STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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CDSS
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DIRECTOR

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GOVERNOR

July 16, 2013

ALL COUNTY LETTER NO. 13-52

REASON FOR THIS TRANSMITTAL

[ ] State Law Change
[ ] Federal Law or Regulation Change
[ ] Court Order
[X] Clarification Requested by One or More CWDs
[ ] Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
ALL CalWORKs PROGRAM SPECIALISTS
ALL COUNTY WELFARE-TO-WORK COORDINATORS
ALL CONSORTIUM PROJECT MANAGERS
ALL REFUGEE PROGRAM COORDINATORS
ALL CHILD CARE COORDINATORS
ALL TRIBAL TANF ADMINISTRATORS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) NEW YOUNG CHILD 48-MONTH TIME LIMIT AND WELFARE-TO-WORK (WTW) PARTICIPATION EXEMPTION CLARIFYING GUIDANCE

REFERENCES: SENATE BILL (SB) 1041 (CHAPTER 47, STATUTES OF 2012), ALL COUNTY LETTERS (ACL) 12-67, 12-72, 13-01, WELFARE AND INSTITUTIONS CODE (WIC) SECTIONS 11320.3, AND 11454.5

The purpose of this letter is to provide answers to questions about the implementation instructions issued to County Welfare Departments for CalWORKs exemptions for providing care for a young child; specifically, the new one-time exemption for the parent or other relative has primary responsibility for personally providing care to one child from birth to 23 months, inclusive. An individual may be exempt only once for this criteria. This letter contains Questions and Answers (Attachment I) gathered from stakeholders in response to the passage of SB 1041 and the release of ACL 12-72 to clarify implementation issues regarding the new one-time young child exemption.

SB 1041 amended WIC sections 11320.3 and 11454.5 to create a new one-time young child 48-month time limit and WTW participation exemption for a parent or caretaker relative who has primary responsibility for personally providing care to one child from birth through 23 months of age. During a client's CalWORKs 48-month time limit, he or she may choose to take this new one-time young child exemption, in addition to other existing WTW participation exemptions for clients providing care for young children. Counties are reminded that during the SB 1041 comprehensive discussion that clients

must be advised that this new young child exemption is a once-in-a-lifetime option and it is at the discretion of the client to reserve this exemption for the caregiving of a future child (or to exercise it at a later date with respect to an existing child). In addition, the existing WTW participation exemptions for clients providing care for young children must be explained to clients to assist them in deciding which, if any, young child exemption to utilize.

If you have questions or need additional information regarding this ACL, contact your CalWORKs Employment Bureau county consultant at (916) 654-2137 or your CalWORKs Eligibility consultant at (916) 654-1322.

Sincerely,

Original Document Signed By:

TODD R. BLAND
Deputy Director
Welfare to Work Division

Attachment

cc: County Welfare Directors Association

CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) SENATE BILL (SB) 1041 NEW ONE-TIME YOUNG CHILD EXEMPTION (BIRTH TO 23 MONTHS OF AGE) QUESTIONS AND ANSWERS

1. **Question: An existing client is provided the comprehensive discussion of SB 1041 changes in April 2013 as required in All County Letter (ACL) 12-67. The client has a six-month old child and chooses to use the new young child exemption because it will stop his/her CalWORKs 48-month time clock. Since this is the first discussion regarding the new exemption, do we back date the exemption to January 1, 2013 (only during this transition period for SB 1041)?**

   Answer: Yes. If the client requests to use this exemption at their first comprehensive discussion with the county about the SB 1041 changes, CWDs must apply this exemption. If applicable, CWDs must add any corresponding months back onto the clients CalWORKs 48-month time limit, to the point which the client met the criteria, but no earlier than January 1, 2013.

2. **Question: If a client declines the new one-time young child exemption at the time of their comprehensive SB 1041 discussion but later requests to use the exemption will the CWD be required to grant the exemption retroactively?**

   Answer: No. A client may request an exemption at any time, and upon verification that all qualifications for the exemption are met; the exemption will begin the month in which the exemption is requested by the client.

3. **Question: If a client does not initially use the new young child exemption for a new-born, is he or she still eligible to use it later?**

   Answer: Yes. A client may elect to take the new one-time exemption at any point during the period of time in which the age of their child qualifies them for this exemption. However, other than during this transition period in which all clients are being informed of the new WTW 24-Month Time Clock and young child exemption (see question 1), it is to be applied prospectively from the time it is requested by the client.

4. **Question: Are clients who have used the new one-time exemption eligible to use the existing Welfare-to-Work (WTW) participation exemptions for providing care of children under Manual of Policies and Procedures (MPP) Section 42-712.47 for subsequent children?**

   Answer: Yes. The existing WTW exemption for a parent caring for one child age six months or under is still available. On a case-by-case basis, a county can reduce this time to 12 weeks, or extend this time to 12 months. For subsequent children, a 12-week WTW exemption remains available as well. On a case-by-case basis, this

can be extended to six months. County Welfare Departments (CWDs) must continue to offer these WTW exemptions to parents with children who meet these criteria.

For example, a client's new one-time young child exemption is scheduled to expire in December 2013 when the child turns two, at which time they will have been exempt for 11 months. In July 2014, the same client has another child. Even though the client did not use all 24 months of the exemption, because their child was 12 months of age at the time they took the exemption, they cannot receive the new one-time young child exemption again. However, the new child entitles the client to receive a WTW exemption for twelve weeks to 12 months, depending on their CWD's policy, and whether the parent has already used this one-time exemption under Welfare and Institutions Code section 11320.3, subdivision (b)(6)(A)(i).

5. **Question: If a client with a child who is 20 months old takes the new one-time young child exemption and then has another child two years later, can he/she use it again for the time remaining (20 months)?**

   Answer: No. This exemption can only be used once in a client's lifetime regardless of the number of months the client receives the exemption. Counties are reminded to clearly inform clients at their comprehensive discussion that this is a one-time exemption, and cannot be used at a later time for another child. However, the client would be evaluated for other available exemptions.

6. **Question: If a client is eligible for the new one-time young child exemption but elects not to use it, is he or she subject to noncompliance or sanction if he or she is not complying with WTW requirements without good cause? If so, can the non-compliance process be ended automatically by the county?**

   Answer: Yes, a client who elects not to take this exemption and subsequently becomes non-compliant without good cause is subject to the non-compliance and sanction process. The non-compliance or sanction cannot be ended automatically as this exemption is optional. However, CWDs must provide clients the opportunity to request this exemption (or the other existing young child exemptions, if eligible) which would cure their sanction or stop the non-compliance process. This includes the mailing of the Form CW 2186A to the client**.** CWDs must provide clients with sufficient information in order for the client to make an informed decision about the exemption, and counties must provide a NOA on the good cause determination so the client is aware whether granted or denied good cause. It is up to the client as to whether or not they use the one-time young child exemption.

7. **Question: If the non-compliance process cannot be automatically ended and if the client does not respond to the county's correspondence, is a sanction appropriate even if the county knows that the client qualifies for the new one-time young child exemption?**

Answer: Yes. If the county has provided this client with the CW 2186A and the client is unresponsive, the county would then proceed with the sanction process.

8. **Question: Prior to 2012, a client had a WTW sanction at the time the entire case was discontinued. In February 2013, the client reapplies for aid, at which time she had a new baby born in January 2013. During her comprehensive SB 1041 discussion in March, the client indicates that she wishes to take the new one-time young child exemption. Which month will the county begin the client's exemption?**

   Answer: February. Although the client did not have her comprehensive discussion until March, in accordance with the SB 1041 changes, CWDs must apply this exemption at the point which the client met the criteria. In this scenario the client was in sanction status when returning to aid. If the client opts to take this one-time young child exemption, the client's sanction will be cured and the exemption will start in the month that they reapplied for aid. The client's cash aid will be restored the first of the following month.

9. **Question: Can both clients in a two-parent Assistance Unit (AU) receive the new one-time young child exemption? For example, mom receives the exemption for child A and then has child B, can dad get the exemption as well?**

   Answer: Yes. In two-parent AUs, each client is entitled to receive this exemption one-time for the qualifying child. However, the clients may not receive the exemption at the same time. In this scenario, dad would only be eligible if mom was no longer receiving this exemption.

10. **Question: Can both clients in a two-parent AU receive the new one-time young child exemption, or the new one-time exemption and a subsequent WTW young child exemption for providing care for children, at the same time if caring for multiple children within the appropriate ages? For example, a mom and dad have one child 12 months old and one child two months old. Can both mom and dad be given a young child exemption for providing care to a child?**

    Answer: No. Welfare and Institutions Code section 11320.3 states that in a family eligible for aid under this chapter due to the unemployment of the principal wage earner, the exemption criteria contained in subparagraph (b)(6)(A) shall be applied to only one parent. The new one-time young child exemption is found under subparagraph (A) and therefore one parent at a time can qualify for any young child exemption for providing care at any given time.

11. **Question: In a two-parent AU, can one client use the new one-time young child exemption, then switch to the second client, and then switch back to the first client if it is for the same child?**

Answer: No. Clients in the same AU may swap the exemption only once. After a parent has used this new one-time exemption, they no longer qualify for it again. If the child's age permits: one of the parents may be able to use one of the other existing WTW participation exemptions for providing care of children. Additionally, if a parent, who has used the one time only young child exemption, moves to a new AU, they do not qualify to use the exemption again.