

**Excerpted References to CIHR in  
Employment and Assistance Regulation  
As at March 31, 2010**

**THIS DOCUMENT IS INTENDED FOR ADMINISTRATION OF CIHR CLIENTS WHO APPLIED FOR CIHR ON OR PRIOR TO MARCH 31, 2010 AND WERE GRAND-PARENTED IN THE PROGRAM UNDER THE REGULATIONS EXISTING AS OF MARCH 31, 2010 AND/OR AS AUTHORIZED BY THE CHILD IN THE HOME OF A RELATIVE PROGRAM TRANSITION REGULATION. PLEASE NOTE THAT THIS IS NOT THE OFFICIAL VERSION OF THE REGULATION FOR ANY INFORMATION OTHER THAN CIHR.**

**PART 1 – INTERPRETATION**

**Definitions**

1 (1) In this regulation:

**“application for a child in the home of a relative income assistance form”** means the application for a child in the home of a relative income assistance form prescribed by the minister; (B.C. Reg. 400/2007)

**“child in the home of a relative”** means a child referred to in section 6 (2) [*child in the home of a relative*] to or for whom income assistance under section 11 of Schedule A is provided;

**PART 2 – ELIGIBILITY FOR INCOME ASSISTANCE  
Division 1 – Applications and Applicant Requirements**

**Application for income assistance – stage 1**

4.1 (1) The first stage of the process for assessing the eligibility of a family unit for income assistance is fulfilling the requirements of subsection (2). (B.C. Reg. 304/2005)

(2) The applicants for income assistance in a family unit ...

(b) subject to subsection (4), must

(i) complete searches for employment as directed by the minister for the 3 weeks immediately following the date of the application under paragraph (a), or

(ii) demonstrate that each of the applicants has completed a search for employment satisfactory to the minister within the 30 day period prior to the date of the application under paragraph (a), and in either case

provide information about and verification of the searches for employment, in the form specified by the minister. (B.C. Reg. 98/2009)

(4) Subsection (2) (b) does not apply to a person who

(c) is applying for income assistance that the minister may provide under section 6 (2),

(6) Subsection (2) (b) does not apply to a sole applicant who ...

(b) provides care to a child in the home of a relative, a foster child or a child in their care under an agreement referred to in sections 8 or 93 (1) (g) (ii) of the *Child, Family and Community Service Act* if the child has not reached 3 years of age. (B.C. Reg. 99/2009)

### **Application for income assistance - stage 2**

**4.2 (3)** On completion of the first stage process provided for in section 4.1, the applicants for income assistance in the family unit must complete and submit to the minister an application for income assistance (part 2) form and must include as part of the application

(b) subject to subsection (4), proof that the applicants have each completed an applicant orientation program within the 60 day period immediately preceding the date of the submission of the application for income assistance (part 2) form, and

(5) Subsection (3) (b) does not apply to a person who

(a) applies for income assistance that may be provided under section 6 (2) by the minister,

### **Application for income assistance for a child in the home of a relative**

**4.4 (1)** A person who applies on or after December 1, 2007 for income assistance under section 6 must

(a) complete and submit to the minister the application for a child in the home of a relative income assistance form, and

(b) include, as part of that application, a written authorization that permits the information from

(i) the relative of the child with whom the child is residing, and

(ii) each person who is 18 years of age or older who is residing in the home referred to in subparagraph (i) to be used and disclosed in the manner set out in subsection (2).

(2) The written authorization referred to in subsection (1) must permit the minister, in order to make a determination referred to in section 6 (2.1) (d), to use and disclose information about a person referred to in subsection (1) (b) (i) or (ii) in conducting a criminal record check of the person and in reviewing whether the person has had any prior contact with a director, as defined in section 1 of the *Child, Family and Community Service Act*, or a delegate of the director. (B.C. Reg. 400/2007)

### **Applicant requirements**

**5** (2) Subject to section 6 [*child in the home of a relative*], a child who is not residing with his or her parent is not eligible to receive assistance unless, after reasonable efforts by the minister to have the parent assume responsibility for the financial support of the child, the minister decides to grant income assistance to the child.

### **Child in the home of a relative**

**6** (1) In this section,

“**child**” does not include a person with disabilities;

“**relative**” in relation to a child, does not include the child’s parent.

(2) Subject to subsection (2.1), a child is eligible for income assistance under section 11 of Schedule A if

(a) the child resides with his or her relative,

(b) the child’s parent placed the child with the relative, and

(c) the child’s parent does not reside with the relative,

(2.1) A child is not eligible for income assistance under subsection (2) if

(a) the child ceases to meet the conditions set out in subsection (2),

(b) the relative with whom the child resides has entered into an agreement under section 8 of the *Child, Family and Community Service Act* in relation to the child,

(c) the relative with whom the child resides or the parent of the child fails

- (i) to provide accurate and complete information to the minister,
  - (ii) to provide all of the authorizations requested by the minister under section 4.4 or 34.1 within the time, if any, specified by the minister,
  - (iii) to attend in person at the ministry office when required to do so by the minister under section 34.1 (2) (c), or
  - (iv) to submit the form required by the minister under section 34.1 (2) (a), within the time specified by the minister,
- (d) the minister determines, based on a review of the application of the child provided on or after December 1, 2007 and information obtained under the authorization appended to the application, that there is a level of risk to the child in the home that indicates the home where the child resides is not an appropriate place for the child, or
- (e) the minister has conducted an audit under section 34.1 and determines, based on information provided under the audit, that there is a level of risk to the child in the home that indicates the home where the child resides is not an appropriate place for the child. (B.C. Reg. 400/2007)

## **Division 2 – Income and Asset Restrictions**

### **Asset limits**

- 11** (1) The following assets are exempt for the purposes of subsection (2):
- (b) one motor vehicle generally used for day to day transportation needs if
    - (i) the equity in the motor vehicle does not exceed \$5 000,
    - (ii) the motor vehicle has been significantly adapted to accommodate the disability of a recipient in the family unit;
    - (iii) the motor vehicle is used to transport a disabled dependent child, or
    - (iv) the motor vehicle is used to transport
      - (A) a disabled child in the home of a relative, or
      - (B) a disabled foster child,
- if the child is in the care of the applicant or recipient; (B.C. Reg. 235/2003)

### **Requirement for 2 years employment**

**18** (3) Section 8 of the Act does not apply to the family units of the following categories of applicants:

- (e) applicants who have a child in the home of a relative;

### **Division 5 – Amount and Duration of Income Assistance**

#### **Effective date of eligibility**

**26** (1) Except as provided in subsection (2), (2.1) or (3.1) a family unit is not eligible for income assistance or supplements in respect of a period that occurred before the date the minister determines the family unit is eligible for the income assistance or supplements, as applicable. (B.C. Reg. 340/2008)

(2) A family unit becomes eligible

- (d) for income assistance under section 11 of Schedule A on the date of the applicant's submission of the application for a child in the home of a relative income assistance form. (B.C. Reg. 400/2007)

#### **Time limits for income assistance**

**27** (1) The eligibility of a family unit for income assistance in any calendar month is subject to the following limitations:

(a) when income assistance has been provided to or for a family unit that includes only 1 person for a total of 24 of the previous 60 calendar months, the family unit is not eligible for income assistance;

(b) when income assistance has been provided to or for a family unit that includes 2 persons, neither of whom is a dependent child,

(i) on account of each recipient for a total of 24 of the previous 60 calendar months, the family unit is not eligible for income assistance, and

(ii) on account of one recipient for a total of 24 of the previous 60 calendar months and on account of the other recipient for less than 24 of the previous 60 calendar months, the income assistance provided to or for the family unit for a calendar month must be reduced by \$300;

(c) when income assistance has been provided to or for a family unit that includes at least 2 persons, at least one of whom is a dependent child, on account of at least one recipient for a total of 24 of the previous 60 calendar months, the income assistance provided to or for the family unit for a calendar month must be reduced by \$100 for each recipient in the family unit to or for

whom income assistance has been provided for a total of 24 of the previous 60 calendar months.

(1.1) Despite subsection (1) (a) and (b), subsection (1) (c) applies to a family unit described in subsection (1) (a) or (b) if a recipient in the family unit is providing care for a child who resides with the family unit and is

(a) a child in the home of a relative,

(c) the subject of an agreement referred to in section 8 or 93 (1) (g) (ii) of the *Child, Family and Community Service Act* to which a recipient in the family unit is a party. (B.C. Reg. 160/2004)

(2) Subsections (1) and (1.1) do not apply to the following categories of family units: ...

(b) children in the homes of relatives.

(3) For the purpose of calculating whether income assistance has been provided to or for a recipient for a total of 24 out of the previous 60 calendar months the following calendar months must not be included as a month for which income assistance has been provided, but must be included for the purpose of calculating the previous 60 months, in relation to a recipient:

(g) each calendar month during which a sole recipient

(i) has a dependent child,

(ii) has in his or her care a child in the home of a relative, or

(iii) has in his or her care a foster child,

and the child has a physical or mental condition that, in the minister's opinion, precludes the sole recipient from working, on average, more than 30 hours each week. (B.C. Reg. 87/2005)

### **PART 3 – OTHER FACTORS THAT AFFECT ELIGIBILITY FOR INCOME ASSISTANCE OR HARDSHIP ASSISTANCE**

#### **Division 1 – Factors Related to Employment and Employment Plans**

##### **Consequences of failing to meet employment-related obligations**

**29** (4) Section 13 [*consequences of not meeting employment-related obligations*] of the Act does not apply to a family unit of an applicant or recipient who is in any of the following categories:

(c) sole applicants or sole recipients who have a child in the home of a relative who

(i) has not reached 3 years of age, or

(ii) has a physical or mental condition that, in the minister's opinion, precludes the sole applicant or recipient from leaving home for the purposes of employment;

### **Division 3 – Factors Related to Providing Information and Verification**

#### **Monthly reporting requirement**

**33** (2) The relative of a child in the home of a relative must complete and submit the report required under section 11 (1) (a) of the Act or the notification required under section 11 (1) (b) of the Act on the child's behalf. (B.C. Reg. 400/2007)

#### **Requirement for eligibility audit**

**34** (1) For the purposes of auditing eligibility for assistance or ensuring a recipient's continuing compliance with the Act and the regulations, the minister may do either or both of the following:

(a) require the recipient to attend in person on the date, and at the ministry office, specified by the minister;

(b) require the recipient to complete a form prescribed by the minister for use under this section and deliver the form to a ministry office specified by the minister.

(5) This section does not apply to a recipient of income assistance under section 6. (B.C. Reg. 400/2007)

#### **Eligibility audit for income assistance under section 6**

**34.1** (1) The minister may:

(a) audit at any time the eligibility of a child for income assistance under section 6, including conducting a criminal record check of the following people and a review of whether any of the following people has had any prior contact with a director, as defined in section 1 of the *Child, Family and Community Service Act*, or a delegate of the director

(i) the relative of the child with whom the child is residing, and

(ii) each person who is 18 years of age or older who is residing in the home referred to in subparagraph (i), and

(b) make a determination as to whether there is a level of risk to the child in the home that indicates the home where the child resides is not an appropriate place for the child.

(2) For the purposes of auditing eligibility of a child for income assistance under subsection (1), the minister may require that

(a) the parent of the child and the relative with whom the child resides submit to the minister a form that contains the same information as is required in the application for a child in the home of a relative income assistance form,

(b) the relative with whom the child resides provide a written authorization that permits information from

(i) that relative, and

(ii) each person who is 18 years of age or older who is residing in the home of the relative with whom the child is residing to be used and disclosed in the manner set out in subsection (3), and

(c) the parent of the child and the relative with whom the child resides attend in person on the date, and at the ministry office, specified by the minister.

(3) The written authorization referred to in subsection (2) (b) must permit the minister, in order to make a determination referred to in section 6 (2.1) (e), to use and disclose information about a person referred to in subsection (2) (b) (i) or (ii) in conducting a criminal record check of the person and in reviewing whether the person has had any prior contact with a director, as defined in section 1 of the *Child, Family and Community Service Act*, or a delegate of the director. (B.C. Reg. 400/2007)

**An amendment (B.C. Reg. 16/2011) to the Child in the Home of a Relative Program Transition Regulation, B.C. Reg. 48/2010, added the following section effective February 3, 2011:**

**Additional audit powers**

**2 (1) In this section, “section 34.1” means section 34.1 of the Employment and Assistance Regulation, B.C. Reg. 263/2002, as it read immediately before its repeal on March 31, 2010.**

**(2) For the purposes of the application of section 34.1 (1) as it applies under section 1 of this regulation, on or after the date this section comes into force,**

(a) The minister may also conduct a review of all records obtained under the *Child, Family and Community Service Act*, the *Family and Child Service Act*, S.B.C. 1980, c. 11, and the current and former *Adoption Act*, pertaining to the persons referred to in section 34.1 (1) (a) (i) and (ii), and

(b) The written authorizations under section 34.1 (2) (b) must permit the minister to use and disclose information about a person referred to in section 34.1 (2) (b) (i) or (ii) for the purpose of conducting a review under paragraph (a) of this subsection.

## **PART 5 – SUPPLEMENTS**

### **Division 1 – Supplements – Family Unit Eligible for Income Assistance**

#### **Christmas supplement**

**49** (1) The minister may provide an annual Christmas supplement to or for a family unit that is eligible for income assistance, other than income assistance under section 10 or 11 of Schedule A.

#### **School start-up supplement**

**50** (1) The minister may provide an annual school start-up supplement to or for a family unit that is eligible for income assistance if

(a) the family unit includes a dependent child who is attending school full time, or

(b) the family unit is a child in the home of a relative who is attending school full time.

(2) The minister may specify

(a) the amount to be provided as a school start-up supplement, which may be different for different age groups of children, and

(b) the time when the supplement is to be provided.

### **Division 3 – Supplements – Family Unit Eligible for Income Assistance or Hardship Assistance**

#### **Advance for lost or stolen family bonus cheque**

**60** (3) No amount may be advanced under this section to a recipient in respect a family bonus for a child in the home of a relative.

## **Advance for delayed or suspended family bonus**

**61** (5) No amount may be advanced to a family unit in respect of a family bonus for a child in the home of a relative.

## **Division 5 – Health Supplements**

### **General health supplements**

**67** (1) The minister may provide any health supplement set out in section 2 [*general health supplements*] or 3 [*medical equipment and devices*] of Schedule C to or for a family unit if the health supplement is provided to or for a person in the family unit who (B.C. Reg. 89/2005) ...

(d) is a child in the home of a relative, if equivalent payment for the services is not available through the child's parents, (B.C. Reg. 89/2005)

### **Optical supplements**

**67.1** (1) The minister may provide any health supplement set out in section 2.1 [*optical supplements*] of Schedule C to or for a family unit if the supplement is provided to or for a person in the family unit who is

(d) a child in the home of a relative, if equivalent payment for the services is not available through the child's parents,

### **Orthodontic supplement**

**71** (1) The minister may provide orthodontic supplements to or for a family unit if the orthodontic supplements are provided to or for a person in the family unit who meets the conditions under subsection (2) and who is

(a) a dependent child of a recipient of income assistance, or

(b) a child in the home of a relative.

(2) For a child referred to in subsection (1) to be eligible for orthodontic supplements, the child's family unit must have no resources available to cover the cost of the orthodontic supplements and the child must

(a) have severe skeletal dysplasia with jaw misalignment by 2 or more standard deviations, and

(b) obtain prior authorization from the minister for the orthodontic supplements.

(3) Repealed. (B.C. Reg. 313/2007)

### **Diet supplement**

**73** (1) The minister may pay for a diet supplement in accordance with section 8 of Schedule C for a recipient of income assistance under section 2 [*monthly support allowance*], 4 [*monthly shelter allowance*], 6 [*people receiving room and board*] 9 [*people in emergency shelters*] or 11 [*child in the home of a relative*] of Schedule A or a dependant if the recipient or dependant requires a special diet for a specific medical condition described in section 8 of Schedule C.

### **Tube feed nutritional supplement**

**74.01** (1) In this section, “**tube feed nutritional supplement**” means a liquid nutritional product that is fed to a person via a tube to the stomach or intestines of the person and the pumps, tubes, bags and other medical equipment or supplies that are required to feed the liquid nutritional product to the person.

(2) Subject to subsection (3), the minister may provide a tube feed nutritional supplement if the supplement is provided to or for a person in the family unit

(c) who is a child in the home of a relative,

### **Natal supplement**

**75** (1) The minister may provide a natal supplement in accordance with section 9 of Schedule C if the supplement is provided to or for a person in the family unit who is a recipient of income assistance under section 2 [*monthly support allowance*], 4 [*monthly shelter allowance*], 6 [*people receiving room and board*], 9 [*people in emergency shelters*] or 11 [*child in the home of a relative*] of Schedule A or a dependent child of the recipient.

### **Decisions that may not be appealed**

**81** (1) The following categories of supplements are not appealable to the tribunal:

(3) A decision to refuse to provide income assistance on the basis of a determination referred to in section 6 (2.1) (d) or (e) is not appealable to the tribunal. (B.C. Reg. 400/2007)

## **SCHEDULE A INCOME ASSISTANCE RATES**

### **Child in the home of a relative**

**11** The income assistance to be paid under section 6 [*child in the home of a relative*] of this regulation on behalf of a child residing in the home of a relative is

the amount listed in the second column that corresponds to the child's age group as listed in the first column.

### Age Group Monthly rate

Birth-5 years	\$257.46 minus financial contribution by the parents
6-9 years	\$271.59 minus financial contribution by the parents
10-11 years	\$314.31 minus financial contribution by the parents
12-13 years	\$357.82 minus financial contribution by the parents
14-17 years	\$402.70 minus financial contribution by the parents
18 years	\$454.32 minus financial contribution by the parents

## Schedule B NET INCOME CALCULATION

### Deduction and exemption rules

1 When calculating the net income of a family unit for the purposes of section 28 (b) [*amount of income assistance*] of this regulation,

(a) the following are exempt from income:

(iii) income assistance paid to a person under section 6 [*child in the home of a relative*] of this regulation;

### Exemption – earned income

3 (1) The amount of earned income calculated under subsection (2) is exempt for a family unit if

(c) either

(i) any person in the family unit is a person who has persistent multiple barriers to employment, (B.C. Reg. 57/2007) or

(ii) the family unit is composed of a sole recipient who

(A) has a dependent child,

(B) has in his or her care a child in the home of a relative, or

(C) has in his or her care a foster child,

and the child has a physical or mental condition that, in the minister's opinion, precludes the sole recipient from leaving home for the purposes

of employment or working, on average, more than 30 hours each week.  
(B.C. Reg. 87/2005)

### **Backdated family bonus treated as unearned income**

**10** (1) If that portion of a child benefits cheque attributable to family bonus, the payee of which is a person in the applicant's or recipient's family unit, includes an amount attributable to family bonus for one or more calendar months preceding the calendar month in which the cheque was issued, the amount for each preceding calendar month must be treated as unearned income.

(3) Subsection (1) does not apply to an amount included in that portion of a child benefits cheque attributable to family bonus

(c) for a child in the home of a relative.

## **SCHEDULE C HEALTH SUPPLEMENTS**

### **Dental supplements**

**4** (1) In this section, "**period**" means a 2 year period beginning on January 1, 2003, and on each subsequent January 1 in an odd numbered year.

(1.1) The health supplements that may be paid under section 68 [*dental supplements*] of this regulation are basic dental services to a maximum of

(c) \$700 each calendar year, if provided to a dependent child or a child in the home of a relative, and ...

## **Schedule D HARDSHIP ASSISTANCE**

### **Maximum amounts of hardship assistance**

**2** (7) If that portion of a child benefits cheque attributable to family bonus, the payee of which is a person in the applicant's family unit, includes an amount attributable to family bonus, for one or more calendar months preceding the calendar month in which the cheque was issued, the amount for each preceding calendar month must be treated as unearned income in determining the family unit's net income under subsection (1) (b). ...

(9) Subsection (7) does not apply to an amount included in that portion of a child benefits cheque attributable to family bonus ...

(c) for a child in the home of a relative who resides with the applicant's family unit.

## **Exempt income and assets**

**6** No deduction is to be made for the following when calculating the maximum amount of hardship assistance for which an applicant's family unit is eligible under section 2:

- (a) any earned income of a dependent child attending school on a full-time basis;
- (b) income assistance paid for a child in the home of a relative;