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Regulation Package # 0308-02

CDSS MANUAL LETTER NO. EAS 09-02

TO: HOLDERS OF THE ELIGIBILITY AND ASSISTANCE STANDARDS MANUAL

Regulation Package # 0308-02

Effective 02/9/09

Sections 42-721, 42-780, 44-303, 44-307, 44-318, and 82-182

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG1943.htm>.

Assembly Bill (AB) 1808, Chapter 75, Statutes of 2006, amends the California Work Opportunity and Responsibility to Kids (CalWORKs) Welfare-to-Work Program. The CalWORKs Welfare-to-Work Program is the employment and training component of CalWORKs, California's version of the federal Temporary Assistance for Needy Families (TANF) Program.

Federal welfare reform enacted the TANF program through the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in 1996, limiting cash aid to a family with an adult to a total of five years. The intent of the Welfare-to-Work program is to provide employment and training services to the maximum possible number of the adult CalWORKs population to aid them in achieving economic self-sufficiency within this time frame.

To further achieve this goal, the proposed regulations repeal minimum sanction periods and, instead, would allow an individual that has received a financial sanction due to an instance of noncompliance without good cause to terminate the sanction at any point. This would give more participants the opportunity to cure their sanction earlier and begin participating in Welfare-to-Work activities, which may help increase California's work participation rate. The sanction will end if the noncomplying participant performs the activity or activities that he or she previously refused to perform. An individual may contact the county and request to cure his or her sanction without having to wait a minimum sanction period as previously required. Further, the proposed regulations modify the regulation on vouchers and vendor payments to eliminate a reference to durational sanctions, which were made obsolete by AB 1808, Section 29.3.

AB 1808 also amends Welfare and Institutions Code Section 10534 to require counties to submit a county plan addendum once every three years.

Additionally, the proposed regulations will make other technical, conforming changes, such as renumbering of sections and amending cross references as necessary.

These regulations were considered at the Department's public hearing held on August 13, 2008.

FILING INSTRUCTIONS

Revisions to all manuals are indicated by a vertical line in the left margin. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Eligibility and Assistance Standards Manual changes was EAS-09-02.

Page(s)

Replace(s)

276 and 277
463.1 and 464
469 and 469.1
496 and 496.1

Pages 276 and 277
Pages 463.1 and 464
Pages 469 and 469.1
Pages 496 and 496.1

Attachment

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42-721	NONCOMPLIANCE WITH PROGRAM REQUIREMENTS	42-721
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(Continued)

- .43 Financial sanctions for failing or refusing to comply with program requirements without good cause shall result in a reduction in the family's grant by removing the noncomplying family member from the assistance unit until the noncomplying individual performs the activity(ies) he or she previously refused to perform; or if the activity that the noncomplying individual originally failed to perform is no longer available or appropriate, the county must specify another appropriate activity for the individual to perform.

- .44 The discontinuance from aid shall become effective on the first day of the first payment month that the sanctioned individual's needs are removed from aid following the CWD's timely and adequate notification (see Section 22-072.1), except as specified in Section 42-721.441.
 - .441 If the recipient appeals the sanction through the state hearing process within the period of timely notification, no sanction shall be imposed until the hearing decision is reached.
 - (a) If the CWD's action is sustained, the discontinuance shall be effective at the end of the payment month in which the state hearing decision is received.
 - (1) If the CWD is unable to discontinue aid at the end of such month, aid shall be discontinued at the end of the following payment month.

- .45 In a two-parent assistance unit whose basis for deprivation is unemployment, the sanctioned parent shall be removed from the assistance unit.
 - .451 If the sanctioned parent's spouse or the assistance unit's second parent is not participating in the program, except as provided in Section 42-721.453, both the sanctioned parent and the spouse or second parent shall be removed from the assistance unit.

 - .452 The CWD shall notify the spouse of the noncomplying participant or second parent in writing at the commencement of the compliance procedures of his or her own opportunity to participate and the impact on sanctions of that participation.

42-721	NONCOMPLIANCE WITH PROGRAM REQUIREMENTS	42-721
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(Continued)

- .453 For purposes of this section, if a spouse or second parent is participating to avoid the sanction of the noncomplying parent, the exemption criteria for care of an ill or incapacitated member of the household and the care of a child under six months of age (or age determined by the CWD) do not apply. Any other exemption or good cause criteria, as described in Sections 42-712 and 42-713 and compliance procedures described in Section 42-721, shall apply to the sanctioned parent's spouse or the family's second parent.

 - .454 A spouse or second parent who chooses to participate to avoid the noncomplying parent's sanction, and subsequently ceases participation without good cause and fails or refuses to agree to or fulfill the terms of a compliance plan without good cause, shall be removed from the assistance unit in accordance with Section 42-721.43.

 - .455 If the sanctioned parent's spouse or the second parent is under his or her own sanction at the time of the first parent's sanction, the spouse or second parent shall not be provided the opportunity to avoid the first parent's sanction until the spouse or second parent's sanction is completed.

 - .46 For families that qualify due to the absence or incapacity of a parent, only the noncomplying parent shall be removed from the assistance unit, and aid shall be continued to the remainder of the family.

 - .461 The CWD shall arrange for a protective payee in accordance with Section 44-309.

 - .47 If the noncomplying individual is a dependent child, his or her needs shall not be taken into account in determining the family's need for assistance and the amount of the assistance payment.

 - .48 The CWD shall restore aid:
 - .481 On the first day of the month following the date that the individual contacted the county to indicate his or her desire to end the sanction after all of the following conditions are met:
 - (a) The activities in accordance with Section 42-721.43 have been successfully completed.
 - (b) The individual is determined to be in compliance with program requirements, and is otherwise eligible.
- If the individual completes the activity after the first of the month following the date of the request to end the sanction, the county shall issue a supplemental payment, retroactive to the first of the month following the date of the request to end the sanction; or

44-303 AID PAYMENTS - DEFINED 44-303

Aid payments are:

- .1 Money payments, i.e., payments delivered unconditionally to the recipient or family or to the legally appointed guardian or conservator of the recipient's estate, with no state or county control of the use of the payments.

When a staff person in the county welfare department or in the State Department of Social Services serves as a substitute payee or as a court appointed guardian or conservator for the recipient, as provided in Sections 40-107.2 and 30-222.6, his/her determinations regarding utilization of the aid payments on behalf of the recipient do not constitute "state or county control" within the meaning of this section. However, care shall be taken to leave the recipient as much control over the use of the payment as possible and consistent with conditions.

or

- .2 Protective payments, i.e., assistance payments made to a substitute payee serving as representative of the recipient or family (see Section 44-309).

or

- .3 Vendor payments, i.e., payments made directly to a person or agency supplying goods or services to the recipient or family. Vendor payments are applicable:

- .31 In all aids, for payments on home repairs under special shelter payment provisions; and
- .32 In CalWORKs, for use in certain Homeless Assistance cases (see Section 44-211.5); and
- .33 In CalWORKs cases in which a member of the AU becomes ineligible for aid due to a felony conviction related to the use or distribution of a controlled substance (see Section 44-307.11); and
- .34 In CalWORKs cases in which a parent or caretaker relative is in sanction status for at least three consecutive months (see Section 44-307.12). A county shall establish when to begin to issue vouchers or vendor payments for at least rent and utilities after this three-month period in sanction status. This timeframe shall be included in a county's written policies and procedures.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11251.3, 11327.5(d), 11453.2, and 17012.5, Welfare and Institutions Code; Family Support Act of 1988, Public Law (PL) 100-485, October 13, 1988 and California Department of Health Services Manual Letter 77-1.

44-304	AID PAYMENT SCHEDULES	44-304
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| .1 | Forwarding of Warrants | warrant is mailed, the envelope containing the warrant shall bear a statement that the warrant is not to be forwarded and that an address correction is requested (Welfare and Institutions Code Section 11006.4). |
| .2 | Frequency of Delivery | Except for counties with approved alternate payment systems counties shall select either semimonthly or monthly delivery of payments. |
| .3 | Changes in Frequency | Counties shall, when electing to change frequency of delivery: |
| .31 | CDSS Notification | Notify CDSS in writing at least 90 calendar days prior to converting from one payment frequency to another. |
| .32 | Recipient Notification | Notify all recipients of in writing at least 30 calendar days prior to converting from one payment frequency to another. |

44-305 AID PAYMENTS - PAYEE AND DELIVERY (Continued) 44-305

- .24 The exceptions to standard delivery dates specified in Section 44-304.6 shall be applicable to counties that have alternate payment systems.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10063(a), 11006.2, 11254, Welfare and Institutions Code; 45 CFR 233.29, 45 CFR 233.31(b)(4) and 45 CFR 233.32.

44-307 VOUCHER/VENDOR PAYMENTS 44-307

- .1 Voucher/Vendor Payments A county shall issue vouchers or vendor payments for at least rent and utilities payments in the following instances:
- .11 Felony Conviction A member of the AU becomes ineligible for aid due to a felony conviction after December 31, 1997, related to the possession, use, or distribution of a controlled substance, or
- .12 Sanction Any time a parent or caretaker relative is in sanction status for at least three consecutive months. A county shall establish when to begin to issue vouchers or vendor payments for at least rent and utilities after this three-month period in sanction status. This timeframe shall be included in a county's written policies and procedures. The vouchers or vendor payments shall continue until the parent or caretaker relative is no longer subject to sanction.
- .2 Grant not Sufficient When the computed grant is not sufficient to cover both rent and utilities, the county shall issue a voucher or vendor payment for the full amount of the grant. The voucher or vendor payment may be for rent, utilities, or some portion of either.

HANDBOOK BEGINS HERE

- .21 Example: Recipient's rent for a given month \$500.
- Utilities for the month \$100.
- Grant for the month \$400.
- The county could either send a \$400 voucher to the landlord or send a \$100 voucher to the utility company and a \$300 voucher to the landlord.

HANDBOOK ENDS HERE

44-318 BEGINNING DATE OF AID (BDA) FOR PERSONS BEING ADDED TO THE AU (Continued) 44-318

.13 Sanction/
Noncooperating Persons

Section 44-318.13(MR) shall become inoperative and Section 44-318.13(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.

(MR)

The date the person meets the requirement which caused that person to be excluded from the AU, or the date the person meets all eligibility conditions, whichever is later.

(QR)

The first of the month following the date the person contacted the county to indicate his or her desire to end the sanction after all of the following conditions are met:

(a) All conditions of eligibility have been met (see Section 44-316.331 (c) (QR)); and

(b) The activities in accordance with Section 42-721.43 have been successfully completed.

.14 Unreported Mandatorily
Included Persons

Section 44-318.14(MR) shall become inoperative and Section 44-318.14(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.

(MR)

The date the person meets all requirements for eligibility when he/she is required to be included in the AU but aid was not requested. Eligibility conditions are considered to have been met from the date the individual was discovered in the home, providing he/she is cooperating in meeting those conditions.

(QR)

The date the person meets all requirements for eligibility when he/she is required to be included in the AU but aid was not requested.

(QR) .141

Eligibility conditions are considered to have been met from the first day of the month following the date the individual was discovered in the home, providing he/she is cooperating in meeting those conditions.

44-318	BEGINNING DATE OF AID (BDA) FOR PERSONS BEING ADDED TO THE AU (Continued)	44-318
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.15		Section 44-318.15(MR) shall become inoperative and Section 44-318.15(QR) et seq. shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.
	(MR) Newborn Child	The date of birth for a newborn child when his/her mother received pregnancy special need or the date all eligibility requirements are met, whichever is later.
	(QR) Newborn Child and MFG Child	
	(QR) .151 Newborn Child	When a newborn child is added results in a cash aid:
	(QR) (a) Increase	The first of the month after the birth is reported and all conditions of eligibility have been met (see Section 44-211.6(QR)).
	(QR) (b) Decrease	The first day of the next QR Payment Quarter after the change is reported on the QR 7 and after all conditions of eligibility have been met (see Section 44-211.6(QR)).
	(QR) .152 Newborn MFG Child	When an MFG newborn child is added results in no change or a decrease in cash aid.
	(QR) (a) No PSN/No Change	The first of the month following the report of the birth provided that all conditions of eligibility have been met and provided that the mother is not receiving a pregnancy special need payment and the grant will not decrease as a result of adding the newborn.
	(QR) (b) PSN/Decrease	The first day of the next QR Payment Quarter following the report of the birth and all verification has been provided, when the mother has been receiving a pregnancy special need payment or the grant would otherwise decrease as a result of adding the newborn.