken during the file review as well as a recommendation to the intake worker of any action required.
- A client must be notified of any action taken as a result of the verification process. When an intake verification process results in a recommendation not to assist an applicant, every effort must be made to contact the applicant to advise him/her of this action.
- The client must be advised in writing of their right to appeal any decision. The Intake Verification Worker may be requested to attend an appeal hearing.
- Information relating to the Intake Verification referral, review and outcome are captured in the "Investigator Tracking System (ITS)."

Eligibility Review Process

- The Eligibility Review Process ensures that clients confirm their continued eligibility for income support benefits on a regular basis and provides an opportunity to update financial and non-financial information on their case file.
- Provincial office mails out an "Income Support Eligibility Review" form and a "Rights, Responsibilities and Client Consent" form at scheduled intervals. Clients are required to review the information provided on the form, verify the information for accuracy and indicate where any changes are required.
- All adult recipients on the file are required to sign and date the forms (clients must also indicate their SIN on the "Rights, Responsibilities and Client Consent" form). The forms must be returned to the department by a specific return date that is indicated on the review form.
- This process is usually performed twice per year – March (spring review) and September (fall
Under the current review structure, a portion of the entire income support caseload is assessed on each review cycle. All active income support cases can expect to be reviewed through this process at least once within a two-year period.

Clients who fail to return the review forms by the return date will be sent out a reminder letter including a copy of the original review form and a new “Rights, Responsibilities and Client Consent” form. The reminder letter advises the client the forms must be returned immediately in order to avoid delays in future income support payments.

Clients who do not return the review documents will be contacted directly by their local district office.

Clients who do not respond to any of these requests for information can expect future income support payments to be suspended.

**Telephone Eligibility Confirmation (TEC)**

- The primary function of Telephone Eligibility Confirmation (TEC) is to conduct telephone interviews with active new and reopened income support clients to confirm their continued eligibility for income support benefits. These are generally scheduled at regular intervals.
- In this process, financial and non-financial information received is updated on the case file and any discrepancies are reported to the local office for follow-up action.
- Also workers assist clients by making referrals to other program areas.
- TEC workers also perform a variety of other program integrity projects as directed to ensure compliance with income support policy.
- Financial and non-financial impacts are tracked and recorded.
- There are standard scripts used in conducting telephone interviews which include key questions to:
  - Verify and confirm personal and financial information as well as other information as required
  - Support initiating referrals to other active measures such as child benefits, employment, career, etc.
- Failure to participate in telephone interviews to confirm eligibility may result in suspension of income support benefits.

**Data Matches**

- The department performs a series of data matches with other federal/provincial departments and agencies to obtain financial information to verify continued eligibility for income support benefits.
- The types of information and means by which data is exchanged are governed by various Memorandums of Understanding (MOU) and other types of information sharing agreements.
- Authorization to obtain interface data on individual clients is obtained via the signing of the “Rights, Responsibilities and Client Consent” form.
- Once received, the data is distributed electronically by provincial office for district office staff to review against the income support file. If there is any discrepancy between the interface information and the case file, the worker is required to make changes on the case file to ensure the correct amounts are being deducted from the case file.
- Depending on the income source and amount, this may result in reductions in the income support entitlement, overpayments for undeclared income, or suspension of future benefits due to ineligibility.
- Interface types generally include the following:
• Employment Insurance
• Training Allowance (i.e.: NL Skills Development, NL Apprentices)
• Canada Pension Plan – (i.e., Retirement, Disability, Survivors, Children’s benefits)
• Canada Revenue Agency
• Interprovincial Sharing Agreements
• Department of Education – Student Aid
• Department of Finance – Civil Service Payroll and Provincial Pension Payroll
• Department of Justice – Provincial Correctional Facilities
• Workplace, Health, Safety and Compensation Commission

Canada Pension Plan (CPP) Disability Project

• The primary function of the project is to identify clients receiving income support who have potential eligibility for Canada Pension Plan Disability benefits and to guide them through the CPP application process. A referral should be made to the income support division on any income support adult applicant or recipient who is not available for work due to illness and/or to any adult applicant or recipient that is listed in CAPS as having any of the following: “Challenges,” “Illness,” “Mental Illness,” or “Physical Illness.”
• Income support clients who have potential eligibility for CPP Disability benefits are individuals who must have a physical illness, or mental illness, that is both severe and prolonged. Based on Service Canada’s definition, “Severe” means that a person is incapable of regularly pursuing any substantially gainful occupation. “Prolonged” means that the disability will prevent the individual from going back to work in the next 12 months, or is likely to result in death.
• Applicants who are eligible for CPP Disability benefits must also have made sufficient contributions to the CPP plan in order to qualify for CPP Disability benefits. This means clients need to have had some work history.
• The Income Support Division will liaise with Service Canada to determine if an income support client has potential to receive CPP Disability benefits and will assist the client to complete the required “Authorization to Communicate” and the “Consent to Deduct and Payment” forms when required.
• Once the CPP Disability application is finalized by Service Canada staff, the CPP Disability worker will explain to the income support client the impact of the CPP approval on the further income support benefits.
• The CPP Disability worker will contact the district office to advise of the results and indicate any action required on the income support case file.

Authority Level

Investigations

Client Services Officer
• Referrals

Client Services Manager
• Approval of referrals, assignment of cases and referrals to police

Intake Verification

Client Services Officer

Eligibility Review Process
Client Services Officer

**Telephone Eligibility Confirmation (TEC)**

**Telephone Eligibility Worker**
- Client contact/interview and completion of interview sheet

**Client Services Officer**
- Review of interview sheet and follow up

**Data Matches**

**Client Services Officer**
- Review, assessment and follow up of data

**Manager of Eligibility Assurance**
- Distribution of data

**CPP Disability**

**Client Services Officer**
Assignment of Case Numbers

Intent

To identify how unique identifiers are assigned to cases and clients.

Overview

- Within CAPS each case has a unique file/case number. In most instances, these case numbers transferred from the FACTS system. New cases added to CAPS have a case number generated within the system -- these begin with 032XXX. Case numbers are comprised of 7 digits, but the first digit is 0.
- In addition to unique case numbers, each client within a case is assigned a unique client ID by the system. The client maintains this number regardless of other cases they may be involved in. These numbers began at 1 and build as new clients are added to the system. This client ID is also found within the beneficiary ID of drug card records but is distinguished by having a 3 plus zero's at the beginning plus a single digit control number at the end (i.e. drug card beneficiary ID of 3060003858 belongs to client 385.)
- Where a case no longer has any active clients (i.e. they are all deceased or have moved to another case), the case will become locked and cannot be reactivated. (Example: a single client on Case A who moves in with another client on Case B: this relationship ends. The client will not be reopened on Case A as the case was locked when the last client’s role ended on that case, but will set up on case C.) This ensures that the most recent information is always used. A history of all cases that the client was involved in is maintained in CAPS.
- Clients who move properly from one case to another (see CAPS Training Manual) will retain their unique personal ID # and pull their personal information with them to the new case, including their Accounts Receivable balance.

Authority Level

Client Services Officer

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Page updated: March 8, 2010
Overview

- The Income Tax Regulations requires the Department of Human Resources, Labour and Employment to file a return to report income support payments. The T5007 Supplementary Slips (T5's) must be filed on or before the last day of February of the year, following the calendar year to which the information return application applies and to be sent to the client's last known address.
- These records are sent to the last active A1 applicant on the case when the T5 is produced.
- A T5007 will not be produced for an A1 applicant if the applicant received less than $500.00 during the reporting year.
- The Federal Government requires the T5007 to be used by clients when filing their Income Tax Returns to determine eligibility for the G.S.T./H.S.T. rebates, the Canada Child Tax Benefit and the Newfoundland and Labrador Child Benefit. However, clients do not pay income tax on the income support benefits shown on the T5007, these benefits are used only to determine eligibility for the tax credits.
- The T5007 will include benefits recorded in the calendar year but exclude many Special Needs benefits. Benefits included on the T5 are as follows:
  - Rent, Ground Rent, Mortgage and Condo fees. This also includes additional assistance and special needs for rent and mortgage.
  - Utilities included in Rental or Mortgage requirements
  - Comforts Allowance
  - Cost of Living Allowance (coastal Labrador)
  - Child Benefit Adjustment
  - Fuel Supplement
  - Guaranteed Income Supplement Supplement
  - Earned Income Supplement
  - Diabetic Diet and other Special Diets
  - High School Incentive Allowance
  - Refunds of credit balances
- It should also be noted that the amounts shown on the T5 reflect net amounts. In cases where the clients have declared income, a formula is applied to pro-rate the income proportionately against all requirements to calculate the net amount.
- Any repayments received from clients directly or from all sources on behalf of clients have been deducted from the total assistance which is captured on the T5 slip.
- The T5007 slip includes the name and SIN for the A1 applicant.
Procedures

T5007 Listings
- Each year a listing of clients for whom T5007 slips were produced are sent to the applicable districts. Staff should have access to these listings for any inquiries which are made by clients.

Replacement T5's/Adjusted T5's
- Where clients contact the Department to have a T5 replaced, staff should complete the T5007 Request Form and forward to the Client Payment Services Unit, Finance Division. The form must include:
  - Client's name
  - Address
  - Social Insurance Number
  - File/Case Number
  - Tax year
  - Amount to be reported
- Where clients dispute the amount on the form or there is found to be an error, CSO's must calculate the correct amount taking into account any amounts which were repaid by the client or on the client's behalf during the calendar year. Once calculated, the form should be submitted to Client Payment Services for processing.
- Clients should not be referred directly to the Client Payment Services Unit for a replacement or revised T5.

Authority Level
Client Services Officer

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Page updated: May 5, 2010