**Section 120.335 Exempt Unearned Income**

a) MANG (AABD)

1) For a MANG client (excluding long term care), the first $25.00 of a client's earned or unearned income other than SSI income, or contributions from a spouse or other individual, is exempt from consideration in determining eligibility. A client is eligible for only one $25.00 exemption regardless of the types of sources of earned or unearned income.

2) If an individual in a long term care facility is paying the premium for SMIB coverage, the cost of the premium shall be disregarded.

3) SSI income received by a long term care case who is in Section 1619 of the Social Security Act (42 USC 1382h) status (see 89 Ill. Adm. Code 140.8) in the month before admission to the facility is exempt for the first full two months of stay in the facility.

b) The following unearned income shall be exempt from consideration in determining MANG eligibility:

1) The value of the coupon allotment under the Food Stamp Act of 1977 (7 USC 2017(b));

2) The value of the U.S. Department of Agriculture donated foods (surplus commodities);

3) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4636);

4) Any per capita judgment funds paid under P.L. 92-254 to members of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana (25 USC 1264);

5) Any benefits received under Title III, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 USC 3030e);

6) Any compensation provided to individual volunteers under the Retired Senior Volunteer Program and the Foster Grandparent Program and Older Americans Community Service Programs established under Title II of the Domestic Volunteer Service Act, as amended;

7) Income in an amount not greater than $650 received by a beneficiary of life insurance which is expended on the funeral and burial of an insured recipient;

8) Income received under the provisions of Section 4(c) of the Illinois Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25]. This includes both the benefits commonly known as the circuit breaker and "additional grants";

9) Payments to volunteers under the 1973 Domestic Volunteer Service Act. (48 USC 5044(q)) These include:

A) Vista Volunteers;

B) Volunteers serving as senior health aids, senior companions, or foster grandparents;

C) Persons serving in the Service Corps of Retired Executives (SCORE) or the Active Corps of Executives (ACE); and

10) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the Jobs Training Partnership Act.

c) The following additional unearned income shall be exempt:

1) Social Security death benefit expended on a funeral and/or burial.

2) The value of home produce which is used for personal consumption.

3) The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended, (42 USC 1780(b)) and the special food service program for children under the National School Lunch Act, as amended (42 USC 1760).

4) Any payments distributed per capita or held in trust for members of any Indian Tribe under P.L. 92-254, P.L. 93-134 or P.L. 94-450 (25 USC 1407).

5) Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 USC 1626).

6) Experimental Housing Allowance Program payments made under Annual Contributions Contracts entered into prior to January 1, 1975 under Section 23 of the U.S. Housing Act of 1937, as amended (42 USC 1437(f)).

7) The first $50 of the total child support payments received each month on behalf of the assistance unit members. The amount of up to $50 exempted is based on the total child support received in a month, regardless of the number of parents who contribute. Both court ordered and voluntary payments are considered when exempting the first $50 of child support payments.

8) A Title IV-E adoption assistance payment or foster care payments received from a state welfare agency of another state.

9) Income from a trust fund established under the Self Sufficiency Trust Fund Program [20 ILCS 1705/21.1].

10) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one-time lump sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201.

11) Payments made by the Illinois Department of Mental Health and Developmental Disabilities under the Family Assistance Program for Mentally Disabled Children [405 ILCS 80/3-1].

12) Payments received from a fund established by a State to aid victims of crime.

13) Federal Additional Compensation payments made by the Illinois Department of Employment Security under the American Recovery and Reinvestment Act of 2009 (Div. B, Title II, Sec. 2001 of P.L. 111-5).

14) Economic Recovery payments made by the Social Security Administration under the American Recovery and Reinvestment Act of 2009 (Div. B, Title II, Sec. 2201 of P.L. 111-5).

15) Tax Credit for Certain Government Retirees under the American Recovery and Reinvestment Act of 2009 (Div. B, Title II, Sec. 2202 of P.L. 111-5).

16) Payments to veterans who served in World War II in the Philippines and to spouses of those veterans under Section 1002 of the American Recovery and Reinvestment Act of 2009 (Div. A, Title X, Sec. 1002 of P.L. 111-5).

17) Payments or reimbursements for Premium Assistance for COBRA Continuous Coverage under the American Recovery and Reinvestment Act of 2009 (Div. B, Title III, Sec. 3001 of P.L. 111-5).

18) The first $2,000 received during a calendar year by an individual (who has attained 19 years of age) as compensation for participation in a clinical trial meeting the requirements of section 1612(b)(26) of the Social Security Act.

(Source: Amended at 36 Ill. Reg. 17044, effective November 26, 2012)