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

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GOVERNOR

REASON FOR THIS TRANSMITTAL

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

October 16, 2013

ALL COUNTY LETTER NO. 13-82

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CALWORKS PROGRAM SPECIALISTS
ALL CALFRESH COORDINATORS
ALL COUNTY WELFARE-TO-WORK COORDINATORS
ALL COUNTY CONSORTIUM PROJECT MANAGERS
ALL COUNTY CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL COUNTY PROBATION OFFICERS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs): EXTENDING BENEFITS TO NON-MINOR DEPENDENTS - QUESTIONS AND ANSWERS (PART TWO)

REFERENCE: ASSEMBLY BILL 12 (CHAPTER 559, STATUTES OF 2010); SENATE BILL 1013 (CHAPTER 35, STATUTES OF 2012); WELFARE AND INSTITUTIONS CODE SECTIONS 11253, 11253.3, 11403, and 11454.5; ALL COUNTY INFORMATION NOTICE I-40-11; ALL COUNTY LETTERS (ACL) NOS. 11-61, 11-69, 11-78, 12-12, 12-27 and 12-43.

Assembly Bill (AB) 12 (Chapter 559, Statutes of 2010) established a new category of youth, Non-Minor Dependents (NMDs), eligible to receive CalWORKs benefits. Under AB 12, NMDs who meet at least one of the five AB 12 eligibility conditions, agree and adhere to the Mutual Agreement (SOC 162), and cooperate with the six-month review hearings/certification (see ACL 11-69) are eligible for extended CalWORKs benefits.

In order to be eligible for extended CalWORKs, a youth must meet one of the five AB 12 eligibility conditions, which include:

(1) Completing secondary education or a program leading to an equivalent credential,
(2) Being enrolled at least half-time in an institution which provides post-secondary or vocational education,

(3) Participating in a program or activity designed to promote or remove barriers to employment,
(4) Being employed for at least 80 hours per month, or
(5) Being incapable of doing any of the activities described in (1) to (4) due to a documented medical condition.

ACL 12-27, dated June 12, 2012, transmitted the first set of CalWORKs NMD questions and answers. This letter transmits the second set of questions and answers initiated by County Welfare Departments regarding NMDs under the CalWORKs program.

If you have any questions or need further information regarding this letter, please contact the appropriate program representative at the phone number designated below:

• CalWORKs Eligibility County Consultant	(916) 654-1322
• Employment Bureau County Consultant	(916) 654-2137
• CalFresh County Consultant	(916) 651-8047
• Permanency Policy Bureau	(916) 657-1858 or email at ab12@dss.ca.gov

Sincerely,

Original Document Signed By:

TODD R. BLAND
Deputy Director
Welfare to Work Division

Attachment

Attachment

CalWORKs NON-MINOR DEPENDENTS QUESTIONS AND ANSWERS

Eligibility Requirements

1. If a non-minor dependent (NMD) leaves and re-enters foster care, is he/she still eligible for extended CalWORKs?

Yes, the NMD may still be eligible for extended CalWORKs if the youth has met the re-entry requirements per All County Letter (ACL) 12-12, is placed with a relative, and is not eligible for federal foster care benefits.

The re-entry requirements in ACL 12-12 include:

1. Being between the ages of 18 and 21,
2. Being under a foster care placement order on their 18th birthday,
3. Agreeing to meet one or more of the five Assembly Bill (AB) 12 eligibility conditions,
4. Having authority for placement (completing the Voluntary Re-entry Agreement (SOC 163), followed by resumption of juvenile court jurisdiction), and
5. Being placed with an approved relative.

A new eligibility determination for federal foster care funding is required if the foster care dependency was terminated. Youth who re-enter foster care may be federally eligible for Extended Foster Care (EFC) benefits under a child-only eligibility determination. The federal Title IV-E eligibility is based solely on the youth's income and assets at the time of re-entry. A NMD who previously received extended CalWORKs benefits would be eligible for state foster care benefits if found ineligible for Title IV-E benefits upon re-entry.

2. When a NMD re-enters EFC, what will be the beginning date of aid (BDA)?

The BDA for extended CalWORKs is the day the NMD is placed with an approved caretaker relative, provided the youth and County Welfare Department (CWD) have signed a SOC 163, and provided all other eligibility criteria are met. The first month's benefits would be prorated as of the BDA.

3. Is the NMD's approved relative caregiver subject to reporting requirements for CalWORKs? What action would be required by the relative caregiver if the NMD moves out of the caregiver's home (approved placement) since conditions of EFC require the NMD to live in an approved and supervised placement?

The relative caregiver is not subject to CalWORKs reporting requirements. The child welfare worker or probation officer shall report changes in address or

eligibility to the CalWORKs eligibility worker (EW). As the child welfare worker or probation officer participates in monthly meetings with the NMD, the child welfare worker or probation officer should always be aware of the NMD's location/address.

4. Are NMDs eligible for extended CalWORKs during the time frame the caregiver is taking steps to become approved for foster care placement? For example, a youth turns age 18 and can no longer live with the caretaker relative. The youth then moves in with another relative.

No, the NMD is not eligible for extended CalWORKs while waiting for the caregiver to be approved for foster care placement. As a condition of eligibility, the NMD must be placed with an approved relative.

However, the NMD may be eligible for regular CalWORKs or EFC benefits in a Supervised Independent Living Placement (SILP) while living in the relative's home and awaiting approval for placement. Relative approval is not required in the regular CalWORKs program, and the youth may be eligible for CalWORKs if expected to graduate before his/her 19th birthday.

5. What happens if the NMD fails to comply with AB 12 program requirements, the NMD's dependency case is subsequently terminated, and the NMD re-enters foster care a few months later with verification that he/she is back in school/work? Are good cause situations recognized in these instances?

This is anticipated to be a rare situation, as the child welfare worker or probation officer is required to work closely with the NMD to maintain eligibility. If the NMD fails to comply with program requirements, and aid is subsequently terminated by the court, the NMD has the option to re-enter foster care at a later date, if eligible. Good cause would not be a consideration, because CalWORKs program rules do not apply to NMDs.

Intraprogram Transfers

6. If the NMD who is receiving extended CalWORKs leaves the home of a relative, could he/she qualify for a foster care payment by going into a different foster care placement setting, such as a SILP, etc.?

Yes. Non-federal foster youth placed with an approved relative receiving extended CalWORKs benefits are dependents and are considered in foster care, provided that court dependency was not terminated. Therefore, they are eligible for all placement options. However, the NMD should be placed in the least restrictive environment and provided with a continuum of care.

If the NMD moves to a SILP, he/she can receive the basic foster care rate. The NMD may be able to receive this payment directly, if appropriate. This decision will need to be documented in the Transitional Independent Living Case Plan

(TILCP). The BDA would be the first of the month following the month the SILP is approved, provided a 10-day Notice of Action has been sent to discontinue the NMD from CalWORKs.

Payments

7. Can a CWD issue the CalWORKs payment in a warrant, or is the CWD required to use Electronic Benefit Transfer (EBT)?

If a NMD is unable to successfully use the EBT system, CWDs have the option of providing benefits through an alternative delivery method. This may include the use of direct deposit or warrants, as specified in the Manual of Policies and Procedures (MPP) Sections 16-325.1 and 16-325.313(a). Examples of barriers to successful use of EBT include, but are not limited to, remoteness or language barriers.

8. Can a NMD receive a CalWORKs payment and reside in a SILP at the same time?

No. A NMD may not receive a CalWORKs payment and a foster care payment for a SILP at the same time. A payment received for a SILP is a foster care payment, and the NMD cannot receive a foster care payment and a CalWORKs payment at the same time, as this is considered duplicate aid.

9. Can a NMD who is receiving state foster care funding move in with a relative and get an extended CalWORKs payment as well as the foster care payment?

No. A NMD may receive either the EFC payment or the extended CalWORKs payment, but not both.

Income

10. How is Transitional Housing Placement-Plus-Foster Care (THP+FC) treated in the CalWORKs program? Is the THP+FC payment treated as unearned income? Also, would just a portion of it be used against the budget or would all of the THP+FC monies be counted? Would the monies in the Emancipation fund be countable as an asset?

The THP+FC payment is a foster care payment. The NMD may not receive a foster care payment and a CalWORKs payment at the same time.

11. If the NMD qualifies for Supplemental Security Income (SSI) or other Social Security benefits (survivor's benefits, or Social Security payments based on his/her parent's disability), how is the SSI/Social Security income used?

Under Section 202(d) of the Social Security Act, all Social Security benefits received by a child are supposed to end at age 18 unless the youth is a full-time high school student or disabled. Benefits continue until the youth graduates, or until two months after reaching age 19, whichever comes first. Benefits may continue after age 18 if the youth is considered disabled as an adult. Social Security benefits continuing beyond age 18 will be counted as income against the NMD's extended CalWORKs grant (MPP Section 44-113.3).

NMDs can receive both SSI and the extended CalWORKs benefit. The SSI payment will be reduced by the amount of the CalWORKs benefit. However, as the NMD remains in extended foster care, the NMD receives all the services, including case management, Independent Living Program (ILP), and court supervision, which all youth in extended care receive.

12. If a NMD is living in a SILP and renting a room from a relative caregiver, how is the income that the NMD pays to the relative caregiver treated for purposes of determining the relative's eligibility for CalWORKs (assuming that the relative is (1) needy; and (2) has other dependents in the home that make the relative eligible to receive CalWORKs)?

If the NMD lives in the home and pays his/her "portion of the rent" it is considered a partial item of need and is not counted as income against the caregiver's CalWORKs grant per MPP Section 44-111.452. If the NMD pays the entire rent amount for the home, the value of the rent would be considered income-in-kind per MPP Section 44-115 and deducted from the caregiver's CalWORKs grant based on the income-in-kind value chart.

13. A father that meets the requirements for EFC lives in an approved SILP with his girlfriend, their child in common, and the girlfriend's parents. The girlfriend applies for CalWORKs. The father receives EFC benefits and also has earnings.

Is the father required to be mandatorily included in the CalWORKs case? If so, does this mean he is not eligible for EFC? If not, is the EFC payment counted in the CalWORKs budget? How are his earnings treated?

Although the father is in the home of the applicant child, per MPP Section 82-832.1(d), he is excluded from the AU by law, as he receives Aid to Families with Dependent Children – Foster Care (AFDC-FC).

The father is not precluded from choosing to receive "regular" CalWORKs instead of EFC and may request to be aided with his girlfriend and their child and receive CalWORKs, if eligible. If he chooses EFC, his EFC payment will not be counted in the CalWORKs budget of his girlfriend's AU. MPP Section 44-133.3 states that net income received by children in foster care shall be considered income to the child (the father in this case). Because the EFC payment is intended for the needs of the person receiving it, and that person is excluded

from the AU, it is not considered available to meet the needs of the AU and is therefore not counted as income when determining eligibility and grant amount for the AU.

The NMD's earnings would also not be counted when determining CalWORKs eligibility and grant amount for the girlfriend and child. Per MPP Section 44-133.51, the NMD's income is not counted, because he is the recipient of another aid program.

14. A NMD in a SILP is pregnant and lives with the father of the unborn baby, but the couple is not married. The NMD receives a foster care payment. The father has two children of his own from a previous relationship and receives CalWORKs, CalFresh, and Medi-Cal for himself and his two children. When the child is born, will the child be required to be aided in the father's CalWORKs AU? If the NMD receives an infant supplement when the child is born, will the infant supplement count as income in the father's CalWORKs budget?

The NMD's child is not considered to be in foster care and must be included in the father's AU if deprivation exists. Since both parents live in the home, the employment status of each parent must be determined. If deprivation exists, the CalWORKs AU would be increased to a family of four, and the NMD may not receive an infant supplement for her child. The NMD may receive an infant supplement only if her child is not receiving aid as part of the CalWORKs AU.

CalFresh

15. A NMD is eligible for CalFresh benefits as a boarder, per ACL 11-78, and the household has opted to include the NMD in the caregiver's household. In this situation, ACL 11-78 states that the NMD's needs are included in the determination of eligibility for CalFresh benefits, but do other CalFresh regulations apply for the NMD and the household to be eligible (income requirements, county residency, etc.)?

All standard CalFresh eligibility rules would apply to the household if the NMD is included as part of the eligible CalFresh household.

Other

16. Do NMDs receiving extended CalWORKs qualify for special needs, such as Homeless Assistance, therapeutic diet, and pregnancy special need?

With appropriate verification, NMDs who are receiving extended CalWORKs may receive special needs payments for pregnancy and recurring special needs. The pregnancy special need payment shall begin with the month of request and will continue through the end of the month of the child's birth. Additional verification is required only if a pregnancy goes beyond the original estimated date of birth.

Recurring special needs must be substantiated at least annually and may be required more often considering the type of need and potential for change.

NMDs receiving extended CalWORKs are in foster care and must be placed with an approved relative and, as such, would not meet the definition of being homeless and would not be eligible for Homeless Assistance payments. NMDs facing homelessness should contact their child welfare worker or probation officer for other available housing options.

17. Will an overpayment (OP) be assessed for NMDs receiving extended CalWORKs benefits that exceed the amount to which they are entitled?

This is anticipated to be a rare situation, as the child welfare worker or probation officer is required to work closely with the NMD to ensure that he/she remains eligible for extended CalWORKs benefits. Overpayments are also unlikely to occur, given that work requirements and CalWORKs rules do not apply to NMDs. Although an OP could occur due to court delays or late filing of paperwork, CWDs are encouraged to compromise these OPs in accordance with regulations at MPP Section 44-352.46.

As a reminder, the SOC 161 (Six-Month Certification) must be provided to the CalWORKs EW by the end of the first month of the next six-month certification period to avoid a disruption of benefits.