



California's protection & advocacy system

## How to Prorate Protective Supervision

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This document explains how to prorate protective supervision when an In-Home Supportive Services (IHSS) provider provides protective supervision to two or more recipients living in the same house.<sup>1</sup> Prorating protective supervision is different than proration for other services such as meal preparation, meal clean up, and other related or domestic services.<sup>2</sup>

Factors to consider when prorating Protective Supervision:

- Alternative Resources. Alternative Resource is when a recipient receives IHSS-like services from a non-IHSS program.<sup>3</sup> Some examples of places where one receives alternative resources are

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<sup>1</sup> To the best of our knowledge, this is the formula the State uses to prorate protective supervision. IHSS regulations can be found at: [Department of Social Services Standards Manual](#) ["Return to Main Document"](#)

<sup>2</sup> For example if multiple people benefit from the provision of a related or domestic service, then the time it takes to prepare that service is divided equally among all the recipients. Example of a prorated related service: if it takes a parent 100 minutes to do weekly laundry for all five members of the family (including the parent), then the amount of time allotted to the IHSS beneficiary is 20 minutes ( $100 \div 5 = 20$  minutes). Note that if a service cannot be provided to more than one person at a time, then it should not be prorated. For example – if a parent in the above example does her son's laundry separately because he must wear the same clothes on a daily basis, then the laundry does not benefit the other household members. In that case, the son's laundry is not prorated among the other four family members. ["Return to Main Document"](#)

<sup>3</sup> MPP 30-763.61 ["Return to Main Document"](#)

adult or child day care centers, community resource centers, senior centers, respite centers, schools,<sup>4</sup> etc.

- When a parent,<sup>5</sup> or other suitable provider with a legal duty under the Family Code to provide care for the recipient,<sup>6</sup> is at home but not “able and available:” “Able and Available” means whether a parent or another suitable provider is mentally or physically unable to perform the IHSS services.<sup>7</sup> If a parent or suitable provider is “able and available” to provide IHSS services, then IHSS cannot be purchased from the parent or suitable provider during those times.

## **STEPS in PRORATING PROTECTIVE SUPERVISION:**

*Example used to illustrate the steps below: There are four children in one household. The children’s names are Andrew, Barbara, Carlos, and Dante. Each child is authorized to receive protective supervision. Andrew and Barbara attend school for 7.5 hours per day, or 37.5 hours per week. Carlos and Dante are home schooled. The mother and father are both IHSS providers. Because of the children’s severe needs, the father can only provide protective supervision to Andrew and Barbara at the same time. The mother can only provide protective supervision to Carlos and Dante at the same time.*

### **Step 1: Determining Common Need**

Manual of Policies and Procedures (MPP) PP 30-763.33, and .331 state that:

*The need for protective supervision shall be assessed based on the recipient’s individual need provided that when two (or more) IHSS recipients are living together and both require protective supervision,*

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<sup>4</sup> MPP 30-757.171(a)(2). If the child is in school, then you should tell the IHSS Social Worker when school is not in session. School as an alternative resource is only counted when school is in session. [“Return to Main Document”](#)

<sup>5</sup> MPP 30-763.45. For more information, see All-County Letter Number 15-45, available at: [Welfare and Institutions Code, Manual of Policy and Procedures](#). [“Return to Main Document”](#)

<sup>6</sup> MPP 30-763.41. [“Return to Main Document”](#)

<sup>7</sup> MPP 30-763.4 *et seq.* [“Return to Main Document”](#)

*the need shall be treated as a common need and prorated accordingly.”*

This means that when multiple recipients living together receive protective supervision, the social worker must determine whether protective supervision can or cannot be met in common among them. If protective supervision cannot be met in common, then the protective supervision hours should not be prorated among the recipients.

*In the above example, the IHSS Social Worker determined that the mother can only provide protective supervision to two children at one time. If the mother watches more than two children at one time, she is not able to ensure their safety. The Social Worker also determined that the father can only provide protective supervision to two children at one time. If he watches more than two children at one time, he is not able to ensure their safety. This means that one provider can provide protective supervision for two children, and that protective supervision can only be prorated between Andrew and Barbara (the father watches these two children), and Carlos and Dante (the mother watches these two children).*

## **Step 2 – Protective Supervision Need**

*7 days per week x 24 hours per day = 168 hours per week*

Note: This step always remains the same whenever prorating protective supervision.

*For Andrew: 7 days per week x 24 hours per day = 168 hours per week*

*For Barbara: 7 days per week x 24 hours per day = 168 hours per week*

*For Carlos: 7 days per week x 24 hours per day = 168 hours per week*

*For Dante: 7 days per week x 24 hours per day = 168 hours per week*

### **Step 3 – Calculate Total Protective Supervision Need**

168 hours per week ÷ Number of recipients whose need for protective supervision can be met in common

*Because the father provides protective supervision for Andrew and Barbara simultaneously, protective supervision is prorated between the two of them.*

*For Andrew and Barbara: 168 hours per week ÷ 2 = 84 hours per week for each child*

*Because the mother provides protective supervision for Carlos and Dante simultaneously, protective supervision is prorated between the two of them.*

*For Carlos and Dante: 168 hours per week ÷ 2 = 84 hours per week for each child.*

### **Step 4 – Deduct Alternative Resources from Each Recipient's Prorated Protective Supervision Amount to Find the Total Protective Supervision Hours for Each Recipient**

Result from Step 3 – Alternative Resources = Total protective supervision hours

*Andrew and Barbara attend school for 37.5 hours per week. Carlos and Dante are home schooled, but during that time the mother must be present to watch over them. This means that Carlos and Dante receive protective supervision while being home schooled. They do not receive protective supervision from an alternative resource.*

*For Andrew: 84 hours per week – 37.5 hours per week = 46.5 hours per week of protective supervision*

*For Barbara: 84 hours per week – 37.5 hours per week = 46.5 hours per week of protective supervision*

*For Carlos: 84 hours per week – 0 hours per week = 84 hours per week of protective supervision*

*For Dante: 84 hours per week – 0 hours per week = 84 hours per week of protective supervision*

**Below are additional examples illustrating how to prorate protective supervision**

**Example A**

A family has three children - Ellen, Francesca, and Gerard – who all attend school for 7.5 hours per day, or 37.5 hours per week. All three children need protective supervision, and the single parent is able to provide protective supervision to them simultaneously.

**Step 1 – Determine Common Need**

*For Ellen, Francesca, and Gerard: Because the parent is able to provide protective supervision to all three children at once, the three children’s need for protective supervision is met in common.*

**Step 2 – Protective Supervision Need**

*For Ellen, Francesca, and Gerard:  $7 \times 24 = 168$  each*

**Step 3 – Calculate Protective Supervision Need for Each Recipient**

*For Ellen, Francesca, and Gerard:  $168 \text{ hours per week} \div 3 = 56$  hours per week for each child.*

**Step 4 – Deduct Alternative Resources from Each Recipient’s Prorated Protective Supervision Amount to Find the Total Protective Supervision Hours for Each Recipient**

*For Ellen:  $56 \text{ hours per week} - 37.5 \text{ hours per week} = 18.5 \text{ hours per week of protective supervision}$*

*For Francesca:  $56 \text{ hours per week} - 37.5 \text{ hours per week} = 18.5 \text{ hours per week of protective supervision}$*

*For Gerard:  $56 \text{ hours per week} - 37.5 \text{ hours per week} = 18.5 \text{ hours per week of protective supervision}$*

## **Example B**

Hui, his younger sister Isabella, and his younger brother Jasper receive protective supervision. They live with their father. Hui, Isabella, and Jasper have such high needs that their father can only look after Hui and Isabella simultaneously. The father hires an IHSS provider to look after Jasper. Hui and Isabella receive protective supervision in common (or have a common need for protective supervision) because their father can provide protective supervision to them at the same time. Hui and Jasper attend school for six hours per day, or 30 hours per week. Isabella is homeschooled, but during that time Isabella's father must watch her.

### **Step 1 – Determine Common Need**

*For Hui and Isabella: Because it is determined that the father can only look after Hui and Isabella at the same time (or in common), then Hui and Isabella have a common need.*

*For Jasper: Because the father hires another IHSS provider to watch after Jasper, his need for protective supervision cannot be met in common with Hui and Isabella*

### **Step 2 – Protective Supervision Need:**

*For Hui, Isabella, and Jasper:  $7 \times 24 = 168$  each*

### **Step 3 – Calculate Protective Supervision Need for Each Recipient:**

*For Hui and Isabella:  $168 \text{ hours per week} \div 2 = 84 \text{ hours per week}$  for each child*

*For Jasper:  $168 \div 1 = 168 \text{ hours per week}$*

### **Step 4 – Deduct Alternative Resources from Each Recipient's Prorated Protective Supervision Amount to Find the Total Protective Supervision Hours for Each Recipient**

*For Hui:  $84 \text{ hours per week} - 30 \text{ hours per week} = 54 \text{ hours per week}$  of protective supervision*

*For Isabella: 84 hours per week – 0 hours per week = 84 hours per week of protective supervision*

*For Jasper: 168 – 30 hours per week = 138 hours per week of protective supervision*

### **Example C**

Kramer is an 85 year old man who attends a senior center for 5 hours per day, 5 days a week (25 hours per week). He needs IHSS with protective supervision. He lives at home with his son, and his son's wife. His son is his IHSS provider. No one else in the household receives IHSS with protective supervision.

#### **Step 1 – Determine Common Need**

*For Kramer: He is the only person in the household who receives protective supervision. Thus, his need for protective supervision cannot be met in common with another IHSS recipient.*

#### **Step 2 – Protective Supervision Need:**

*For Kramer: 7 x 24 = 168*

#### **Step 3 – Calculate Protective Supervision Need for Each Recipient:**

*For Kramer: 168 hours per week ÷ 1 = 168 hours per week*

#### **Step 4 – Deduct Alternative Resources from Each Recipient's Prorated Protective Supervision Amount to Find the Total Protective Supervision Hours for Each Recipient**

*For Kramer: 168 hours per week – 25 hours per week = 143 hours per week of protective supervision*

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