



CDSS

WILL LIGHTBOURNE  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**

744 P Street • Sacramento, CA 95814 • [www.cdss.ca.gov](http://www.cdss.ca.gov)



EDMUND G. BROWN JR.  
GOVERNOR

July 10, 2014

ALL COUNTY INFORMATION NOTICE NO. I-37-14

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 COUNTY CALWORKS PROGRAM SPECIALISTS  
ALL COUNTY CHILD WELFARE SERVICES PROGRAM MANAGERS  
ALL COUNTY PROBATION OFFICERS  
ALL COUNTY CONSORTIUM PROJECT MANAGERS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs): FINAL REGULATIONS TO IMPLEMENT ASSEMBLY BILL (AB) 1712 AND AB 212 NON-MINOR DEPENDENTS (NMDs)

REFERENCE: AB 1712 (CHAPTER 846, STATUTES OF 2012); AB 212 (CHAPTER 459, STATUTES OF 2011); WELFARE AND INSTITUTIONS CODE SECTIONS 11253(b)(2) AND 11253(c); FAMILY CODE SECTIONS 17552(e) AND 17552(f); ALL COUNTY LETTER (ACL) NOS. 13-10 and 12-27.

The purpose of this letter is to transmit final regulations affecting extended CalWORKs for Non-Minor Dependents (NMDs) due to the enactment of Assembly Bill (AB) 1712 and AB 212. These regulations were issued on an emergency basis, effective September 30, 2013, and implemented through ACL 13-10, dated February 7, 2013, and ACL 12-27, dated June 12, 2012. The attached final regulations were approved by the Office of Administrative Law and certified by the Secretary of State on April 23, 2014. These regulation pages and the accompanying Eligibility and Assistance Standards Manual Letter 13-03 are posted on the internet at: <http://www.dss.cahwnet.gov/ord/PG3153.htm>.

## **NEW OR AMENDED CALWORKS REGULATIONS**

Changes to the CalWORKs program regulations resulting from AB 1712 and AB 212 include the following:

### Statewide Fingerprint Imaging System (SFIS)

- Exempts NMDs from the SFIS requirements (MPP Section 40-105.333).

### Out-of-State

- Exempts NMDs from the California residency requirement when placed with an approved relative who resides out-of-state (MPP Section 42-422.21).

### Child Support

- Exempts parents of NMDs over age 19 from referral to the local child support agency for child support payments (MPP Section 82-504.141).
- Exempts parenting NMDs who reside with their children in foster care from referral to the local child support agency for the payment of child support (MPP Section 82-504.142).

If you have questions regarding this letter, please contact your CalWORKs county consultant directly or call the CalWORKs Eligibility Bureau at (916) 654-1322.

Sincerely,

### ***Original Document Signed By:***

KÄREN DICKERSON, Chief  
CalWORKs Employment and Eligibility Branch

Attachment

Amend Section 40-105.3 to read:

40-105 APPLICANT AND RECIPIENT RESPONSIBILITY (Continued)

40-105

.3 Statewide Fingerprint Imaging System (SFIS) Requirements

.31 (Continued)

.32 (Continued)

.33 The following persons are exempted from the rule in Section 40-105.32:

.331 (Continued)

.332 (Continued)

.333 Non-minor dependents are exempt from providing fingerprint and photo images as long as they meet the non-minor dependent eligibility criteria and continue to be aided as a non-minor dependent in the CalWORKs program.

.34 (Continued)

Authority cited: Sections 10553, 10554, 10604, 11209, 11253.5, 11265.2, 11265.3, 11265.8, 11266, 11268, 11450.5, and 11486, Welfare and Institutions Code, SB 72 (Chapter 8, Section 42, Statutes of 2011), AB 1712 (Chapter 846, Section 34, Statutes of 2012).

Reference: Sections 10553, 10554, 10604, 11017, 11209, 11253(b)(2), 11253.5, 11265.3, 11265.8, 11266, 11268, 11450, 11451.5, 11453, 11486, 13283, 14005.2, and 18945, Welfare and Institutions Code; Section 48200, Education Code; 45 CFR 205.42(d)(2)(v)(A) and (B), as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808; 45 CFR 205.52(a)(1) and (2); 45 CFR 233.10(a)(1)(iv) and 235.112(b); 45 CFR 400.43; 7 CFR 273.16(b); 8 United States Code (USC) 1182(d)(5)(B); 42 U.S.C. 402(a)(6) and 616(b); and Section 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996; The Trafficking Victims Protection Act of 2000 (P.L. 106-386), Sections 107(b)(1)(A), (B), and (C); The Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108-193).

Amend Section 42-422 to read:

42-422 CALIFORNIA RECIPIENTS MOVING TO OTHER STATES

42-422

- .1 Recipients of categorical aid from California who move to another state and intend to make their homes there shall have aid discontinued from California immediately upon having aid granted by the other state.
- .2 Exemptions from the residency requirement in 42-422.1 are as follows:
  - .21 A non-minor dependent placed with an approved relative who resides out-of-state.

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11100 and 11253(c), Welfare and Institutions Code.

Amend Section 82-504.1 to read:

82-504 ASSISTANCE UNITS SUBJECT TO THE PROVISIONS  
OF THE CHILD SUPPORT ENFORCEMENT PROGRAM

82-504

- .1 Applicability All assistance units (AUs) are subject to the provisions of the Child Support Enforcement Program and the requirements of this section except those in which:
- .11 (Continued)
- .12 (Continued)
- .13 Paternity Established Both unmarried parents are living in the home and paternity has been legally established, or
- .14 Non-minor Dependent (NMD)
- .141 The supported child for whom support would be owed is a NMD and has reached age 19, or
- .142 The parent with a duty to support is a NMD and resides with his/her child in foster care.

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11476, Welfare and Institutions Code; and Sections 17552(e) and 17552(f), Family Code.