



CDSS

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July 15, 2010

ALL COUNTY INFORMATION NOTICE NO. I-60-10

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
ALL COUNTY WELFARE-TO-WORK COORDINATORS
ALL CONSORTIUM PROJECT MANAGERS
ALL REFUGEE PROGRAM COORDINATORS
ALL CHILD CARE COORDINATORS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS
(CalWORKs) SHORT-TERM CHANGES IMPLEMENTATION
CLARIFYING GUIDANCE

REFERENCE: ASSEMBLY BILL (AB) X4 4, (CHAPTER 4, STATUTES OF THE
FOURTH EXTRAORDINARY SESSION OF 2009); ALL COUNTY
LETTER (ACL) 09-46

The purpose of this letter is to provide clarifying guidance regarding the short-term changes to the CalWORKs program that became effective on August 1, 2009, as a result of the passage of AB X4 4 (Chapter 4, Statutes of the Fourth Extraordinary Session of 2009) and the related implementing ACL 09-46.

With the passage of AB X4 4 counties were required to begin exempting clients with young children from Welfare-to-Work (WTW) participation and the 60-month time clock. This exemption pertains to clients with one child who is from 12 to 23 months of age or two or more children under six years of age for so long as the client meets one of these criteria, or until July 1, 2011. The bill also provided a new basis for stopping the CalWORKs 60-month time clock for clients who receive good cause from WTW participation for lack of supportive services, through July 1, 2011. The release of ACL 09-46 provided counties with implementation guidelines which included noticing requirements, transmitted temporary forms, and provided claiming codes.

At the request of both counties and welfare advocates, this letter contains Questions and Answers (Attachment I) to clarify implementation issues regarding the short-term changes as well as a flow chart (Attachment II) to help guide counties in determining who is eligible for these exemptions.

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If you have questions or need additional information regarding this ACIN, contact your CalWORKs Employment Bureau county consultant or your CalWORKs Eligibility Bureau county consultant at (916) 657-2128. If you have questions regarding child care policies, please call the Child Care Programs Bureau at (916) 657-2144.

Sincerely,

Original Document Signed By:

KÄREN DICKERSON, Chief
Employment and Eligibility Branch

Attachments

**CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs)
ASSEMBLY BILL (AB) X4 4, (CHAPTER 4, STATUTES OF THE FOURTH
EXTRAORDINARY SESSION OF 2009)
SHORT-TERM CHANGES IMPLEMENTATION GUIDANCE
QUESTIONS AND ANSWERS**

1. **Question: If a client has been given the new young child(ren) exemption, for having one child who is from 12 months to 23 months of age or two or more children who are under six years of age, does their 60-month time clock tick if they choose to volunteer?**

Answer: No. For the new young child(ren) exemptions, the 60-month time clock does not tick when an exempt client chooses to volunteer.

2. **Question: If a client is already exempt due to the new young child(ren) exemption, is the county required to “re-exempt” the individual and provide notice regarding good cause for lack of supportive services?**

Answer: No. All County Letter (ACL) 09-46 states “If a county cannot provide necessary supportive services to clients who wish to volunteer, those clients will remain in exempt status.” It is not necessary to give good cause to these clients because they are already exempt and the county is not required to allow them to become an “exempt volunteer” if they cannot afford to provide him or her with the necessary supportive services he or she needs to participate in Welfare-to-Work (WTW). However, in these situations counties should make it a priority to properly notice clients that they are being denied the ability to voluntarily participate and the reason for the denial (e.g. lack of supportive services) and to track this information in accordance with current county practice.

3. **Question: After determining that insufficient funds exist to provide a full array of supportive services to clients, what criteria can a county use when determining which clients or volunteers should receive good cause for lack of supportive services?**

Answer: Once a county has determined that they have insufficient funds to serve all WTW participants, they must establish their own priorities for granting good cause for lack of supportive services. As stated in AB X4 4, it was not the intent to disrupt current participants; therefore, good cause should first be given to applicants of the CalWORKs program and current participants should be given priority for available services. Prioritization is allowed based on a logical and consistent rationale that could include factors such as high cost of supportive services. However, in no instance can the prioritization criteria focus on any protected class of people (e.g. disabled, non-English speaking, etc.).

Written policies for granting good cause due to lack of funding for supportive services **must** be developed, and all noticing provided to clients must include the reason for the granting of good cause.

4. **Question: Can a county require clients to meet a certain number of activity hours in order to participate as an exempt volunteer?**

Answer: Exempt WTW clients are allowed to volunteer to participate in whatever activities are established in their personalized WTW plan, which must include identification of necessary supportive services. However, if a county determines that they cannot serve all volunteers, they must create written policies that include prioritization criteria for those clients affected by these short-term exemptions. See answer #3 for more information on prioritization.

5. **Question: Can a county provide some supportive services but not others to clients in order to continue serving them? For example, can a county provide transportation and ancillary services to a participating family in order to keep them in their activity, but not pay for child care costs? What if it is possible for clients to find alternative child care (e.g. family member, etc.) that does not require the county to provide a specific service if it means they can stay in their activity?**

Answer: The law has not changed in regard to the duty to provide necessary supportive services for WTW participants as stated in Manual of Policies and Procedures (MPP) Section 42-750.11. If the client needs child care and the county cannot provide it, good cause would be granted. If, however, the client in the example above reports that free child care is available, it no longer is a necessary supportive service for that family and should not be included in their plan. As long as the county provides all other supportive services deemed necessary, the client can remain in his or her activity. If a county does not have funds available to cover all of a participant's necessary supportive services, the county must grant good cause. When providing good cause for lack of supportive services, counties may want to confirm the client's current need for those services and advise individuals receiving good cause for lack of supportive services to inform the county if some of their supportive services needs are otherwise met. The county can then review whether they can provide the remaining necessary services.

Counties should allow volunteers to participate on a first-come, first-serve basis to the extent that funds are available to serve *all* of their needs.

6. **Question: ACL 09-46 states "One client in a two-parent assistance unit (AU) can receive the exemption if the other client is not available to care for the child due to his or her own participation and fulfillment of the 35-hour participation requirement." Is it true that in a two parent household, one parent must be participating 35 hours for the other to receive the exemption?**

Answer: No. There is no participation requirement for exempt clients. According to MPP Sections 42-711.411 and 42-711.421 the 32/35-hour participation requirements for 1-parent or 2-parent AU's can only be imposed upon a client who is not otherwise exempt from participation.

7. **Question: How would the new time-limited exemption criteria apply to a family in a Two-Parent AU with young children where the clients are sharing the 35-hour requirement?**

Answer: In two-parent cases in which both parents are contributing toward meeting the 35-hour per week requirement, one parent must receive the exemption and have his or her CalWORKs 60-month time clock stopped. If the county is still financially capable of serving volunteers by providing all necessary supportive services, such as child care, transportation, and other ancillary services, the exempt parent can participate as a volunteer and both parents can continue to share the 35-hour requirement. However, if the county cannot afford to provide necessary supportive to the exempt parent to volunteer, then the non-exempt parent must complete all 35 hours.

8. **Question: In a Two-Parent AU with two children under 6, where Parent A is complying with program requirements and Parent B is sanctioned, does one parent qualify for the exemption based on ACL 09-46?**

Answer: Yes. If an AU qualifies for the young children exemption, one parent in the AU must receive the exemption even if he or she is sanctioned. However, only one parent can receive the young child exemption. If the sanctioned parent becomes exempt, it ends the sanction. Sanctions only apply to non-exempt AU members.

9. **Question: In a Two-Parent AU where the hours are being shared between an exempt volunteer or Cal-Learn student and a mandatory participant, does one of the parents need to complete a minimum of 20 hours?**

Answer: Yes. MPP Section 42-711.421(b) states, "Both parents in a two-parent assistance unit may contribute toward the 35-hour requirement, if at least one parent's participation is a minimum average of 20 hours per week." Furthermore, MPP Section 42-711.421(b)(1) states, "If both parents contribute to meeting the 35-hour participation requirement, the parents may split the 20-hour per week participation requirement for core welfare-to-work activities." The new exemptions do not change or affect these rules.

10. **Question: Can both parents in a Two-Parent AU be exempt? What about if one parent is a Cal-Learn participant and the other is WTW mandatory and they meet the temporary exemption criteria?**

Answer: It is possible for both parents in an AU to be exempt. However, only one parent can qualify for an exemption based on personally providing care for a young child(ren). The other parent, if qualified, can have his or her own exemption such as an exemption based on disability. Since a Cal-Learn parent is excluded from being a mandatory CalWORKs participant, if the other parent qualifies for the young children exemption that parent must be granted the exemption. There will be no 35-hour work requirement for the AU in this scenario, until one of the parents no longer qualifies for his or her respective exemption.

11. Question: If one parent in a Two-Parent AU becomes exempt, does it then reduce the family's required number of participation hours from 35 hours to 32 hours?

Answer: No. The 35-hour requirement remains the same.

12. Question: Can one parent in a Two-Parent AU receive the new young child(ren) exemption while the other parent is exempt for taking care of an ill or incapacitated member of the household?

Answer: It is possible for both parents to be exempt for these two reasons. If one parent is exempt due to providing care to an ill or incapacitated member of the household and can provide adequate evidence that his or her caretaking responsibilities impair his or her ability to provide adequate care for their child(ren), then the other parent can be granted the young child(ren) exemption. However, if the parent who is providing care for the ill and incapacitated member of the household can also provide care of the child(ren) then it is not necessary to have both parents exempt.

13. Question: Who is eligible to receive child care as a supportive service when becoming a voluntary participant?

Answer: Any approved volunteer who needs child care in order to participate in his or her assigned activity must receive it. According to MPP Section 42-750-11, "Necessary supportive services shall be available to every participant in order to participate in the program activity to which he or she is assigned or to accept or retain employment." This includes exempt volunteers in one or two-parent AUs. Additionally, MPP Section 47-220.22 provides that child care should be granted when "There is no parent, legal guardian, or adult member of the AU living in the home who is able and available to provide care." Therefore, if a mandatory participant or exempt volunteer is participating in an approved WTW activity and requires child care, a necessary supportive service, it must be provided unless the individuals meet the county criteria for good cause for lack of supportive services or unless there is another adult in the AU, as described in MPP Section 47-220.22, who is able and available to care for the child(ren).

Example 1: A household consists of an aided father and mother with one child that is 22 months old. The mother is granted the young child exemption, and the father remains a mandatory work participant. In this case, the family would not be entitled to child care services, because the mother, who is living in the home and in the AU, is able and available to provide care.

Example 2: A household consists of an aided father, an unaided unemployed stepmother, and the father's two biological children, ages three and five. The father is given the young child exemption, but wishes to continue participating as an exempt volunteer. Because the stepmother is not aided/not included in the AU, she cannot be required to provide child care for the children; therefore, the county must provide child care for the time that the father is voluntarily participating.

14. Question: Do stepparents or Registered Domestic Partners (RDPs) count in the AU, and if so, can they receive the new young child(ren) exemption?

Answer: For WTW purposes, stepparents and RDPs do not count in the AU. ACL 09-05 states, "If the RDP/same-sex spouse has not adopted the child(ren), he or she is treated as a stepparent and the family would be considered a single-parent AU with a 32-hour-per-week participation requirement." Therefore, because stepparents and RDPs are not mandatory WTW participants they are not eligible for this exemption. See answer #13 for child care for these households.

15. Question: Can a client with unaided (e.g. Maximum Family Grant [MFG] or Supplemental Security Income [SSI]) child(ren) who meet the age requirements receive the young child(ren) exemptions?

Answer: Yes. AB X4 4 made no reference to any determining factors for the children in the household other than their age. Therefore, all biological or adopted children in the household, including MFG and SSI children can, be counted for these exemptions if they meet the age requirements.

16. Question: Can a client who is exempt due to taking care of a child six months of age or under, but also has a second child that qualifies them for the new young child(ren) exemption, receive the new exemption clock stopper?

Answer: Yes. For example, a married couple has two children, four months old and three years old. The mother is already exempt for caring for the four month old. The mother can receive the new young child(ren) exemption that stops the 60-month clock for taking care of two children under six years of age **or** the father can have the exemption if the mother no longer wishes to be the primary caregiver.

Short-Term Young Child(ren) Exemption Determination Flow Chart

