

§ 20.309

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depreciation, personal business and entertainment expenses, personal transportation, capital equipment purchases, or principal payments on loans for capital assets or durable goods.

§ 20.309 What does unearned income include?

Unearned income includes, but is not limited to:

- (a) Income from interest; oil and gas and other mineral royalties; gaming income per capita distributions; rental property; cash contributions, such as child support and alimony, gaming winnings; retirement benefits;
- (b) Annuities, veteran's disability, unemployment benefits, and federal and state tax refunds;
- (c) Per capita payments not excluded by federal statute;
- (d) Income from sale of trust land and real or personal property that is set aside for reinvestment in trust land or a primary residence, but has not been reinvested in trust land or a primary residence at the end of one year from the date the income was received;
- (e) In-kind contributions providing shelter at no cost to the individual or household, this must equal the amount for shelter included in the state standard, or 25 percent of the state standard, whichever is less; and
- (f) Financial assistance provided by a state, tribal, county, local, or other federal agency.

§ 20.310 What recurring income must be prorated?

The social services worker will prorate the following recurring income:

- (a) Recurring income received by individuals over a 12-month period for less than a full year's employment (for example, income earned by teachers who are not employed for a full year);
- (b) Income received by individuals employed on a contractual basis over the term of a contract; and
- (c) Intermittent income received quarterly, semiannually, or yearly over the period covered by the income.

§ 20.311 What amounts will the Bureau deduct from earned income?

(a) The social services worker will deduct the following amounts from earned income:

- (1) Other federal, state, and local taxes;
 - (2) Social Security (FICA);
 - (3) Health insurance;
 - (4) Work related expenses, including reasonable transportation costs;
 - (5) Child care costs for children under the age of 6 except where the other parent in the home is unemployed and physically able to care for the children; and
 - (6) The cost of special clothing, tools, and equipment directly related to the individual's employment.
- (b) For self-employed individuals, the social services worker will deduct the costs of conducting business and all of the amounts in paragraph (a) of this section.

§ 20.312 What amounts will the Bureau deduct from income or other resources?

The social services worker will deduct the following amounts from income, or other resources:

- (a) The first \$2,000 of liquid resources annually available to the household;
- (b) Any home produce from a garden, livestock, and poultry used by the applicant or recipient and his/her household for their consumption; and
- (c) Resources specifically excluded by federal statute.

§ 20.313 How will the Bureau compute financial assistance payments?

- (a) The social services worker will compute financial assistance payments by beginning with the Bureau standard of assistance and doing the following:
 - (1) Subtracting from all resources calculated under §§ 20.307 through 20.310;
 - (2) Subtracting the rateable reduction or maximum payment level used by the state where the applicant lives;
 - (3) Subtracting an amount for shelter (see paragraph (b) of this section for details on how to calculate a shelter amount); and
 - (4) Rounding the result down to the next lowest dollar.
- (b) The social services worker must calculate a shelter amount for purposes of paragraph (a)(3) of this section. To calculate the shelter amount: