

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, California 95814



June 21, 2005

ALL COUNTY INFORMATION NOTICE NO. I-33-05

**REASON FOR THIS TRANSMITTAL**

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CalWORKs PROGRAM SPECIALISTS  
CAL-LEARN PROGRAM COORDINATORS  
CAL-LEARN CASE MANAGEMENT AGENCIES  
ALL CONSORTIA MANAGERS

SUBJECT: IMPLEMENTATION OF FRY v. SAENZ COURT ORDER IN CalWORKs;  
CHANGES TO THE AGE REGULATIONS FOR 18-YEAR-OLDS

REFERENCE: ALL COUNTY LETTER (ACL) 04-50 AND ACL 04-33

This letter transmits the amended CalWORKs regulations in the Manual of Policies and Procedures (MPP) Section 42-101 regarding 18-year-olds. The attached regulation package was filed on an emergency basis to comply with the Fry v. Saenz court order and was effective April 22, 2005. These changes establish in regulations the requirements set forth in ACL 04-33 (August 27, 2004) and 04-50 (November 18, 2004).

Prior to the court order, 18-year-olds who were attending school full-time and were not expected to graduate before age 19 were ineligible for cash aid (regardless of the reason for the delay in graduation). If that child was the only eligible child in the assistance unit, this would render the assistance unit ineligible for CalWORKs. The new rules specify that an otherwise CalWORKs eligible 18-year-old who attends school full-time and is considered to have a disability under the standards specified in regulation shall continue to be eligible for benefits until he/she graduates, turns 19, or stops attending school full-time, whichever occurs first.

**Camera Ready Copies and Translations**

The QR 2103 form, "Reminder for Teens Turning 18 Years Old", has been revised to reflect these amended CalWORKs regulations as well as the finger imaging requirements regarding 18 year-olds. If your office has internet access, you may obtain copies of the English forms from the CDSS webpage at: [http://www.dss.cahwnet.gov/cdssweb/OnlineFor\\_271.htm](http://www.dss.cahwnet.gov/cdssweb/OnlineFor_271.htm). For questions on the English forms, please call Forms Management Unit at (916) 657-1907.

For copies of forms in other languages, including Spanish forms, you may go to the CDSS Web page at: [http://www.dss.cahwnet.gov/cdssweb/FormsandPu\\_274.htm](http://www.dss.cahwnet.gov/cdssweb/FormsandPu_274.htm). Translated materials are posted on an ongoing basis as soon as they are completed. For questions on translated materials, please contact Language Services at (916) 445-6778.

If you have any questions regarding this letter or the attached regulations, please contact your CalWORKs county consultant.

Sincerely,

CHARR LEE METSKER  
Deputy Director  
Welfare to Work Division

c: CWDA  
CSAC

Attachments

Amend Section 42-101 to read:

42-101 AGE REQUIREMENT (Continued)

42-101

- .3 Children who currently receive or have in the past received SSI/SSP benefits shall be considered disabled. Parent/caretaker relatives shall cooperate with the CWDs to obtain verification of receipt of SSI/SSP benefits. Past or present 18-year-old recipients of SSI/SSP benefits who attend school full-time shall be considered an eligible child in their parent/caretaker relative's AU and aid shall continue for the otherwise eligible parent/caretaker relative until the child completes the program, turns 19 or stops attending school full-time, whichever occurs first.
- .31 Verification may include a copy of a Social Security determination letter. To determine if the child who is turning 18-years-old is attending school full-time, verification shall be obtained in accordance with MPP Section 40-105.5 (b).
- .4 Children who currently receive or have in the past received services through a Regional Center Program pursuant to the Lanterman Act shall be considered disabled. Parent/caretaker relatives shall cooperate with the CWD to obtain verification of receipt of services. Otherwise eligible 18-year-olds who attend school full-time and are considered disabled under this criterion shall be eligible for CalWORKs benefits until they complete the program, turn 19 or stop attending school full-time, whichever occurs first.
- .41 Verification may include a statement from the Regional Center stating that the child is currently receiving or has in the past received services. To determine if the child who is turning 18-years-old is attending school full-time, verification shall be obtained in accordance with MPP Section 40-105.5(b).
- .5 Children who currently receive services at school in accordance with their Individual Education Plan (IEP) or receive services under/pursuant to Section 504 of the Rehabilitation Act (e.g., a Section 504 Plan or Section 504 Accommodation Plan) or have received such services in the past, shall be considered to be disabled. Parent/caretaker relatives shall cooperate with the CWD to obtain verification of receipt of services. Otherwise eligible 18-year-olds who attend school full-time and are considered disabled under this criterion shall be eligible for CalWORKs benefits until they complete the program, turn 19 or stop attending school full-time, whichever occurs first.
- .51 Verification may include a copy of the child's IEP or Section 504 Plan/Section 504 Accommodation Plan (MPP 40-105.5 (b)). To determine if the child who is turning 18 years-old is attending school full-time, verification shall be obtained in accordance with MPP Section 40-105.5 (b).

.6 When a child's disability cannot be verified by the criteria described above, the parent/caretaker relative can provide independent verification or authorize the CWD to obtain documentation from a health care provider or a trained, qualified learning disabilities evaluation professional of a current or past disability. Otherwise eligible 18-year-olds who attend school full-time and are considered disabled under this criterion shall be eligible for CalWORKs benefits until they complete the program, turn 19 or stop attending school full-time, whichever occurs first. To determine if the child who is turning 18-years-old is attending school full-time, verification shall be obtained in accordance with MPP Section 40-105.5(b).

Authority Cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code.

Reference: Sections 10063(a) and 11253, Welfare and Institutions Code, Fry v. Saenz 98 Cal.App.4<sup>th</sup> 256, and Fry v. Saenz, (Sacramento County Superior Court), Case No. 00CS01350, Judgment and Peremptory Writ of Mandate, July 7, 2004.

# REMINDER FOR TEENS TURNING 18 YEARS OLD

Give this notice right away to your child who will be turning 18 years old within the next 60 days.

## If you are 18 years old and don't have children and/or are not pregnant

You can still get cash aid as part of your parent/caretaker's case after your 18th birthday ONLY if you:

- Are a full-time student in high school, or in a vocational or technical training program, and are expected to finish school/program before reaching 19 years old, or
- Are a full-time student in high school, or in a vocational or technical training program, and have been or are considered disabled, and meet the disability criteria pursuant to the CalWORKs regulations.

Call your county worker right away if you think you meet either of these situations. If you are eligible to stay on cash aid, you will need to have a fingerprint and photo image taken by the county.

## If you are 18 years old and have a child of your own and/or are pregnant

1. You can continue to get cash aid as part of your parent/caretaker's case after your 18th birthday ONLY if you:

- Are a full-time student in high school, or in a vocational or technical training program, and are expected to finish school/program before reaching 19 years old, or
- Are a full-time student in high school, or in a vocational or technical training program, and have been or are considered disabled, and meet the disability criteria pursuant to the CalWORKs regulations.

- OR -

2. You can choose to start your own case. Call your county worker right away if you want to start your own case. Here are some things you need to know before starting your own case:

- You do NOT have to move out of your parent/caretaker's home to be in your own case.
- If you start your own case, your parent or caretaker may get less cash aid or if you are the only child their cash aid may be stopped.
- Your CalWORKs time limits for getting cash aid will not start until you leave the Cal-Learn Program.
- If the Maximum Family Grant (MFG) rule was applied to your child while you were a dependent minor parent, your child can be counted in your cash aid payment when you are in your own case.
- As the head of your case, YOU must report all changes to your county worker each Quarter.

Regardless if you are under your own case or are a part of your parent/caretaker's case, to be eligible to stay on cash aid, you will need to have a fingerprint and photo image taken by the county. If you have questions about whether you should start your own case, call the county welfare office or local legal services office.