



CDSS

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

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EDMUND G. BROWN JR.
GOVERNOR

June 12, 2012

ALL COUNTY LETTER NO. 12-27

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 WELFARE TO WORK COORDINATORS
ALL COUNTY CONSORTIUM PROJECT MANAGERS
ALL COUNTY CHILD WELFARE SERVICES PROGRAM MANAGERS

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

REFERENCE: ASSEMBLY BILL 12 (CHAPTER 559, STATUTES OF 2010); ASSEMBLY BILL 212 (CHAPTER 459, STATUTES OF 2011); 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, and 11-78.

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 up to age 19, effective January 1, 2012, up to age 20 effective January 1, 2013, and up to age 21 effective January 1, 2014 contingent upon legislative approval. The five AB 12 eligibility conditions include (1) completing high school or an equivalency program, (2) enrolling in post-secondary or vocational school, (3) participating in a program or activity that promotes or removes barriers to employment, (4) employed at least 80 hours per month, or (5) is incapable of enrollment in school or employment due to a documented medical condition. This letter transmits a series of questions and answers (Q&As) initiated by counties regarding NMDs under the CalWORKs program. A second Q&A will be forthcoming.

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If you have any questions or need further information regarding this letter, please contact the following:

| | |
|------------------------|---|
| CalWORKs | CalWORKs Eligibility Bureau (916) 654-1322 |
| Welfare to Work | Employment Bureau (916) 654-2137 |
| Child Welfare Services | Foster Care Support Services Bureau (916) 651-7465 or by 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**

Mandated Program

- 1. Do the school rules of graduating by the age of 19 years old continue to remain in effect or is a youth turning 18 years old and in foster care dependency mandated to enter this program? Can the non-minor dependent (NMD) opt out of CalWORKs extended benefits and continue to be aided through CalWORKs until he/she graduates?**

An 18 year old foster youth has the option to receive an extended CalWORKs payment if eligible as a NMD, or he/she may elect to remain in the “regular” CalWORKs program if expected to graduate before the age of 19. A youth who is eligible as a NMD is not required to enter this program. If the youth in this situation elected to receive “regular” CalWORKs, upon graduating high school or reaching 19, the youth can transition over to the extended benefits, if he or she meets the AB 12 requirements. The child services case worker must ensure that the youth receives the information about the AB 12 requirements and have all the documentation executed prior to the graduation or 19th birthday, whichever is earlier.

Caregiver Eligibility

- 2. In what situation would an approved relative caregiver with a NMD be eligible for CalWORKs?**

A relative caregiver may receive CalWORKs if there is another eligible child living in the home or the caretaker is a qualifying pregnant woman. If the NMD is the only eligible youth, the relative caregiver will not be eligible for CalWORKs.

Beginning Date of Aid

- 3. Case Situation:**

A dependent of the court, not eligible for federal foster care, lives with his aunt, who receives CalWORKs. The dependent is 18, but because he will graduate prior to his 19th birthday, remains aided on CalWORKs with his aunt. The children's services case manager informs the dependent about AB 12 and he wants to participate, but the aunt does not want the CalWORKs payment to stop. When would the case worker stop the dependent on the aunt's case? The CalWORKs program cannot reduce a

grant mid-quarter except under certain circumstances. Would the child be discontinued from the aunt's CalWORKs case with a 10-day Notice of Action (NOA) mid-quarter?

The NMD shall be discontinued from the aunt's case on the first of the month following the youth's request for extended benefits with a 10-day NOA once the signed SOC 161 (Six-Month Certification) has been received. A NMD transferring into his/her own assistance unit (AU) is a mid-quarter county initiated action.

- 4. What will be the beginning date of aid (BDA) for NMDs eligible for extended CalWORKs? The day the intraprogram transfer is submitted/received to CalWORKs? The first of the month?**

For youth currently receiving CalWORKs aid who are determined eligible for extended CalWORKs benefits, the BDA for the NMD is the first of the following month in which the SOC 161 is signed, and timely and adequate notice can be provided to the caretaker relative to lower or discontinue their CalWORKs grant. The SOC 161 must be signed by the children's services case manager and eligibility worker and serves as certification for the initial and continuing CalWORKs payment. The SOC 162 (Mutual Agreement) should also be provided by the children's services case manager as a condition for participation in extended foster care (EFC) and be retained in the NMD's case file.

Payments

- 5. If the approved caretaker relative has other eligible children in the home that are applying for CalWORKs, how are CalWORKs benefits issued? Separately under two different case numbers, one for the NMD and the other for the additional eligible CalWORKs children?**

The NMD's benefits are issued separately. Please refer to ACL 11-78, page two, which states "Upon receiving initial documentation of the NMD's eligibility for extended CalWORKs benefits from the children's services case manager, the CalWORKs EW will complete an intraprogram transfer, assign the NMD a new case number and aid code, and place the NMD in his/her own AU." In addition, the NMD will need to show identification (ID) and be fingerprinted prior to issuing benefits. The caretaker relative and other eligible child(ren) will remain in a separate AU.

- 6. Do NMDs qualify for retroactive extended CalWORKs benefits? Counties are still trying to figure out how to implement and understand EFC, so if counties implement for example, February 1, 2012, will NMDs receive retroactive EFC benefits?**

Yes. NMDs may receive retroactive extended CalWORKs benefits. Since AB 12 benefits commenced on January 1, 2012, benefits will be retroactive to the date the SOC 161 form is signed. The SOC 161 must be signed by the children's services case manager and children's eligibility worker.

Eligibility Requirements

- 7. Aside from the SOC 161 and SOC 162, what documents are required to be retained for the CalWORKs case? (Birth certificate, ID, participation verification, TILP, verification that the caregiver is 'approved', verification of relatedness between the NMD and the relative caregiver, verification regarding the approved relative caregiver, etc.)**

A copy of the NMD's ID shall be retained. The birth certificate should already be included in the CalWORKs case file. The other information listed should be retained in the child welfare services file and is not needed for CalWORKs eligibility purposes. Refer to ACL 11-69 for information on case management for NMDs.

- 8. Are NMDs required to fill out the SAWS 1 and SAWS 2?**

No. The NMD is not required to fill out the SAWS 1 and SAWS 2. Eligibility is established initially via the SOC 161 and SOC 162, and subsequently via the SOC 161 updated six-month certification. NMDs do not have regular CalWORKs annual redeterminations, as they are not governed by CalWORKs program rules.

- 9. Will a question(s) be added to the SAWS 2 for the applicant adult to reveal this information?**

No. The SAWS 2 requires applicants to list every adult living in the household and specify the type of aid requested. The NMD would therefore be listed as a household member, but would not be listed as seeking aid, since he or she is already aided.

- 10. Are NMDs required to be fingerprinted?**

Yes. Statewide Fingerprint Imaging System (SFIS) requirements apply to all individuals who reach age 18 or older. Please see ACL 00-32, question #3 for more information. Although AB 12 waived CalWORKs program rules for non-minor dependents, SFIS rules still apply, as the program requirements for CalWORKs and SFIS fall under different chapters in the statutes. County Welfare Departments should make every effort to complete the SFIS process and establish the NMD's Electronic Benefit Transfer (EBT) account during one appointment.

11. Are NMDs required to have a face-to-face interview for purposes of CalWORKs?

No. A CalWORKs face-to-face interview with the NMD is not required at any time for purposes of CalWORKs. However, the child welfare or probation caseworker is required to visit the NMD monthly.

12. How will CalWORKs know where to send payments, NOAs, etc. if the NMD is not required to report address changes to CalWORKs?

The children's services case manager will inform the CalWORKs eligibility worker of any address changes for the NMD. The address will be on file if the caretaker relative has other children on aid.

13. Are NMDs subject to CalWORKs income and property limits?

No. NMDs are not subject to CalWORKs property and income rules. However, they are subject to the AFDC-FC income and property limits.

14. Since NMDs are treated as adults in their own CalWORKs household but not referred to Welfare-to-Work (WTW), would their CalWORKs time clock start at the time that CalWORKs is first issued to them on their own case?

No. CalWORKs program rules do not apply to NMDs. Therefore, NMDs are not subject to CalWORKs time limits.

15. Can a youth over 18 enter into the CalWORKs NMD program?

It depends. A youth over 18 cannot be entering foster care or CalWORKs for the first time. Foster youth age 18 and older must continue to be a dependent of the court, have been a CalWORKs recipient as a child, agree to participate in one of the five participation criteria and sign a mutual agreement to be eligible for the CalWORKs NMD program.

Welfare-to-Work

16. The NMD is not required to participate in WTW activities. Can the NMD volunteer for WTW activities?

No. The NMD may not volunteer for WTW activities.

17. Will NMD cases be part of the Work Participation Rate (WPR) sample?

No. NMDs are not included in the WPR sample.

Education Requirements

- 18. Page three of ACL 11-78 states that the NMD must be enrolled in post-secondary or vocational education school at least half-time. However ACL 11-69 (page five) does not state at least half-time. Are these different rules?**

No, these rules are the same. Please refer to the second page of Attachment A in ACL 11-69. Criteria under (2) clarifies that the NMD must be enrolled at least half-time.

Out-of-County

- 19. If the NMD moves to another county, do the CalWORKs benefits shift to the new county and become the responsibility of the new county?**

No. For payment responsibility, please refer to page five in ACL 11-78, under "Out-of-County". This states that the county of jurisdiction retains payment responsibility for NMDs, regardless of what county the youth lives in. The NMD must continue to live with the caretaker relative to maintain eligibility for extended CalWORKs benefits. If that relative is on CalWORKs, that portion of the case would transfer under regular program rules.

Payment responsibility for Medi-Cal also resides with the county of jurisdiction.

- 20. What are the requirements for extended CalWORKs benefits when the NMD moves to another county? Will the case be transferred to the new county and will the sending county follow the same protocol used for transferring cases electronically and transfer timeframes? What case file documents need to be included in the transfer?**

The NMD must continue to live with the caretaker relative to be eligible for extended CalWORKs benefits. Since the county with payment responsibility for the NMD is the county of jurisdiction, an Inter-County Transfer (ICT) for the NMD will not be necessary unless the NMD has been receiving aid from a county other than the county of responsibility.

For example, a foster youth moves from Sacramento County to Yolo County with his caretaker relative. Sacramento County is the county of jurisdiction for child welfare services case management, while Yolo County retains payment responsibility for CalWORKs. Prior to the child's 18th birthday, the children's services case manager would have provided the information about AB 12 and the required paperwork to the CalWORKs eligibility worker in Yolo County, per ACL 11-78. When the youth becomes eligible as a NMD, he is moved into his own AU. Since the county of jurisdiction retains payment responsibility for

NMDs, the NMD's case must be transferred to Sacramento County, which is the county of jurisdiction. The children's services case manager contacts the CalWORKs eligibility worker in Yolo County and requests an ICT. Yolo County then initiates the case transfer to the CalWORKs eligibility worker in Sacramento County using the CW 215 form or via electronic data transfer and need only send the SOC 162, the most current SOC 161, and ID for the NMD.

If the youth was transitioning to be a NMD in the same month as the move, the youth's case would not transfer but would be set up as a separate AU in Sacramento County. The remainder of the CalWORKs AU would transfer to Yolo County.

Existing ICT procedures apply to the caretaker relative at the time of the move. An ICT is needed only when the caretaker relative is aided with other children.

Other

21. Is the child of a NMD eligible for extended benefits?

No. The NMD's grant amount will not increase as the NMD is only eligible to receive a payment that is the same grant amount for a non-exempt AU of one. The NMD has the option to establish a "regular" CalWORKs case and receive benefits for both himself or herself and his or her child if eligible.

22. If the NMD is pregnant and then gives birth – would that baby be considered Maximum Family Grant (MFG) if it meets the MFG rules? Is this special extended benefits program an MFG exclusion reason?

No. NMDs are not subject to regular CalWORKs program rules, so the MFG rule does not apply to NMD parents. Also, the NMD does not complete a CalWORKs application or interview process and would not have received the MFG informing notice.

The NMD has the option to establish a "regular" CalWORKs case and receive benefits for both himself or herself and his or her child if eligible. In this instance, MFG rules would not apply as the NMD did not receive any informing notices. For example, a NMD has a child but is not receiving aid for that child. The NMD decides to establish a "regular" CalWORKs case. MFG does not apply to the child the NMD already has. However, the MFG rule applies to subsequent children.

23. Since extended CalWORKs benefits are 100% state-funded, does the citizenship status of the NMD make any difference for the purposes of AB 12? (Federal eligibility vs. State eligibility)

Since NMDs are already receiving CalWORKs, citizenship status should have been established previously. Citizenship requirements continue to apply for NMDs.

24. Is a NMD considered a child for child support purposes?

It depends. Per AB 212 (Chapter 459, Statutes of 2011), a non-minor dependent over the age of 19 is not considered a child for child support purposes. A child support referral is required if the youth is 18 and still in high school unless the county determines that good cause exists.

AB 1712 proposes to amend the definition of “parent” that will, if enacted, not consider a NMD to be a parent for the purposes of child support referral.