



## OPERATIONAL MEMO

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<b>Title:</b> Consideration of FAMI Income for All Programs	<b>Topic:</b> Eligibility Process
<b>Audience:</b> Eligibility Sites, County Departments of Human/Social Service, Medical Assistance (MA) Sites, and Eligibility Application Partners (EAP)	<b>Sub-Topic:</b> Unearned Income
<b>Supersedes Number:</b> N/A	<b>Division:</b> Eligibility Division
<b>Effective Date:</b> Jan. 1, 2024	<b>Office:</b> Medicaid Operations Office
<b>Expiration Date:</b> Jan. 1, 2026	<b>Program Area:</b> Eligibility Policy
<b>Key Words:</b> Family Medical Leave Insurance Program, FAMI, Unearned Income, Medical Leave Benefits, Wage Replacement, CBMS	
<b>Legal Authority:</b> 8.100.3.K, 8.100.4.C, and 8.100.5.F; 10 CCR 2505-3- 150	
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<b>Approved By:</b> Marivel Klueckman	

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### Purpose and Audience:

The purpose for this Operational Memo is to communicate to county departments of human/social service), eligibility sites and sub-recipients how Family Medical Leave Insurance Program (FAMI) income is considered in determining eligibility for Adult Financial (AF), Colorado Works (CW), Supplemental Nutrition Assistance Program (SNAP), and Medical Assistance (MA) programs.

### Information:

On January 1, 2024, House Bill 18-1001 Family Medical Leave Insurance Program (FAMI) was made effective to provide partial wage-replacement benefits to an eligible individual who takes leave from work to care for a new child or a family member with a serious health condition or who is unable to work due to the individual's own serious health condition up to 12 weeks total annually. As a result,

FAMLI income is treated as countable unearned income for AF, CW, SNAP, and MA programs.

### Programs and Data Entry

Eligibility technicians should refer to the following information when determining eligibility for an applicant, client or member that has FAMLI income.

For AF, CW, SNAP, and MA, eligibility technicians should data enter FAMLI income into Colorado Benefits Management System (CBMS) under the individual who is receiving the income:

**Income> Unearned Income>TYPE as Other Government Disability**

### Adult Financial

FAMLI income is considered countable unearned income. Income must be verified through standard verification procedures outlined in 9 CCR 2503-5 § 3.520.4.D.

### Colorado Works

FAMLI income is considered countable unearned income. Income must be verified through standard verification procedures outlined in 9 CCR 2503-6 § 3.604.3.

### Medical Assistance Programs

For MAGI and CHP+, FAMLI income is considered countable unearned income. Applicants or members can self-attest FAMLI income. If verification of FAMLI income cannot be obtained through an electronic source, a verification checklist will need to be generated requesting the required documentation. Eligibility technicians should follow the guidelines outlined in policies 8.100.3.K, 8.100.4.C and 10 CCR 2505-3-150.

For Long-Term Care and non-MAGI programs, FAMLI income is considered countable unearned income. Applicants or members shall provide verification of FAMLI income. If verification of FAMLI income cannot be obtained through an electronic source, a verification checklist will need to be generated requesting the required documentation. FAMLI income is countable as income in the month received and any unspent amount is a countable resource the following month. Eligibility technicians should follow the guidelines outlined in policies 8.100.3.K, 8.100.5.B and 8.100.5.F.

### SNAP

FAMLI income is considered countable unearned income. Income must be verified through standard verification procedures outlined in 10 CCR 1506-1 § 4.506.

**Action To Be Taken:**

Eligibility sites should ensure that FAMI income is applied in calculations to accurately determine eligibility.

**Definition(s):**

None

**Attachment(s):**

None

**Contact:**

Adult Financial or Colorado Works: For any questions, please contact the DEWS Policy Inbox with your policy questions at: [cdhs\\_dews\\_policy\\_inbox@state.co.us](mailto:cdhs_dews_policy_inbox@state.co.us)

SNAP: For any questions, please contact the SNAP Team Inbox at: [CDHS\\_SNAP\\_Team@state.co.us](mailto:CDHS_SNAP_Team@state.co.us)

Medical Assistance: For any questions, please contact the Medicaid Inbox with your policy questions at: [hcpf\\_medicaid.eligibility@state.co.us](mailto:hcpf_medicaid.eligibility@state.co.us)