

Manual of Policies and Procedures

ELIGIBILITY AND ASSISTANCE STANDARDS



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

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INTRODUCTION

This Users' Manual is used as an operational tool.

This manual contains

- a) Regulations adopted by the Department of Social Services (DSS) for the governance of its agents, licensees, and/or beneficiaries
- b) Regulations adopted by other state departments affecting DSS programs
- c) Statutes from appropriate codes which govern DSS programs
- d) Court decisions and
- e) Operational standards by which DSS staff will evaluate performance within DSS programs.

Regulations of DSS are printed in gothic type as is this sentence.

Handbook material, which includes reprinted statutory material, other departments' regulations and examples, is separated from the regulations by double lines and the phrases "**HANDBOOK BEGINS HERE**", "**HANDBOOK CONTINUES**", AND "**HANDBOOK ENDS HERE**" in bold print. Please note that both other **departments' regulations** and statutes are mandatory, not optional.

In addition, please note that as a result of the changes to a new computer system revised language in this manual letter and subsequent Eligibility and Assistance Standards Manual Letters will now be identified by a vertical line in the left margin.

Questions relative to this Users' Manual should be directed to your usual program policy office.

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40-001 IMPLEMENTATION OF NONRECURRING SPECIAL NEEDS 40-001

Repealed by SDSS Manual Letter No. EAS-88-10.

40-002 IMPLEMENTATION OF EXEMPT STUDENT LOANS 40-002

The repeal of MPP Section 44-111.435 is effective January 22, 1988, and that regulation has been invalid since January 1, 1988 because it conflicts with Welfare and Institutions Code Section 11250.8 (see Handbook Section 44-111.435). Counties shall identify cases which receive educational loans/grants on or after January 1, 1988 and shall redetermine the grant, as necessary.

**40-003 IMPLEMENTATION OF EXCLUSION FROM ASSISTANCE UNIT
OF CHILD OF MINOR PARENT RECEIVING AFDC-FC 40-003**

- .1 This regulatory action consisting of the amendment of MPP Section 44-206.1 shall be effective February 28, 1989 in order to comply with Welfare and Institutions Code Section 11263.5 (Chapter 1066, Statutes of 1988).
- .2 With respect to this regulatory action, all required Notices of Action (NOAs) may be issued as early as filing with the Secretary of State, but no later than as required in MPP Section 22-022.1 (Timely Notice).

**40-004 IMPLEMENTATION OF THE FAMILY SUPPORT ACT OF 1988
REGARDING INCOME DISREGARDS AND THE EARNED
INCOME CREDIT 40-004**

This regulatory action which consists of amending and repealing the following sections shall be effective October 1, 1989 in order to comply with the provisions of the Federal Family Support Act of 1988 (Public Law 100-485) dealing with changes in earned income disregards and the disregard of advance payments or refund of earned income credit (EIC). Amend Sections: 42-213.2(r), 44-111.3(q), 44-113.211, 44-113.214, 44-113.215, 44-113.217, 44-113.22, 44-133.333, 44-133.631(a)(1), 44-133.632, 44-133.752(a), 44-133.93. Repealed Sections: 44-101.32 through .326, 44-101.527, 44-113.6 through .624, and 44-340.7.

40-005	IMPLEMENTATION OF THE AFDC INFORMING AND COUNTY RECEIPTS REQUIREMENTS	40-005
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- .1 This regulatory action consists of amending Sections 40-107.1 and 40-131.1, in order to comply with the provisions of the Hunger Prevention Act of 1988 (Public Law 100-435).
- .2 In addition, this regulatory action amends Section 40-125.1 to comply with the provisions of SB 1141, Chapter 1036, Statutes of 1987, which adds Section 11023.5 to the Welfare and Institutions Code.
- .3 The effective date of these regulations shall be July 1, 1990.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 10554, Welfare and Institutions Code.

40-006	IMPLEMENTATION OF THE AFDC/GAIN (JOBS) CONFORMING REGULATIONS	40-006
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- .1 This regulatory action consists of adopting, amending or repealing language in the following sections in order to bring Aid to Families with Dependent Children (AFDC) regulations into conformity with the Job Opportunities and Basic Skills Training (JOBS) provisions of the Family Support Act of 1988 (Public Law 100-485) and to implement federal regulation [45 CFR 250.40] which requires that AFDC applicants and recipients are informed about the Greater Avenues for Independence (GAIN) Program. Amend Sections: 40-107.1, 40-131.3, 40-169, 44-111.3(f), 44-205.4; and renumber and amend Section 44-206.22 to 44-206.1(d)(5).
- .2 The effective date of these regulations shall be October 1, 1990.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 204(a), Public Law 100-485; 45 CFR 250.20(a)(1); and Section 15, AB 312, Chapter 1568, Statutes of 1990.

40-007	IMPLEMENTATION OF THE TRANSITIONAL CHILD CARE PROGRAM	40-007
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- .1 The adoption of Division 47 and amendment of Sections 22-001(a)(3)(A), 22-022.6, 40-107.1, 40-131.3, 40-173, and 42-750 which implement the Transitional Child Care (TCC) program shall be effective April 1, 1990. Counties are required to meet the TCC and Transitional Medi-Cal informational requirements at application, redetermination and discontinuance beginning April 1, 1990.

40-007	IMPLEMENTATION OF THE TRANSITIONAL CHILD CARE PROGRAM (Continued)	40-007
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- .2 Division 47 is being adopted to implement the Transitional Child Care (TCC) program in compliance with the Family Support Act of 1988 and Part 256 of the final Federal Rules published October 13, 1989 (45 CFR 256). These provisions require that certain former AFDC recipients will be eligible to receive funding of their child care expenses under certain conditions up to a year following their last month of AFDC eligibility.
- .3 Sections 22-001(a)(3)(A) and 22-022.6 are being amended to comply with the notice and hearing requirements in the Family Support Act of 1988 which pertain to the TCC program.
- .4 Sections 40-107.1 and 40-131.3 are being amended to require that all AFDC applicants and recipients are informed about the TCC program at the time of AFDC application and redetermination.
- .5 Section 40-173 is being amended to require that certain AFDC recipients are informed about their potential eligibility for TCC at the time of AFDC termination.
- .6 Section 42-750 pertaining to a GAIN TCC program is being repealed as the program is being superseded by Division 47.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10613, 11209, and 11511(a), Welfare and Institutions Code; 45 CFR 250.20(a)(3); 45 CFR 255.1; and 45 CFR 256.1(b).

40-008	EARLY CA 7 SIGNOFF	40-008
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- .1 This regulatory action consists of amending Section 40-181.241 to allow for early CA 7 (Rev. 7/87) signoff consistent with 45 CFR 233.28 and Welfare and Institutions Code Section 11265.1.
- .2 The effective date of these regulations shall be August 1, 1991.

NOTE: Authority cited: Sections 11265.1, 10554, and 18904, Welfare and Institutions Code. Reference: 45 CFR 233.28.

40-009	IMPLEMENTATION OF THE HOMELESS ASSISTANCE PROGRAM AS OF JULY 22, 1999	40-009
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The revisions in the Manual of Policies and Procedures Section 44-211.5 are effective July 22, 1999.

As counties identify cases which have received Homeless Assistance payments on or after July 22, 1999, they shall re-compute the temporary shelter allowance, as necessary.

NOTE: Authority cited: Sections 10553, 10554, and 11450(g), Welfare and Institutions Code. Reference: Section 11450, Welfare and Institutions Code.

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40-010	IMPLEMENTATION OF REGULATIONS FOR THE TREATMENT OF INELIGIBLE ALIEN PARENT INCOME	40-010
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- .1 Sections 42-213.2e., r., and .5, et seq.; 44-111.3b., et seq., d., e., g., h., i., p. and .6, et seq. as amended herein, shall become effective August 1, 1991.
- .2 Sections 44-113.14, .141, and .142; 44-133.33, .336, .6, .61, .611, .612, .62, .631, et seq. and .633 as amended herein, shall become effective August 1, 1991, and shall be implemented as follows:
 - .21 Beginning August 1, 1991, the CWDs shall implement the amended or adopted provisions for all new AFDC cases.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(ii)(C); 45 CFR 233.20(a)(3)(vi)(B) and (xiv); 45 CFR 233.20(a)(4)(ii); and Darces v. Woods, 35 Cal. 3d 871.

40-011	IMPLEMENTATION OF MAXIMUM AID PAYMENT (MAP) ROLL BACK REGULATIONS	40-011
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- .1 Effective Date

This regulatory action shall be effective September 1, 1991 for applicant and continuing cases.
- .11 Budgeting

The change in grant computation shall be effective with the July 1991 budget month affecting the September payment month.
- .2 Sections Affected

The following sections are adopted with this regulatory filing.

 - 44-115.311
 - 44-133.332 and .334 (Handbook)
 - 44-133.632 (Handbook)
 - 44-133.754 (Handbook)
 - 44-133.92 and .931 (Handbook)
 - 44-315.1 through .9
 - 44-352.125 (Handbook Example)

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40-011	IMPLEMENTATION OF MAXIMUM AID PAYMENT (MAP) ROLL BACK REGULATIONS (Continued)	40-011
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.3 Changes

.31 Treatment of Income Section 44-133 is amended to be consistent with the changes in the grant computation in Section 44-315.

.32 MAP Roll Back --
Grant Computation Section 44-315 is amended to roll back the MAP amounts and to change the grant computation so that income is counted against the Minimum Basic Standard of Adequate Care (MBSAC) rather than the MAP. Section 44-115 is amended so that the in-kind income is counted against the MBSAC rather than the MAP.

.33 Overpayment
Recoupment Section 44-352.125 is amended to have the example be consistent with the changes in the grant computation in Section 44-315.

.4 Reason for Change These changes implement Welfare and Institutions Code Sections 11450, 11452 and 11453 as amended by Chapter 97, Statutes of 1991.

NOTE: Authority cited: Welfare and Institutions Code Sections 10553 and 10554. Reference: Welfare and Institutions Code Sections 10553 and 10554.

40-012	IMPLEMENTATION OF AMENDMENTS TO THE HOMELESS ASSISTANCE SPECIAL NEED	40-012
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.1 This regulatory action which consists of adopting, amending and repealing language in Section 44-211.5 shall begin with requests for Homeless Assistance received on or after August 1, 1991 in order to comply with Welfare and Institutions Code Sections 11271, 11272, and 11450 (Chapter 97, Statutes of 1991).

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10850, 11271, 11272, and 11450(f)(2), Welfare and Institutions Code; and 45 CFR 205.50, 45 CFR 206.10(a)(1)(ii), and 45 CFR 206.10(a)(8).

40-013	IMPLEMENTATION OF REGULATIONS FOR THE TREATMENT OF EARNED INCOME DISREGARDS FOR SANCTIONED INDIVIDUALS	40-013
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- .1 This regulatory action consists of amending Section 44-133.32 in order to provide consistency with the Federal Action Transmittal FSA-AT-91-4 resulting from the Simpson v. Hegstrom court decision. These regulations as amended herein shall become effective March 1, 1992.

- .2 Corrective underpayments to eligible recipients resulting from the application of Section 44-133.32 shall be provided back to the date of application or March 1, 1991, whichever occurred later.
 - .21 Appropriate corrective underpayments shall be paid upon request of the recipient, or at redetermination, or when the CWD becomes aware that a review is needed, whichever comes first.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10850, 11272 and 11450(f)(2), Welfare and Institutions Code; 45 CFR 205.50, 45 CFR 206.10(a)(1)(ii), and 45 CFR 206.10(a)(8); U.S. Department of Health and Human Services Federal Action Transmittal No. FSA-AT-91-4 dated February 25, 1991; and Simpson v. Hegstrom, 873 F.2d 1294 (1989).

40-014	IMPLEMENTATION OF REGULATIONS TO COMPLY WITH PROVISIONS OF GONZALES COURT ORDER	40-014
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- .1 This regulatory action consists of adopting or repealing the following sections in order to comply with the provisions of the Gonzales v. McMahon court order and to implement federal regulations at 45 CFR 302.51(a)(4) which require that the Title IV-D agency establish the date on which child support payments are withheld in wage assignment and other income withholding cases to represent the date of collection for distribution purposes. Adopt Section: 43-201.321. Repeal Section: 43-203.11 handbook. Relocate and readopt handbook Section: 43-203.11 at 43-201.321.

- .2 The effective date of these regulations shall be June 30, 1992.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code; and Gonzales v. McMahon (Super. Ct. San Diego County, 1991, No. 628600).

40-015 IMPLEMENTATION OF REGULATIONS PURSUANT TO SENATE BILL 485, CHAPTER 722, STATUTES OF 1992 AND WELFARE AND INSTITUTIONS CODE SECTION 11201.5, STATUTES OF 1991, CHAPTER 97 40-015

- .1 Sections Implemented
- The following amendments and adoptions comply with the provisions of Senate Bill 485, Chapter 722, Statutes of 1992 and Welfare and Institutions Code Section 11201.5, Statutes of 1991, Chapter 97. This regulatory action consists of:
- Changes to reduce the Maximum Aid Payment (MAP);
- Adoption of a requirement which will limit the amount of aid a family may receive when they have not lived in California for 12 months or more; and
- Elimination of the 100-hour limit for AFDC-U recipients who work.
- .11 Sections Adopted
- | | |
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| 89-100 | Assistance Payments Demonstration Project (APDP) and California Work Pays Demonstration Project (CWDPDP) |
| 89-101 | Federal Demonstration Projects - Introduction |
| 89-105 | Elimination of Time Limitations for 30 and 1/3 Earned Income Disregard and Elimination of the 100-Hour Limit |
| 89-110 | Maximum Aid Payment (MAP) Level and MAP Restriction |
- .12 Sections Amended
- | | |
|--------|--|
| 41-440 | Federal AFDC-U Unemployed Parent Program |
| 44-315 | Amount of Aid |
- .2 Effective Dates
- Unless otherwise specified in Section 40-015.21, all regulatory action herein implementing the provisions of Senate Bill 485, Chapter 722, Statutes of 1992 and Welfare and Institutions Code Section 11201.5, Statutes of 1991, Chapter 97, shall be effective December 1, 1992 for both applicants and recipients.

40-015 IMPLEMENTATION OF REGULATIONS PURSUANT TO SENATE BILL 485, CHAPTER 722, STATUTES OF 1992 AND WELFARE AND INSTITUTIONS CODE SECTION 11201.5, STATUTES OF 1991, CHAPTER 97 (Continued) 40-015

- .21 Section The specified effective date is:
- .211 Relocation Section 89-110.4 pertaining to the Relocation Family
Family Grant (RFG) shall only apply to all applicants as of
Grant December 1, 1992. However, in accordance with the
Green v. Anderson court order, this provision shall not
be implemented until a determination by a court of
appropriate jurisdiction allows such implementation.

NOTE: Authority Cited: Sections 10553, 10554, 11201.5, 11209, and 11450(g), Welfare and Institutions Code. Reference: Sections 11201.5, 11450.01, and 11450.03, Welfare and Institutions Code; Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; and Memorandum of Decision and Order in Green v. Anderson, (Civ. S-92-2118) dated January 28, 1993.

40-016	IMPLEMENTATION OF MONTHLY AFDC PAYMENT SYSTEM (MAP) REGULATIONS	40-016
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| .1 | Effective Date | This regulatory action shall be effective January 1, 1993. |
| .2 | Sections Adopted | 44-304 Aid Payment Schedules |
| .3 | Sections Amended | 44-305.2 Time of Delivery
44-305.3 Alternate Payment Systems |
| .4 | Changes | <p>Section 44-304 is being adopted to provide counties the option of issuing AFDC warrants monthly rather than semimonthly and to relocate language in part from Section 44-305.2.</p> <p>Sections 44-305.2 through .29 are being repealed to relocate these provisions to newly adopted Section 44-304.</p> <p>Section 44-305.3 is being renumbered to Section 44-305.2 to conform to the numbering sequence within this section.</p> <p>Sections 44-305.23, .231 and .232 are being relocated from Sections 44-305.222a. and b. and amended for consistency and clarity.</p> |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 10554, Welfare and Institutions Code.

40-017	IMPLEMENTATION OF <u>WELFARE RECIPIENT'S LEAGUE</u> (WRL) V. <u>MCMAHON</u> CLEANUP REGULATIONS (Continued)	40-017
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HANDBOOK CONTINUES

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| .32 | Potentially Available
Income | The regulations requiring cooperation in seeking and obtaining potentially available income are relocated in part as Sections 82-610 through 82-614. The regulations are amended to require that the entire family be ineligible when a mandatorily included member of the AU fails to seek/obtain potentially available income. |
| .33 | Temporary Shelter | Potentially eligible AUs applying for temporary shelter payments must meet "technical conditions of eligibility" rather than "procedural requirements." |
| .34 | BDA for New Applications | The BDA for persons whose eligibility remains pending after aid is granted to the AU or a child who is converting from Foster Care to AFDC is established as the date of application or date of eligibility, whichever is later. |
| .35 | BDA for Adding to AU | The BDA for adding different persons to the AU are specified. |
| .36 | Immediate Need/Overpayment | An immediate need payment is clarified to be an aid payment that shall be collected as overpayment when the family receives the payment and is ineligible. |
| .37 | Mandatory Inclusion -
Overpayment/Underpayment | Regulations specify how an overpayment or underpayment is treated when a mandatorily included person returns to the home but is not reported. |

HANDBOOK CONTINUES

40-017	IMPLEMENTATION OF WELFARE RECIPIENT'S LEAGUE (WRL) V. <u>MCMAHON</u> CLEANUP REGULATIONS (Continued)	40-017
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HANDBOOK CONTINUES

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| .38 | Definitions | Definitions have been provided for "Aid Payment," "BDA," "Collect," "Date of Application," "Immediate Need Payment," "Recoup" and "Recover." Definitions have been amended for "Alternatively Sentenced Parent (ASP)" and "Senior Parent." |
| .39 | Definitions - Forms | Definitions of forms have been provided for CA 7 SAWS 1 and SAWS 7. |

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553, 10554, and 11056, Welfare and Institutions Code. Reference: Section 10554, Welfare and Institutions Code and SSA-AT-86-01.

40-018	IMPLEMENTATION OF ASSEMBLY BILL (AB) 2184 (CHAPTER 1205, STATUTES OF 1991)	40-018
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This regulatory action, which consists of adopting and amending the following sections, shall be effective August 2, 1993 in order to comply with AB 2184 (Chapter 1205, Statutes of 1991). AB 2184 added Section 11008.19 to the Welfare and Institutions Code, which requires the California Department of Social Services (CDSS) and the California Department of Education (CDE) to establish a system for documenting child care usage by Aid to Families with Dependent Children (AFDC) recipients in CDE's subsidized child care system. Adopt: Chapter 42-1100, Sections 42-1101 and 42-1102. Amend: Section 44-113.217.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.

40-019	IMPLEMENTATION OF REGULATIONS PURSUANT TO SENATE BILL 35, CHAPTER 69, STATUTES OF 1993 FOR THE ASSISTANCE PAYMENTS DEMONSTRATION PROJECT (Continued)	40-019
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| .2 | Effective Date | As specified in Sections 40-019.21 and .22 below, all regulatory action herein implementing the provisions of Senate Bill 35, Chapter 69, Statutes of 1993, shall be effective September 1, 1993. |
| .21 | \$30 and 1/3 Earned
Income Disregards | This provision is effective with all earned income received on or after September 1, 1993. |
| .22 | MAP Reduction | This provision is effective for payment months beginning September 1993. |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11255 and 11450.015, Welfare and Institutions Code; and Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992.

40-020	IMPLEMENTATION OF CALIFORNIA ALTERNATIVE ASSISTANCE PROGRAM (CAAP)	40-020
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- .1 The adoption of Chapter 89-700 and the amendment of Sections 40-131.3, 40-181.2, 44-111.3, 44-207.322, and 89-101, which implement the California Alternative Assistance Program (CAAP) shall be effective May 1, 1994. Counties are required to meet the CAAP informing requirements at application and redetermination of eligibility for applicants and recipients subject to the California Work Pays Demonstration Project (CWPDP) beginning May 1, 1994.
- .2 Chapter 89-700, for applicants and recipients subject to the CWPDP, is adopted to implement the CAAP to comply with the provisions of Welfare and Institutions Code Section 11280 (Chapter 69, Statutes of 1993).
- .3 Section 40-131 is amended to require that AFDC applicants be informed about CAAP at the time of AFDC application.
- .4 Section 40-181 is amended to require that AFDC recipients be informed about CAAP at the time of AFDC redetermination.

40-020 IMPLEMENTATION OF CALIFORNIA ALTERNATIVE ASSISTANCE PROGRAM (CAAP) (Continued) 40-020

- .5 Section 44-111 is amended to exempt CAAP payments from consideration as income for AFDC.
- .6 Section 44-207 is amended to require that an individual be considered to have received an AFDC payment when the assistance unit (AU) has received benefits under the CAAP.
- .7 Section 89-101 is amended to require that CAAP be included in the CWPDP provisions of Chapter 89-700 et seq. The county shall apply these provisions to those applicants and recipients who are designated as members of the Project's control and experimental groups.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11280, Welfare and Institutions Code; and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

40-021 IMPLEMENTATION OF SUPPLEMENTAL CHILD CARE PROGRAM 40-021

- .1 The adoption of Chapter 44-500 and the amendment of Sections 40-131.3, 40-181.1, and 44-111.3 which implement the Supplemental Child Care (SCC) Program shall be effective November 4, 1993. Counties are required to meet the SCC informing requirements at application and redetermination beginning November 4, 1993.

HANDBOOK BEGINS HERE

- .2 Chapter 44-500 is being adopted to implement the Supplemental Child Care (SCC) Program to comply with the provisions of Welfare and Institutions Code Section 11451.7 (Chapter 69, Statutes of 1993).
- .3 Section 40-131 is being amended to require all AFDC applicants be informed about the SCC Program at the time of AFDC application.
- .4 Section 40-181 is being amended to require that AFDC recipients are informed about their eligibility for SCC when they become employed.
- .5 Section 44-111 is being amended to exempt SCC payments from consideration of income for AFDC.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11451.7, Welfare and Institutions Code.

40-022	IMPLEMENTATION OF REGULATIONS FOR THE INCREASED PROPERTY LIMITS AND RESTRICTED ACCOUNTS PURSUANT TO SENATE BILL 35, CHAPTER 69, STATUTES OF 1993 AND SENATE BILL 1078, CHAPTER 1252, STATUTES OF 1993 FOR THE CALIFORNIA WORK PAYS DEMONSTRATION PROJECT	40-022
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- | | | |
|-----|----------------------|--|
| .1 | Sections Implemented | <p>The following amendments and adoptions comply with the provisions of Senate Bill 35, Chapter 69, Statutes of 1993 and Senate Bill 1078, Chapter 1252, Statutes of 1993. This regulatory action applies to recipients who are subject to the California Work Pays Demonstration Project and consists of:</p> <p>Changes to increase the real and personal property limit from \$1,000 to \$2,000;</p> <p>Changes to increase the exemption for one motor vehicle from \$1,500 to \$4,500; and</p> <p>Allows the AU to retain funds up to \$5,000 in a restricted account for specified purposes.</p> |
| .11 | Sections Adopted | <p>89-115 Increased Property Limits for Recipients</p> <p>89-120 \$2,000 Property Limit for Recipients</p> <p>89-125 Increased Motor Vehicle Limit for Recipients</p> <p>89-130 Restricted Accounts for Recipients</p> |
| .12 | Sections Amended | <p>42-207 Property Which May Be Retained by An Applicant or Recipient</p> <p>42-213 Property Items to Be Excluded in Evaluating Property Which May Be Retained</p> <p>44-352 Overpayment Recoupment</p> <p>80-301 Definitions</p> <p>89-101 Federal Demonstration Projects - Introduction</p> |

40-022	IMPLEMENTATION OF REGULATIONS FOR THE INCREASED PROPERTY LIMITS AND RESTRICTED ACCOUNTS PURSUANT TO SENATE BILL 35, CHAPTER 69, STATUTES OF 1993 AND SENATE BILL 1078, CHAPTER 1252, STATUTES OF 1993 FOR THE CALIFORNIA WORK PAYS DEMONSTRATION PROJECT (Continued)	40-022
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.2	Effective Date	All regulatory action implementing the provisions of Senate Bill 35, Chapter 69, Statutes of 1993 and Senate Bill 1078, Chapter 1252, Statutes of 1993 shall become effective April 1, 1994, for recipients who are subject to the California Work Pays Demonstration Project.
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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11155.1 and 11155.2, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(B); and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

40-024 IMPLEMENTATION OF CHILD SUPPORT DATES
AND INSURANCE REGULATIONS

40-024

- .1 Effective Date This regulatory action is effective July 1, 1997.
- .2 Sections Repealed The sections listed below are repealed by this regulations filing:
- | | |
|-----------------------------------|---|
| 43-106 | Assignment of Support Rights |
| 43-107.1 | Establishing Paternity and Securing Child and Spousal Support |
| 43-107.2 | Specific Actions Relating to Cooperation |
| 43-107.3 | No Interruption in Aid |
| 43-107.4 | Determination of Good Cause |
| 43-200 | Child Support Enforcement Program |
| 43-201 | Child and Spousal Support and Paternity |
| 43-203.1-
.117,
.131 & .152 | Distribution of Child and Spousal Support Payments |
| 43-205 | Treatment of Undeliverable and Uncashed Warrants |
- .3 Sections Amended The sections listed below are amended by this regulations filing:
- | | |
|--|---|
| 40-105.1 | Assuming Responsibility Within His/Her Capabilities |
| 40-131.3 | Content of Application Interview |
| 40-173.7 | Notification of Child/Spousal Disregard Payment |
| 40-181.2 | Periodic Determination of Eligibility |
| 43-203.12,
.13, .14
.15, .161,
.2, & .3 | Distribution of Child and Spousal Support Payments |
| 44-111.4 | Child/Spousal Support Disregard |
| 44-113.7 | Child/Spousal Support |
| 80-310 | Definitions - Forms |

40-024	IMPLEMENTATION OF CHILD SUPPORT DATES AND INSURANCE REGULATIONS (Continued)	40-024
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.7 Changes

.71 Medical Insurance

Section 82-510.2 provides that applicants for, and recipients of, AFDC must identify all third parties who may be liable for medical care or services for the applicant/recipient or any family member.

.72 Date of Collection

Section 82-518.4 provides that, for purposes of determining entitlement to payments to families in wage assignment cases, the date of collection is the date the payment is withheld from the absent parent's wages. This date is provided by the employer.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.

40-026	IMPLEMENTATION OF THE STATEWIDE FINGERPRINT IMAGING SYSTEM (SFIS) REGULATIONS	40-026
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.1 Effective Date

This regulatory action shall be effective January 1, 1998 or any time after that date when the SFIS becomes operational in each county. The regulations will be applied to the continuing caseload within six months of the date the SFIS becomes operational in each county. With the exception of the photo imaging provisions contained herein, these regulations also apply in a county with an operational state-approved finger imaging system in place as of January 1, 1998 until such time as SFIS is implemented in that county.

.2 Sections Amended

40-105 Applicant and Recipient Responsibility.

40-171 Actions on Applications, Interprogram Transfers, and Interprogram Status Changes.

80-301 Definitions.

40-026	IMPLEMENTATION OF THE STATEWIDE FINGERPRINT IMAGING SYSTEM (SFIS) REGULATIONS (Continued)	40-026
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.3 Changes

Section 40-105.31 is added to specify that providing fingerprint and photo images is a condition of eligibility for certain applicants for and recipients of CalWORKs.

Section 40-105.32 is added to specify which persons are required to provide fingerprint and photo images.

Section 40-105.33 is added to specify those individuals who are exempt from SFIS requirements.

Section 40-105.34 is added to specify that all persons required to provide fingerprint and photo images will be informed that the images are confidential and may not be used for any purpose other than the prevention or prosecution of fraud.

Section 40-105.35 is added to specify that an otherwise eligible AU shall not be ineligible due to a technical problem in the SFIS system.

Section 40-171.221k. is added to specify that the county will deny aid if any person required to provide fingerprint and/or photo images refuses or fails to do so.

Section 80-301f.(2) is added to provide a definition of "fingerprint imaging."

Section 80-301p.(4) is added to provide a definition of "photo imaging."

Section 80-301s.(8) is added to provide a definition of "Statewide Fingerprint Imaging System (SFIS)."

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 10830, Welfare and Institutions Code.

40-027 IMPLEMENTATION OF THE ORTEGA V. ANDERSON COURT ORDER 40-027

- .1 Effective Date This regulatory action shall be effective only for the payment month of December 1, 1997, for applicant and continuing cases. Commencing January 1, 1998, counties are to follow CalWORKs grant structure implementation instructions provided in CDSS All-County Letter 97-59, dated October 14, 1997.
- .11 Retroactivity Pursuant to the Stipulation filed with the Court, continuing cases containing an ineligible alien live-in spouse of an aided parent with income shall be evaluated for retroactive payments. The period of retroactivity shall go back no further than the payment month of September 1995.
- .2 Sections Amended
- | | |
|-----------|--|
| 44-113.14 | Deduction for an Ineligible Alien Child(ren) Living in the Home of an Aided Parent |
| 44-133.5 | Income in Cases Where an Ineligible Alien Parent(s) Resides in the Home |
| 44-207 | Income Eligibility |
| 44-352.4 | Overpayment Recoupment - Methods of Recovery |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Ortega v. Anderson, Case No. 746632-0 (Alameda Superior Court) July 11, 1995; and Assembly Bill (AB) 1542, Chapter 270, Statutes of 1997, Sections 41 and 185.

**40-028 IMPLEMENTATION OF THE STATE IMMUNIZATION AND
SCHOOL ATTENDANCE REQUIREMENTS PURSUANT TO
ASSEMBLY BILL 1542, CHAPTER 270, STATUTES OF 1997****40-028****.1 General - State Immunization
Requirement**

Section 40-105.4 is adopted to comply with the provisions of Assembly Bill (AB) 1542, Chapter 270, Statutes of 1997. These sections implement the CalWORKs Immunization Requirements. This regulatory action consists of:

Adoption of a requirement that all children in the Assistance Unit (AU) under the age of six have age-appropriate immunizations and a penalty imposed on the parent(s)/caretaker relative in the AU for failure to comply by eliminating their needs in the grant computation.

.11 Sections Adopted

The following sections are adopted with this regulatory filing:

11-501.3 County Policies and Procedures

40-105.4 Immunization Requirements

40-105.4(b) Age-Appropriate Immunizations

40-105.4(c) Informing Requirements

40-105.4(d) Verification

40-105.4(e) Time Frames (for submission of verification)

40-105.4(f) Exemptions

40-105.4(g) Failure to Cooperate

40-105.4(h) Restoration of Aid

40-105.4(i) Good Cause

40-105.4(j) Documentation

40-028 IMPLEMENTATION OF THE STATE IMMUNIZATION AND SCHOOL ATTENDANCE REQUIREMENTS PURSUANT TO ASSEMBLY BILL 1542, CHAPTER 270, STATUTES OF 1997 **40-028**
(Continued)

	40-131.3(x)	Content of Application Interview (county informing instructions for applicants)
	40-181.1(m)	General County Responsibility (county informing instructions for recipients)
.2	General - State School Attendance	Section 40-105.5 is adopted and Sections 40-131, 40-181, and 42-101 are amended to comply with the provisions of AB 1542, Chapter 270, Statutes of 1997. These sections implement the CalWORKs School Attendance Requirements. This regulatory action consists of: Adoption of a requirement that all children for whom school attendance is compulsory, (children ages 6 through 17) must regularly attend school. Failure to regularly attend school will result in a reduction in the grant amount to the AU.
.21	Sections Adopted	40-105.5 School Attendance Requirements 40-131(y) Content of Application Interview 40-181.1(n) General County Responsibility
.22	Section Amended	42-101 Age Requirement
.3	Effective Date	All regulatory action herein implementing the provision of the AB 1542, Chapter 270, Statutes of 1997, shall be effective June 1, 1998.

NOTE: Authority cited: Sections 10553, 10554, 11253.5, and 11265.8, Welfare and Institutions Code.
Reference: Sections 10063(a), 11253.5, and 11265.8, Welfare and Institutions Code.

40-029	IMPLEMENTATION OF RESTRICTED ACCOUNTS REGULATIONS IN THE CALWORKS PROGRAM	40-029
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| .1 | Effective Date | This regulatory action is effective July 1, 1998. |
| .2 | Sections Repealed | None. |
| .3 | Sections Adopted | None. |
| .4 | Sections Amended | 89-130(d)(2) Education
89-130(g)(2) Child's Education |

NOTE: Authority cited: Sections 10553, 10554, 10604, and 11155.2 (Ch. 270, Stats. 1997), Welfare and Institutions Code. Reference: Section 11155.2 (Ch. 270, Stats. 1997), Welfare and Institutions Code.

40-030	IMPLEMENTATION OF OVERPAYMENT RECOUPMENT REGULATIONS	40-030
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| .1 | General | This regulation package implements the provisions of Welfare and Institutions Code Section 11004 (Section 37 of Assembly Bill 1542, Chapter 270, Statutes of 1997). This law specifies that for purposes of recouping overpayments, counties may reduce aid payments by 5% of the MAP amount for the AU for agency caused overpayments and 10% of the MAP amount for the AU for all other overpayments without regard to income or resources. |
| .2 | Effective Date | This regulatory action shall be effective July 1, 1998. |
| .3 | Sections Repealed | Section 44-350.162
Section 44-350.2h
Handbook Section 44-352.125
Handbook Section 44-352.115(a) |
| .4 | Sections Adopted | Handbook Section 44-352.125 |
| .5 | Sections Amended | Handbook Section 44-352.115(b)
Section 44-352.121
Section 44-352.41 |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553, 10554, and 11004 (Ch. 270, Stats. 1997), Welfare and Institutions Code.

40-031	IMPLEMENTATION OF REGULATIONS TO ELIMINATE LATE MONTHLY REPORTING PENALTIES IN THE CALWORKS PROGRAM	40-031
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| .1 | Effective Date | This regulatory action is effective July 1, 1998. |
| .2 | Sections Repealed | Section 40-125.922
Section 40-125.94c.
Section 40-181.222a.(3)
Section 40-181.223, et seq.
Section 40-113.218
Sections 44-402.211 and .212 |
| .3 | Sections Adopted | None. |
| .4 | Sections Amended | Section 40-181.234
Section 40-181.244 |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11008, 11450.12, and 11451.5, Welfare and Institutions Code.

40-032	IMPLEMENTATION OF DEPRIVATION AND DIVERSION ASSISTANCE	40-032
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| .1 | Effective Date | This regulatory action is effective July 1, 1998. |
| .2 | Sections Repealed | Section 40-169
Section 41-441
Section 41-442
Section 89-105 |
| .3 | Sections Adopted | The following section is adopted with this regulatory filing.

Section 81-215 |
| .4 | Sections Amended | Section 40-109.2
Section 40-115.2
Section 40-161
Section 40-171.2
Section 41-400
Section 41-401
Section 41-440 |

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11201, 11266.5, and 11454.5, Welfare and Institutions Code (Ch. 270, Stats. 1997).

**40-033 IMPLEMENTATION OF VOUCHER/VENDOR PAYMENT REGULATIONS 40-033
IN THE CALWORKS PROGRAM**

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| .1 | Effective Date | This regulatory action is effective July 1, 1998. |
| .2 | Sections Repealed | None. |
| .3 | Sections Adopted | 44-307 et seq. |
| .4 | Sections Amended | 44-303.3
44-304.6 |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11251.3, 11320.15, 11450.13, 11453.2, and 17012.5, Welfare and Institutions Code; and AB 1542 (Ch. 270, Stats. 1997), Section 185(b).

**40-034 IMPLEMENTATION OF CALWORKS DRUG AND FLEEING
FELON PROVISIONS**

40-034

.1 General

Assembly Bill (AB) 1542, Chapter 270, Statutes of 1997, and AB 1260, Chapter 284, Statutes of 1997, enacted provisions which impact the Aid to Families with Dependent Children (AFDC) program. AB 1542 renames the AFDC program to the California Work Opportunity and Responsibility to Kids (CalWORKs) program. These proposed regulations implement and make specific the requirements of AB 1542 which adds Section 11486, and AB 1260 which adds Section 11251.3 to the Welfare and Institutions Code.

Section 11486.5 provides that persons fleeing to avoid felony prosecution, custody or confinement, or violating a condition of parole or probation are ineligible for aid under CalWORKs. Section 11251.3 provides that persons convicted of a felony related to the possession, use, or distribution of a controlled substance after December 31, 1997, are ineligible for aid under CalWORKs.

.2 Effective Date

This regulatory action is effective July 1, 1998.

.3 Sections Repealed

82-832.14 and 82-832.26

.4 Sections Adopted

40-034, 82-832.19, .191 and .20

.5 Sections Amended

82-832, 82-832.21, .23 and .231

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11251.3 and 11486.5, Welfare and Institutions Code (Ch. 270, Stats. of 1997).

40-035	IMPLEMENTATION OF REGULATIONS PURSUANT TO WELFARE AND INSTITUTIONS CODE SECTIONS 11454, 11454.5 AND 11495.1, ENACTED BY ASSEMBLY BILL (AB) 1542, (CHAPTER 270, STATUTES OF 1997) AND WELFARE AND INSTITUTIONS CODE SECTION 11454.5, AMENDED BY ASSEMBLY BILL (AB) 2772, CHAPTER 902, STATUTES OF 1998	40-035
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.1 Sections Implemented

The following sections have been adopted or amended to comply with the new 60-month time limit provisions as set forth in Welfare and Institutions Code Sections 11454, 11454.5 and 11495.1 and 42 U.S.C. 608(a)(7)(A) and (B). These provisions were enacted by AB 1542, Chapter 270, Statutes of 1997. Welfare and Institutions Code Section 11454.5 is amended by AB 2772, Chapter 902, Statutes of 1998. The regulatory action will:

Establish a 60-month limit for the receipt of aid for adults and the exceptions under which adults may receive aid beyond 60 months.

Specify how and when months of aid are counted toward the 60-month time limit, and identify the criteria for excluding months from the count.

Define what aid counts toward the 60-month time limit.

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|-----|------------------|-----------|---|
| .11 | Sections Adopted | 40-107.14 | County Responsibility |
| | | 42-300 | General Time Limit Requirements |
| | | 42-301 | General Time Limit Requirements for Adults |
| | | 42-302 | 60-Month Time Limit Requirements for Adults |
| .12 | Sections Amended | 42-302.2 | Counting the 60-Month Limit |
| | | 42-302.21 | Exempt Months |
| | | 42-302.22 | Diversion Count |

40-035	IMPLEMENTATION OF REGULATIONS PURSUANT TO WELFARE AND INSTITUTIONS CODE SECTIONS 11454, 11454.5 AND 11495.1, ENACTED BY ASSEMBLY BILL (AB) 1542, (CHAPTER 270, STATUTES OF 1997) AND WELFARE AND INSTITUTIONS CODE SECTION 11454.5, AMENDED BY ASSEMBLY BILL (AB) 2772, CHAPTER 902, STATUTES OF 1998 (Continued)	40-035
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	82-832 Excluded Persons - Adds Persons who are Ineligible for Aid on the Basis of Exceeding the Time Limit Requirements
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.2 Effective Date All regulatory action implementing the provisions of AB 1542, Chapter 270, Statutes of 1997 shall become effective July 1, 1998.

See Section 42-301.1 for the effective date of the time limit requirements.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11454, 11454.5, 11454.5(b)(4) and (5) and 11495.1, Welfare and Institutions Code.

40-036	IMPLEMENTATION OF QUARTERLY REPORTING PROSPECTIVE BUDGETING FOR CalWORKs RECIPIENTS	40-036
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- .1 Effective Date All regulatory action implementing the provisions of Quarterly Reporting/Prospective Budgeting (QR/PB) as authorized by Assembly Bill (AB) 444 (Chapter 1022, Statutes of 2002), AB 692 (Chapter 1024, Statutes of 2002), and AB 1402 (Chapter 398, Statutes of 2003) shall become effective for recipient cases upon Quarterly Reporting becoming operative in the county in which they reside pursuant to the Director’s QR/PB Declaration. Quarterly Reporting regulations include a unique regulation design which include a tandem format for the operation of both monthly and quarterly reporting systems to account for the staggered implementation dates. Regulations that become obsolete under Quarterly Reporting, are labeled as (MR). Regulations that are operative under Quarterly Reporting are labeled (QR). Regulations not labeled are applicable to both reporting systems and therefore remain unchanged. In addition, each regulation impacted by QR includes a disclaimer stating QR regulations will replace the MR regulations once QR is implemented by the county.
- .2 Divisions Impacted by Quarterly Reporting Division 22, 40, 42, 44, 47, 48, 80, 82, and 89.
- .3 QR/PB regulations will no longer be operative upon the date that Semi-Annual Reporting (SAR) becomes effective in that county, pursuant to the County's SAR Declaration (see Section 40-038).

Note: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 71, Assembly Bill (AB) 444 (Chapter 1022, Statutes of 2002), as amended by Section 3, AB 1402 (Chapter 398, Statutes of 2003); and AB 6 (Chapter 501, Statutes of 2011). Reference: Sections 11265.1, 11265.2, and 11265.3, Welfare and Institutions Code; Section 70, AB 444 (Chapter 1022, Statutes of 2002); Section 71, AB 444 (Chapter 1022, Statutes of 2002), as amended by Section 3, AB 1402 (Chapter 398, Statutes of 2003); and AB 6 (Chapter 501, Statutes of 2011).

40-037	IMPLEMENTATION OF BENEFITS AND SERVICES TO NONCITIZEN VICTIMS OF HUMAN TRAFFICKING, DOMESTIC VIOLENCE, OR OTHER SERIOUS CRIMES	40-037
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|----|------------------|---|
| .1 | General | These regulations extend eligibility for certain public social services, including state-funded CalWORKS, to certain noncitizen victims of trafficking, domestic violence or other serious crimes, as defined, who can demonstrate their eligibility for these programs, and to trafficking victims who are taking steps to meet eligibility conditions for federal benefits. The time limit provision specified in Section 42-302.1 shall also apply to noncitizen victims of trafficking, domestic violence and other serious crimes as defined in Section 42-431.23. |
| .2 | Effective Date | All regulatory action implementing the provisions authorized by the federal Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108-193) as Senate Bill (SB) 1569 (Chapter 672, Statutes of 2006) shall become effective for applicants and recipients July 2008. (Welfare Institutions Code Sections 13283, 14005 and 18945) |
| .3 | Sections Adopted | 40-105.26, Social Security Number Exception 42-431.23 et seq., Eligibility Requirements 42-431.3 through .6, Determining Eligibility |

Note: Authorized cited: Sections 10553 and 10554, Welfare and Institutions Code; and SB 1569 (Chapter 672, Statutes of 2006). Reference: Sections 13283, 14005.2, and 18945, Welfare and Institutions Code; 8 United States Code 1182(d)(5)(B), 45 Code of Federal Regulations 400.43; The Trafficking Victims Protection Act of 2000 (P.L. 106-386), Sections 107(b)(1)(A), (B), and (C); The Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108-193).

40-038	IMPLEMENTATION OF SEMI-ANNUAL REPORTING FOR CalWORKs RECIPIENTS	40-038
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| .1 | Effective Date | All regulatory action implementing the provisions of Semi-Annual Reporting (SAR) as authorized by Assembly Bill (AB) 6 (Chapter 501, Statutes of 2011), shall become effective for recipient cases upon semi-annual reporting becoming operative in the county in which they reside pursuant to the County's SAR Declaration. The SAR Declaration is a letter submitted from the County Welfare Department Director to the Director of CDSS confirming SAR implementation in that county. Counties must implement semi-annual reporting as early as April 2013 and no later than October 2013. Semi-annual reporting regulations include a unique regulation design which includes a tandem format for the operation of both quarterly and semi-annual reporting systems to account for the staggered implementation dates. Regulations that become obsolete under Semi-Annual Reporting are labeled as (QR). Regulations that are operative under Semi-Annual Reporting are labeled (SAR). Regulations not labeled are applicable to both reporting systems and therefore remain unchanged. In addition, each regulation impacted by SAR includes a disclaimer stating SAR regulations will replace the QR regulations once SAR is implemented by the county. |
| .2 | Divisions Impacted by Semi-Annual Reporting | Division 22, 40, 41, 42, 44, 47, 48, 80, 82, and 89. |

Note: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Assembly Bill (AB) 6 (Chapter 501, Statutes of 2011). Reference: Sections 11265.1, 11265.2, and 11265.3, Welfare and Institutions Code as amended by AB 6 (Chapter 501, Statutes of 2011).

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**RECEPTION AND APPLICATION
GENERAL**

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GENERAL**

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40-101 GENERAL POLICIES AND PRINCIPLES 40-101

.1 General Policies and Principles

Assistance is to be administered in a manner which is consistent with and will help achieve basic program purposes; which respects individual rights under the U. S. Constitution, State and Federal laws which does not violate individual privacy or personal dignity.

The following policies and principles govern the delivery of public assistance:

- .11 Assistance is to be administered promptly and humanely, with due regard to the preservation of family life and without discrimination. Compliance with all civil rights laws, rules and regulations of Division 21 is required in the administration of these regulations, including compliance by contractors and subcontractors. Assistance is to be so administered as to encourage self-respect, self-reliance, and the desire to be a good citizen useful to society.
- .12 It is the responsibility on all who are concerned with the administration of aid to do so with courtesy, consideration, and respect toward applicants and recipients and without attempting to elicit any unnecessary information. Administrative duties should be performed in such a manner as to secure for every applicant and recipient the amount of aid to which he or she is entitled under the law.
- .13 All applications and records are confidential and not open to examination for any purpose not directly connected with the administration of these programs (see Division 19).
- .14 The provisions of the law relating to public assistance are to be fairly and equitably construed.
- .15 Aid is to be provided to every applicant in his or her own home or in some other suitable home of his or her own choosing in preference to placement in an institution.
- .16 There is to be no question, inquiry, or recommendation relating to the political or religious opinions or affiliations of an applicant or recipient.
- .17 Applications for public assistance are to be reviewed promptly in accord with regulations prescribed by the State Department of Social Services, and when appropriate, with regulations prescribed by the State Department of Health Services.

NOTE: Authority cited: Sections 10553, 10554, 10605, 11053, 11102, and 11369, Welfare and Institutions Code. Reference: Sections 10553, 10554, 10605, Welfare and Institutions Code.

40-103	DEFINITIONS AND DESIGNATIONS - GENERAL	40-103
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- .1 Public Social Services (See definition in Section 11-003.1.)
- .2 Services (See definition in Section 10-010(j).)
- .3 Aid
 - .31 Cash grant for maintenance needs and medical assistance under the California Medical Assistance Program.
 - .32 Medical Assistance only for others who are determined eligible under the California Medical Assistance Program. Aid is not interrupted by a change in recipient status from a cash grant to medically needy individual or family under the same program. The change requires no new application.
- .4 Applications for Aid

An application is a request for aid in writing made to the county welfare department on the SAWS 1 (Rev. 9/90) either by the applicant or on his or her behalf.

Applications are as follows:

- .41 New -- The applicant has not previously applied for the same aid in the same county.
- .42 Restoration -- The applicant was a recipient of the same category of aid in the same county and his or her grant has been discontinued for 12 months or less at the time of the current application. See Section 40-125.9 Request for Restoration of Aid.
- .43 Reapplication
 - .431 The applicant's previous application for the same aid in the same county was withdrawn or denied, or
 - .432 The applicant is a former recipient of the same aid in the same county whose grant has been discontinued for more than 12 months at the time of the current application.
- .44 Appropriate Action on an Application -- Appropriate action on an application includes authorization of a cash grant and certification for medical assistance to persons determined to be eligible; certification as a medically needy person or family eligible for medical assistance, or such other disposition as is indicated by the investigation, i.e., denial, cancellation, etc. (See Section 40-171.)

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(QR) The following table illustrates how months are arranged in a QR cycle.

1st Quarter			2nd Quarter		
January	February	March	April	May	June
	QR Data Month	QR Submit Month	QR Payment Quarter		

(SAR) The following table illustrates how months are arranged in a SAR cycle. Note that the SAR cycles are based on the Beginning Date of Aid (BDA) in order to ensure the SAR cycle is aligned with the redetermination/recertification date.

First SAR Payment Period					
January BDA	February	March	April	May	June
SAR Payment Period Begins	Month 2	Month 3	Month 4	SAR Data Month	SAR Submit Month/ SAR 7 is due

Second SAR Payment Period					
July	August	September	October	November	December
SAR Payment Period Begins	Month 2	Month 3	Month 4	SAR Data Month	SAR Submit Month/ RD/RC is due

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(QR) .55 QR 7 Reporting Period – The QR Data Month and the two preceding months.

(SAR) .55 SAR Reporting Period – The SAR Data Month and the five preceding months. The SAR Reporting Period generally refers to the period of time since the last mandatory report (SAR 7 or SAWS 2) was completed.

.6 Inquiries -- An inquiry is a request for information or a general request which is not an application. It is usually made without the individual indicating he/she is in need. It may include a request for information from a potential applicant or any other person or agency who desires information regarding public assistance, eligibility requirements, points of agency policy, etc.

.7 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

.8 Aid Programs

The aid programs in these regulations are defined in terms of basic program purposes as follows:

.81 Has been deleted.

.82 Repealed by Manual Letter No. EAS-86-01 (effective 1/17/86).

.83 Has been deleted.

.84 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

.85 Medical Assistance Program -- to provide health care services on an individualized basis for recipients of aid under the assistance programs under Section .81 through .84 above and to other eligible persons thus promoting better health for those persons who are unable to pay in full for the cost of their medical care. Requirements and definitions for the California Medical Assistance Program are set forth in Medical Assistance Regulations, Title 22, California Administrative Code, Division 3.

.86 State Supplemental Program -- to provide money payments to eligible aged, blind, or disabled California residents. (See Division 46.)

.9 IEVS - Means the Income and Eligibility Verification System. (See Section 20-006.1.)

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10553, 10554, 10604, 11056, and 11265.1, Welfare and Institutions Code; and 45 CFR 206.10(a)(1)(ii).

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40-105 APPLICANT AND RECIPIENT RESPONSIBILITY 40-105

.1 Assuming Responsibility Within His/Her Capabilities

During the determination of initial and continuing eligibility, the applicant or recipient shall assume as much responsibility as he/she can within his/her physical, emotional, educational, or other limitations. Within his/her capabilities, the applicant/recipient is responsible for:

- .11 Completing or participating in the completion of all documents required in the application process or in the determination of continuing eligibility.
- .12 Making available to the county all documents that are in his/her possession or available to him/her which are needed to determine eligibility or ineligibility.
- .13 Reporting all facts known to him/her which he/she believes to be material to his/her eligibility or which the county has identified to him/her as affecting eligibility.
- .14 Section 40-105.14(QR) shall become inoperative and Section 40-105.14(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Applicants shall report within five calendar days of the occurrence, any change in any of these facts (see Section 40-181.1(e)(1)(QR)) and recipients shall report within ten calendar days of the occurrence, any change required to be reported during the quarter (see Section 44-316(QR)).

(SAR) Applicants shall report within five calendar days of the occurrence, any change in any of these facts (see Section 40-181.1(e)(1)(SAR)) and recipients shall report within ten calendar days of the occurrence, any change required to be reported during the semi-annual period (see Section 44-316(SAR)).

- .15 Cooperating in a quality control review. Cooperation includes, but is not limited to, attending a personal interview with the quality control reviewer and answering questions and providing information necessary to complete the quality control review.

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See Chapter 40-200, Quality Control Cooperation Requirements.

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.16 Identifying any third party who may be liable for care and services available under the state's Title XIX state plan on behalf of the applicant/recipient or any other family member required to be in the AU under Section 82-820.3.

.161 Applicants and recipients may be exempted from cooperation requirements under certain circumstances as specified in Section 82-512.

.17 Failure to comply with these provisions shall result in a fraud penalty if the applicant or recipient is found to have committed an IPV.

.2 Social Security Number (SSN)

.21 As a condition of eligibility, each CalWORKs applicant or recipient member of the AU shall:

.211 Furnish his/her Social Security Account Number (SSN) or numbers, if more than one, within 30 days following the date of the application for assistance; or

.212 If he/she cannot furnish an SSN:

(a) apply directly to a local office of the Social Security Administration (SSA); and submit verification of such completed application to the county within 30 days following the date of application for assistance before aid may be authorized. A completed application means an application that has been accepted by the SSA for processing; and,

(b) furnish the SSN to the county when received.

(c) See .221 below for a child(ren) who has been enumerated at birth through the Enumeration at Birth (EAB) Project.

40-105	APPLICANT AND RECIPIENT RESPONSIBILITY (Continued)	40-105
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- .22 Verification of a completed SSN application on behalf of a newborn child(ren) to be added to the AU shall be submitted to the county no later than the last day of the month following the month in which the mother is released from the hospital.
- .221 When a newborn child has been enumerated at birth, Form SSA 2853 is acceptable proof of application if it contains the name of the newborn, as well as the date and signature of an authorized hospital official.
- (a) The SSN shall be furnished to the county within six months after receipt of the number or at redetermination, whichever occurs first.

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- .222 (a) Example: Mother was discharged from the hospital on February 15, she has through March 31 to apply for an SSN for the newborn and submit verification of a completed application.
- (b) Example: Mother gave birth on May 8, but was not released from the hospital until May 20. She reported the birth of the child in May requesting that the child be added to her grant. The time period to apply for an SSN for the child and submit verification of a completed application to the county begins on May 21 and ends on June 30.
- (c) Example: Same scenario as above, but the mother remained in the hospital until June 2 due to complications. She has through July 31 to apply for an SSN for the child and submit verification of a completed application.
- (d) NOTE: For further information, see "Beginning Date of Aid", Section 44-317.

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- .23 An applicant/recipient is ineligible for aid if he/she refuses to comply with the requirements of .21 above. Where the refusal relates to an otherwise eligible child, that child is ineligible for aid. (See Section 82-832.24.)

- .24 As a condition of eligibility, each AFDC-FC applicant or recipient shall have an SSN.
 - .241 For children applying for or receiving AFDC-FC, where a parent(s), legal guardian, or relative, is not available or not cooperating, the placing agency representative, on behalf of the child shall obtain or make application for the SSN.
 - (a) To satisfy the requirement specified in .24 above when the absence of identifying information prevents the placing agency representative from obtaining an SSN for an abandoned child, the eligibility case file shall contain documentation of the attempt to apply for an SSN for the child, including the date the attempt was made, and the reason the attempt was unsuccessful.

- .25 As a condition of eligibility, applicants for and recipients of CalWORKs shall cooperate in resolving any discrepancies regarding SSNs, such as discrepancies arising from a cross-check of agency SSN files with those of the SSA. When there is a failure to cooperate, aid shall be denied or discontinued only for the member(s) of the AU whose SSN(s) is in question.

- .26 Individuals identified in Section 42-431.23, who are state-funded, are not required to meet this requirement.

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- .341 The county shall not use or disclose the data collected for any purpose other than the prevention or prosecution of fraud.
 - .342 The county shall inform all persons required to provide fingerprint and photo images that the images will be used only for the purpose of prevention or prosecution of welfare fraud.
 - .35 The county shall not deny aid to an otherwise eligible AU because of technical problems with the SFIS.
 - .351 The applicant/recipient must agree to complete the process at a mutually agreed upon time within 60 days of the initial attempt.
- .4 Immunization Requirements
- (a) All applicants/recipients shall provide verification, as specified in Section 40-105.4(d), that all children under the age of six in the AU have received all age-appropriate immunizations.

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- (1) Applicants/recipients who have made a good faith effort to initiate immunizations for a child(ren) in the AU, but the child(ren) cannot complete the series because of a spacing requirement between vaccine doses, may be considered at that point to have received "all age-appropriate immunizations." Good faith effort may also apply in cases where the vaccine is not available.

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- (b) Age-Appropriate Immunizations

The age-appropriate immunizations for children under the age of six and for children not immunized in the first year of life that are listed in the following two charts are those suggested by the Childhood Immunization Schedule (United States), by the Advisory Committee on Immunization Practices, the American Academy of Pediatrics, and the American Academy of Family Physicians and are described in Welfare and Institutions Code Section 11265.8(b)(1). These charts are provided as an aid to the county in complying with the verification requirement of MPP Section 40-105.4(a) and are not intended to be mandatory in every case. Rather, they are recommended guidelines that would be applied as appropriate by each child's medical care provider.

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- (1) Immunizations currently recommended for children under the age of six.

<u>TYPE OF SHOT</u>	<u>DOSE</u>	<u>RECOMMENDED AT</u>
Polio (or OPV, TOPV, IPV, Sabin, Salk)	1st 2nd 3rd 4th	2 months 4 months 6-18 months Before starting school (4-6 years)
DTaP (DPT) (diphtheria, tetanus and pertussis)	1st 2nd 3rd 4th 5th	2 months 4 months 6 months 15-18 months Before starting school (4-6 years)
MMR (measles, mumps, and rubella)	1st 2nd	12-15 months Before starting school (4-6 years)
Varicella Virus Vaccine* (or VAR, VZV) (chicken pox)	1st	12-18 months
Hepatitis B	1st 2nd 3rd	At birth - 3 months 1-5 months 6-18 months
Hemophilus influenzae type b (or Hib)	1st 2nd 3rd 3rd or 4th	2 months 4 months 6 months (<i>may not be required</i>) 12-15 months (<i>if any dose is given after 12 mos. no further doses needed</i>)

Recommended Childhood Immunization Schedule (United States), approved (January, 1999) by the Advisory Committee on Immunization Practices (ACIP), and the American Academy of Pediatrics, and the American Academy of Family Physicians (AAFP).

(*The varicella virus vaccine is only required for susceptible children, i.e., those who have not had the chickenpox.)

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- (2) This schedule is recommended for children who have not received any immunizations in the first year of life. If the child has received some, but not all, of the recommended immunizations by his or her first birthday, the recommended schedule will depend on which immunizations the child is missing and the child's age. A health care provider should be consulted to determine the appropriate immunizations. After these immunizations have been completed, refer to Schedule I for immunizations to be completed.

**RECOMMENDED IMMUNIZATION SCHEDULE FOR CHILDREN
NOT IMMUNIZED IN THE FIRST YEAR OF LIFE**

<u>VISIT</u>	<u>WHEN</u>	<u>VACCINES WHICH MIGHT BE GIVEN</u>
First Visit		Hepatitis B DTaP (or DTP) Hib Polio (or OPV, TOPV, IPV, Sabin, Salk) MMR Varicella (or VAR, VZV) (chickenpox)
Second Visit	1 - 2 months after 1st visit	Hepatitis B DTaP (or DTP) Hib Polio (or OPV, TOPV, IPV, Sabin, Salk)
Third Visit	1 - 2 months after 2nd visit	DTaP (or DTP) Polio (or OPV, TOPV, IPV, Sabin, Salk)
Fourth Visit	6 months after 3rd visit	Hepatitis B DTaP (or DTP)

Approved by the Advisory Committee on Immunization Practices (ACIP), and the American Academy of Pediatrics and the American Academy of Family Physicians (AAFP). (Note: Delays between doses do not require repeating doses or re-starting series. Hib Schedules vary by age when series started.)

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(c) Informing Requirements

At the time of application and at redetermination, all applicants and recipients shall receive a notice informing them of their obligation to secure age-appropriate immunizations for all children in the AU under the age of six.

- (1) The notice shall inform them of:
 - (A) Their obligation to secure immunizations for all children in the AU under the age of six and the penalty for failure to comply;
 - (B) The age-appropriate immunizations;
 - (C) Their right to file an affidavit claiming that immunizations are contrary to their personal and/or religious beliefs or for medical reasons; and
 - (D) How immunizations may be obtained through a fee-for-service provider that accepts Medi-Cal, a Medi-Cal managed care plan, a county public health clinic, or any other source that may be available to the county as appropriate.

(d) Verification

As specified in Section 40-105.4(e), verification of immunization is required at initial application, when adding a child under the age of six to the AU, and at redetermination. Verification of immunizations, as defined by the county, must be submitted until the child(ren) completes all age-appropriate immunizations or the child(ren) reaches the age of six. For intercounty transfer cases, an applicant/recipient, who has submitted verification of age-appropriate immunizations in the first county and that county has determined it to be adequate, shall not be required to resubmit duplicate verification in the second county. See Section 40-188.136.

(e) Time Frames

Applicants/recipients shall provide verification of immunization for all children in the AU under the age of six as follows:

- (1) Applicants, if applying for CalWORKs and Medi-Cal simultaneously, within 30 days of determination of eligibility for Medi-Cal; or, if applying for CalWORKs and already receiving Medi-Cal benefits, within 45 days;
- (2) Recipients, within 45 days of redetermination of eligibility; or
- (3) Children under the age of six being added to the AU if applying for CalWORKs and Medi-Cal simultaneously, within 30 days of determination of eligibility for Medi-Cal; or, if applying for CalWORKs and already receiving Medi-Cal benefits, within 45 days.

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(f) Exemptions

The immunization requirement does not apply if the parent(s)/caretaker relative submits:

- (1) An affidavit stating that the immunization requirement is contrary to his/her personal/religious beliefs and the reasons for his/her objection.
- (2) A written statement from a physician or health professional working under the supervision of the physician, stating that the child should not be immunized, which includes the prohibitive medical condition and the duration.

(g) Failure to Cooperate

If an applicant/recipient fails to submit timely verification of immunization of any child(ren) in the AU under the age of six (see Section 40-105.4(d)) and does not qualify for an exemption or have good cause (see Section 40-105.4(i)), the grant shall be reduced by the amount (MAP) allowed for the needs, as specified in Section 44-315.311, of the parent(s)/caretaker relative in the AU.

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(1) Immunization Penalty Computations

Examples:

- (A) An AU composed of a mother and her three children fails to submit verification of immunization and is not found to have good cause. The mother has total earned income of \$525 per month and no disability-based unearned income. The AU is nonexempt and resides in Region 2.

Grant Computation - Single Penalty:

AU size remains four, but due to the penalty, use the MAP for three.

\$ 525		Gross Earned Income
-	<u>112</u>	\$112 Income Disregard
\$ 413		Remaining Earned Income
-	<u>206</u>	50% Earned Income Disregard*
\$ 206		Net Nonexempt Income*
\$ 608		MAP for three (excluding the parent)
-	<u>206</u>	Total Net Nonexempt Income
\$ 402		Aid Payment

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* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: MPP Section 44-315.34.

- (B) This same AU also fails to cooperate with the District Attorney's office in establishing paternity for child support.

Grant Computation - Double Penalty

\$ 525		Gross Earned Income
- <u>112</u>		\$112 Income Disregard
\$ <u>413</u>		Remaining Earned Income
- <u>206</u>		50% Earned Income Disregard*
\$ 206		Net Nonexempt Income
\$ 608		MAP for three (excludes the parent)
- <u>206</u>		Total Net Nonexempt Income
\$ 402		Aid Payment with First Penalty Applied
- <u>100</u>		25% of Aid Payment - Second Penalty for Failure to Cooperate with DA*
\$ 302		Aid Payment with Both Penalties Applied

* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: Welfare and Institutions Code Section 11017, MPP Section 44-315.34.

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- (h) Section 40-105.4(h)(QR) shall become inoperative and Section 40-105.4(h)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

Restoration of Aid

- (QR) Once verification of immunization is submitted the grant is increased to reflect the needs of the parent(s)/caretaker relative effective the first of the month following the month in which verification is received (see Section 44-316.331(d)(QR)).

- (SAR) Once verification of immunization is submitted the grant is increased to reflect the needs of the parent(s)/caretaker relative effective the first of the month following the month in which verification is received (see Section 44-316.331(d)(SAR)).

40-105 APPLICANT AND RECIPIENT RESPONSIBILITY (Continued) 40-105

(i) Good Cause

The county shall determine if good cause exists for not submitting verification due to lack of reasonable access to immunization services. If the county determines that good cause exists, the applicant/recipient has an additional 30 days to submit immunization verification.

- (1) Circumstances which may constitute good cause, due to lack of reasonable access to immunization services, may include but are not limited to the following: language barriers, physical distance, illness of a parent(s)/caretaker relative, bona fide transportation problems or a lack of available appointments.

(j) Documentation

The county shall document verification of immunization, determination of good cause or any exemption.

.5 School Attendance Requirements

- (a) All children in the AU for whom school attendance is compulsory, i.e., ages 6 through 17, must attend school "regularly" as defined by the county.

(b) Verification

Recipients shall cooperate in providing routinely available documentation of school attendance of all applicable school-age children in the AU when requested by the county. Applicants are not required to submit verification of school attendance prior to being granted cash aid.

(c) Exemptions

All children in the AU for whom school attendance is compulsory must regularly attend school with the following exceptions:

- (1) A pregnant or parenting teen eligible for Cal-Learn. See Section 42-763.1.
- (2) A child subject to participating in a county school attendance demonstration projects in Merced or San Diego counties.

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- (3) See Section 42-719 regarding welfare-to-work plans for children 16 through 17 years of age not regularly attending school and not exempted under Section 40-105.5(c).

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(d) Irregular Attendance Penalty

If the county determines that good cause does not exist and the child is not exempted under Section 40-105.5(c)(2), failure of a child in the AU, for whom school attendance is compulsory, to regularly attend school pursuant to Section 40-105.5(a), shall result in a reduction in the grant by an amount equal to the following:

- (1) The needs of the parent(s)/caretaker relative in the AU if the child(ren) is under the age of 16, or
- (2) The child's needs if the child(ren) is age 16 or older.

(e) Failure to Cooperate

Refusal or failure of a recipient to cooperate in providing documentation when requested shall result in aid being reduced in accordance with Section 40-105.5(b), unless the county determines good cause exists.

(f) Good Cause

The county shall determine what constitutes good cause for not attending school "regularly" and failure to cooperate.

(g) Section 40-105.5(g)(QR) shall become inoperative and Section 40-105.5(g)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

Restoration of Aid

(QR) The needs of the parent(s)/caretaker relative or child(ren) shall be restored effective the first of the month following the month in which verification of regular school attendance is received (See Section 44-316.331(d)(QR)).

(SAR) The needs of the parent(s)/caretaker relative or child(ren) shall be restored effective the first of the month following the month in which verification of regular school attendance is received (See Section 44-316.331(d)(SAR)).

NOTE: Authority cited: Sections 10553, 10554, 10604, 11209, 11253.5, 11265.2, 11265.3, 11265.8, 11266, 11268, 11450.5, and 11486, Welfare and Institutions Code, SB 72 (Chapter 8, Section 42, Statutes of 2011), AB 1712 (Chapter 846, Section 34, Statutes of 2012). Reference: Sections 10553, 10554, 10604, 11017, 11209, 11253(b)(2), 11253.5, 11265.3, 11265.8, 11266, 11268, 11450, 11451.5, 11453, 11486, 13283, 14005.2, and 18945, Welfare and Institutions Code; Section 48200, Education Code; 45 CFR 205.42(d)(2)(v)(A) and (B), as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808; 45 CFR 205.52(a)(1) and (2); 45 CFR 233.10(a)(1)(iv) and 235.112(b); 45 CFR 400.43; 7 CFR 273.16(b); 8 United States Code (USC) 1182(d)(5)(B); 42 U.S.C. 402(a)(6) and 616(b); and Section 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996; The Trafficking Victims Protection Act of 2000 (P.L. 106-386), Sections 107(b)(1)(A), (B), and (C); The Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108-193).

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(a) Assisting the Applicant

The county is responsible for assisting applicants or recipients in understanding their rights and responsibilities in relation to application for aid; for evaluating the capacity of the applicants or recipients to discharge their responsibilities as set forth in Section 40-105; for assisting them as needed in establishing their eligibility and helping them to realize the maximum personal independence of which they are capable, including self-care and self-maintenance.

(1) The applicant shall be informed at the time of application that the law requires furnishing an SSN (Section 40-105) and assignment of accrued support rights (Section 43-106) as conditions of eligibility. The applicant/recipient shall also be informed, in writing, at the time of application or redetermination, that the law requires cooperation in establishing paternity and securing support rights (Section 43-201) as conditions of eligibility.

(A) The county shall notify the applicant or recipient by means of the prescribed form of the right to claim good cause as an exception to the cooperation requirements.

(B) The county shall notify the applicant or recipient that upon request of the custodial parent, the county department shall provide information to that custodial parent on the amount of child and spousal support paid to the county by the absent parent. (See Section 43-201.3.)

(2) All forms pertaining to (a)(1) and (a)(1)(A) above shall be available for the applicant to complete at the initial interview when the CA 2.1 is completed, but need not be completed prior to granting emergency aid.

(3) Reserved

(4) The CWD shall provide the individual, in writing and orally as necessary, a description of the 48-month time limit requirements, including the exemptions from the time limit, as provided in Sections 42-302.11 and 42-302.21 and the process by which recipients can claim the exemptions, as provided in MPP Section 42-302.3. The description of the 48-month time limit requirements shall be provided at the time an individual applies for aid, at the time a recipient's eligibility for aid is redetermined, and any other time a notice of action establishing time on aid pursuant to this section is provided. In addition, counties are required to provide information on the number of months an applicant, recipient, or former recipient received aid as follows:

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- (A) The applicant shall be informed, by notice of action, at the time that eligibility for aid is authorized, if the applicant received aid in California or any other state(s) on or after January 1, 1998. The notice shall include:
 - 1. The number of months the individual received aid as reported on the most recent notice of action, if any.
 - 2. The cumulative number of countable months that the individual received aid and the specific exempt months since the last notice of action, or the beginning of aid if there has been no prior notice of action.
 - 3. The remaining number of months that the individual may be eligible to receive aid. (See MPP Section 42-302.2 for definition of countable months.)

- (B) The recipient shall be informed, by a notice of action, at redetermination of aid. The notice shall include information as required in MPP Section 40-107(a)(4)(A).

- (C) The recipient shall be informed, in writing, each and every time he or she is at the 42nd countable month on aid by using one of the following two methods:
 - 1. A notice of action which meets the requirements in MPP Section 42-107(a)(4)(C)1.
 - 2. A notice that informs the recipient of the cumulative number of countable months that the recipient received aid and the remaining number of months that the recipient may be eligible to receive aid. (See MPP Section 42-302.2 for definition of countable months.)

- (D) Each recipient shall be informed by a notice of action provided in one of the months falling during the period of the recipient's 42nd through 46th countable months on aid.
 - 1. A notice of action pursuant to MPP Section 40-107(a)(4)(A), (a)(4)(B), or (a)(4)(C)1. satisfies this requirement.
 - 2. Once the notice of action required in MPP Section 40-107(a)(4)(D) is sent, no further notice of action, pursuant to MPP Sections 40-107(a)(4)(A) through (a)(4)(D), shall be required until a total of six exempt months have passed.

- (E) No notice pursuant to MPP Sections 40-107(a)(4)(A) through (a)(4)(F) need be sent under the following circumstances:
 - 1. Within 3 calendar months from a previous notice of action, pursuant to MPP Sections 40-107(a)(4)(A) through 40-107(a)(4)(D), was provided.
 - 2. Once the exemption for individuals who are 60 years of age or older, as provided in MPP Section 40-302.21(e), is established.

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- (F) Upon a verbal or written request for time limit information, a current or former recipient shall be informed, in writing, within 30 calendar days from the date of receipt of the request. The county shall document the request and provide the recipient with a written notice that will include:
1. The cumulative number of countable months that the recipient received aid,
 2. The specific months that were exempt from the 48-month time limit since the most recent notification (pursuant to MPP Sections 40-107(a)(4)(A), 40-107(a)(4)(B), 40-107(a)(4)(C)1. or 40-107(a)(4)(D)),
 3. The remaining number of months that the recipient may be eligible to receive aid.
- (G) The recipient shall be informed by a notice of action at the 48th countable month on aid. The notice shall include:
1. Information in accordance with Section 40-107(a)(4)(A).
 2. Notification of the reduction in the grant amount due to the expiration of the CalWORKs 48-month time limit or notification that the recipient will continue to receive aid beyond the 48-month time limit based upon the criteria for exceptions as provided in MPP Section 42-302.11.
- (H) After the 48-month time limit notice of action, an adult who has reached the CalWORKs 48-month time limit and whose children remain on aid, shall be informed by notice of action pursuant to MPP Section 40-107(a)(4)(B) when child support or overpayment recoupment reimburses any month(s) on aid. (See MPP Section 42-302.21(g) for reimbursement of aid through child support recoupment and MPP Section 42-302.2 for overpayment months that are repaid.)
- (I) After the 48-month time limit notice of action, an adult who has reached the CalWORKs 48-month time limit and whose children are no longer aided, shall be informed pursuant to MPP Sections 40-107(a)(4)(A) and (a)(4)(F).
- (5) When a former CalWORKs recipient applies for aid in another state and the other state requests information on the number of months of assistance provided by Temporary Assistance for Needy Families (TANF) funds, the county where the aid was last received shall promptly respond to the other state's request in writing.
- (A) The county shall also send a notice of action to the former CalWORKs recipient at her/his new address in the other state. The notice of action shall include information on the number of months of TANF-funded assistance that was provided to the other state.

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- (B) Months of assistance provided by TANF funds shall be reported to the other state. Assistance provided by California in its Segregated State Program for Legal Immigrants is not subject to the federal TANF 60-month time limit. Individuals who received aid provided by the state-only programs do not accrue months of assistance toward the federal TANF 60-month time limit and therefore, the months of aid shall not be reported to the other state.

- (C) Months that are exempt from the federal TANF 60-month time limit and months that are excluded from the federal definition of assistance and the federal regulations shall not be included in the cumulative number of months of assistance that is reported to the other state.

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(6) Applicants shall be informed:

- (A) that they may apply for CalFresh at the same time as they apply for CalWORKs.

- (B) that, if they apply for CalFresh at the same time as they apply for CalWORKs, they have the right to file a joint application and shall have a single interview for both programs.

- (C) in written form, and orally as appropriate, of the CalWORKs and CalFresh programs, explaining the rules regarding eligibility and benefits available from both programs, and that the application interview for CalWORKs is sufficient for applying for CalFresh.

- (D) of the availability of paid child care and be given an informing notice (see Section 47-301.2).

(7) Applicants/recipients shall receive written information at the time of application or at their first redetermination after implementation of GAIN regarding the GAIN Program as to the following:

- (A) A description of the program;

- (B) The availability of job training, employment, education and supportive services, including the types and locations of child care services and the assistance available to select and obtain such services, and Transitional Child Care (TCC) Program benefits;

- (C) The individual's rights and responsibilities;

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- (D) The consequences of failure or refusal to participate in the GAIN Program;
 - (E) The grounds for exemption from participation in the GAIN Program; and
 - (F) The obligations of the county welfare department (CWD) in providing GAIN services.
- (8) Applicants/recipients shall be informed by the CWD orally, as needed, to clarify written information regarding the GAIN Program and/or the requirement for cooperation in establishing paternity and securing support rights.
- (9) The CWD shall provide written notification of the opportunity to express a desire to participate in the GAIN Program and provide a clear description of how to enter the GAIN Program to:
- (A) Applicants, upon application, but not later than 30 days from the determination of eligibility for aid; and
 - (B) Recipients, at redetermination, but not later than 30 days after being informed in accordance with Section 40-107(a)(6).
- (b) Arrangement for Substitute Payee, Guardian or Conservator

When there is a need for a person to act as a substitute payee on behalf of a recipient or when there is need for protection in the form of a guardian or conservator for the recipient, the county is responsible for assisting in the development of a satisfactory plan.

In planning for selection and appointment of someone to act in behalf of a recipient as a substitute payee, guardian or conservator, every effort must be made to protect the interests of the recipient and to avoid any possible conflict of interest. The recipient has the right to select the substitute payee, guardian or conservator to the extent of his/her capability.

Aid may be paid on behalf of the recipient to such substitute payee, guardian or conservator subject to the requirements and limitations specified below and in Sections 44-303, 44-309, and 44-310.

(1) Substitute Payees

Because of the potential conflict of interest, aid payment may not be made on behalf of an individual to a person serving as substitute payee, if such person is also the administrator, operator or fiscal agent of a public or private facility providing care to the individual. A substitute payee also may not include the executive head of the agency administering public assistance, the person determining income eligibility for the family, special investigative or resource staff, or staff handling fiscal processes related to the recipient, landlords, grocers, or other vendors of goods or services dealing directly with the recipient.

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If it appears to be in the best interest of the individual, a staff person, preferably in a unit or division of the county welfare department or State Department of Health, Community Services Section, which is responsible for providing protective services, may serve as a substitute payee for the recipient. However, the county is responsible for taking all necessary precautions to prevent either potential or actual conflict of interest.

| (2) Guardian or Conservator

When there is need for protection of a recipient in the form of a guardian or conservator the county is responsible for assisting in the development of a satisfactory plan which includes initiating the necessary procedures for appointment of a guardian or conservator.

Because of the potential conflict of interest, a staff person may not serve as guardian or conservator of the recipient unless the appointment is based on a close personal relationship with the client which makes the staff member the most suitable guardian or conservator. If the guardian is guardian of the person only, (and not guardian of the estate) however, a staff person may serve as the guardian.

(c) Eligibility Determination

The county is responsible for determining that the applicant or recipient meets the requirements of all necessary eligibility factors. This determination shall be based upon an evaluation of all available evidence. The gathering of such evidence and the determination of eligibility shall be a separate operation from and precede that of computing the amount of grant an eligible applicant is entitled to receive. This section is not meant to prevent the county from granting immediate need under Section 40-129. The factors to be considered in determining eligibility are as follows:

| (1) Linking Eligibility Factors -- Definition

Linking eligibility factors are those single conditions that link an applicant to a categorical aid program. These factors are: blindness and deprivation of parental care or support.

(2) Nonlinking Eligibility Factors -- Definition

Nonlinking eligibility factors are those factors that establish whether an applicant is entitled to assistance under the program to which he is linked. Although the categorical aid programs have these nonlinking eligibility factors in common, the standards differ. The nonlinking eligibility factors are: age, property, residence, financial status and institutional status.

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(d) Grant Determination

Once the applicant's eligibility is established, the county is responsible for determining the applicant's financial and medical needs. The county is further responsible for developing and carrying out plans for meeting such needs within the limitations of the W&IC, the Regulations of the California Department of Social Services and the Department of Health Care Services.

(e) Notification of the Right to a State Hearing

At the time aid is granted or denied and whenever there is a change in eligibility or amount of payment, the applicant or recipient shall be advised of the right to request a state hearing. If the applicant or recipient expresses dissatisfaction, the county shall make every effort to resolve the problem. However, if the applicant or recipient chooses to have a state hearing, the county shall assist the individual in preparation of the state hearing request, and advise the applicant or recipient of the right to be represented by counsel or other authorized representatives as set forth in Chapter 22-000.

(f) Provision of Informational Materials

(1) Informational materials required by CDSS shall either be given to applicants during the application interview or mailed with Notice of Action forms approving or restoring CalWORKs grants or Certifications for Medical Assistance (see 40-173).

(A) For CalWORKs, brochures describing benefits available under the Child Health and Disability Prevention (CHDP) program and how and where these benefits are provided within the county shall be given to the applicant during the application interview. Provision of CHDP informational materials shall be documented by notation upon the SAWS 2 form.

(B) For AFDC-FC, the placement worker shall assess the applicant child's need for CHDP services, and shall provide information to the foster care provider and/or, as appropriate, to the child. Provision of CHDP informational material shall be documented in the service case record, as specified in Section 30-209.66.

(2) The CWD shall inform all CalWORKs applicants/recipients of the availability of family planning services. For those CalWORKs applicants/recipients who voluntarily request such services, the CWD shall provide information and referral for family planning services. (See Section 40-131.3(h).)

(A) The CWD shall designate personnel who shall:

1. Be generally knowledgeable in the area of family planning.
2. Be responsible for the coordination of family planning services activities within the CWD and with family planning resources outside of the CWD.

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- (B) The CWD shall display in waiting rooms and make available to CalWORKs applicants/recipients, copies of notices, pamphlets and other written materials which contain information concerning the availability of family planning services.
 - (C) The CWD shall ensure that written notice of the availability of family planning services is sent to: (1) applicants for CalWORKs upon denial of CalWORKs benefits; or (2) all CalWORKs recipients upon termination of CalWORKs benefits.
- (3) Federal Earned Income Tax Credit (EITC)
- (A) The CWD shall ask each CalWORKs recipient at their annual eligibility redetermination if he or she is eligible for and utilizing the federal EITC. If the recipient may be eligible for the EITC and does not use it, the CWD shall give the recipient available EITC informational material and encourage him or her to access the EITC.

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- (B) To encourage CalWORKs recipients to maximize their use of the EITC, CWDs may inform them that:
 - 1. The receipt of earned income may make them eligible for the federal EITC, retroactive EITC credits, and the Advance EITC. It may also add credits toward their future social security income.
 - 2. The receipt of the federal EITC shall not affect their CalWORKs grants and is additional tax-free income.
 - 3. A CalWORKs recipient that receives the federal EITC may invest these funds in an individual development account, 401(k) plan, 403(b) plan, Individual Retirement Account, 457 plan, 529 college savings plan, Coverdell Education Savings Account, or restricted account. Investments in these accounts will not impact the recipient's CalWORKs eligibility or benefits.

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- (g) Social Security Number
 - (1) SSNs shall be confirmed by viewing SSN cards or SSA's form series OA-702. Any one of the following shall be acceptable evidence if the SSN card or SSA's form series OA-702 is not available:

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- (A) An award letter, Medicare card or a check from the SSA showing the applicant/recipient's name and SSN with the letters A, HA, J, T, or M following the SSN.
- (B) Other documentation from the SSA upon approval by the Department.
- (C) When an SSN card or other acceptable evidence is not available, the county shall accept the furnished SSN pending verification of the number through IEVS in accordance with (g)(2) of this section.
- (D) For those individuals who are unable to provide an SSN, the county shall assist the applicant by referring him/her to the local office of the SSA. This requirement may be met by furnishing the applicant with a referral notice, such as the SSA Referral Notice, form MC 194, or by providing the address of the local SSA office.
- (E) The county shall deny the application for assistance for any individual who refuses or fails to provide either an SSN or verification that an application for an SSN was completed within 30 days after the date of application for assistance. (See Section 82-832.24.)
 - 1. If the individual is the only eligible child, and the caretaker relative refuses or fails to provide either an SSN or verification that an application for an SSN was completed within 30 days after the date of the application for assistance, the entire AU is ineligible. (See Section 82-820.2.)
 - 2. The county shall discontinue aid for any member of the AU who refuses or fails to furnish the SSN as required in 40-105.212(b) and/or (c).

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- (F) The county shall inform the applicant/recipient of his/her responsibilities under this section. If the county receives verification of application directly from the SSA, the requirement in Section 40-105.212(a) is met. If the county receives the SSN directly from the SSA or from another federal or federally assisted program, the requirement in Section 40-105.212(b) is met.
 - (G) Counties shall document in the case record the fact that the applicant/recipient submitted a completed application for an SSN and the method of verification.
 - (H) The county shall obtain the SSN of a child who has been enumerated at birth within six months after receipt of the number or at redetermination, whichever occurs earlier.
- (2) Aid shall not be denied, delayed, or discontinued pending the issuance or verification of such number or numbers if the applicant/recipient has furnished his/her SSN or has submitted the necessary verification as required in Section 40-105.21. Immediate need cases are subject to the provisions of Section 40-129.214.
 - (3) All SSNs shall be verified by SSA through IEVS in accordance with Section 20-006.
 - (A) The county shall deny the application or discontinue assistance for any individual who fails to cooperate in resolving a discrepancy between the furnished SSN and SSA files in accordance with the requirement of Section 40-105.25.
 - (4) In AFDC-FC when there is no identifying information as specified in Section 40-105.241(a), the case file shall be reviewed at redetermination to determine whether any change occurred that would enable the Social Security Administration to issue an SSN. The eligibility worker shall document the date the review was completed and any changes that have occurred. If new information is available, the parent(s), legal guardian, or relative, (if now available and cooperating) or the placing agency representative shall forward the application for an SSN to the Social Security Administration.
- (h) WIC Referrals
- The county welfare department shall refer all pregnant recipients of aid to a local provider of the Women, Infants, and Children program.
- (i) Domestic Abuse
- For instructions on addressing domestic abuse, see Section 42-715.

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(j) Section 40-107(j)(QR) et seq. shall become inoperative and Section 40-107(j)(SAR) et seq. shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Establishing the Quarterly Reporting Cycle

Applicants shall be assigned a specific Quarterly Reporting (QR) cycle using the application date, the terminal digit of the case number, or other method determined by the county. To the extent possible, the county should align the CalWORKs annual redetermination of eligibility with the Food Stamp certification period and should also align the redetermination/recertification with the month the QR 7 is due (QR Submit Month). The county shall provide the QR 7 at the end of each QR Data Month, but no later than the first day of each QR Submit Month. The county must provide the recipient with a written notice that will include:

(SAR) Establishing the Semi-Annual Reporting Cycle

Applicants shall be assigned a specific Semi-Annual Reporting (SAR) cycle using their beginning date of aid. If the applicant has an existing CalFresh recertification period, the county shall align the SAR cycle with the existing recertification period. The county must align the CalWORKs annual redetermination of eligibility with the CalFresh certification period. The redetermination/recertification acts as the second semi-annual report so it must also be aligned with the SAR Submit Month. The county shall provide the SAR 7 or SAWS 2 to the recipient by the end of the SAR Data Month in the SAR Payment Period in which it is due. The county must provide the recipient with a written notice that will include:

(QR) (1) The AU's individual QR cycle,

(SAR) (1) The AU's individual SAR cycle,

(QR) (2) The month in which the initial QR 7 and subsequent QR 7s are due, and

(SAR) (2) The months in which the SAR 7 and the annual redetermination of eligibility (SAWS 2) are due, and

(QR) (3) The QR Data Month they will be responsible for reporting information.

(SAR) (3) The SAR Data Months they will be responsible for reporting information.

(QR) (A) Quarterly Reporting Cycle Based on Application Date

The county shall establish three QR cycles, each comprised of four QR Payment Quarters (see Section 40-103.5(QR)). The county shall assign the applicant to one of these cycles based on the month of application. The month of application shall be considered the first month of the QR Payment Quarter regardless of whether cash aid is issued in that month.

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(SAR) (A) Semi-Annual Reporting Cycle Based on Beginning Date of Aid

The county shall establish six SAR cycles, each comprised of two SAR Payment Periods (see Section 40-103.5(SAR)). The county shall assign the applicant to one of these cycles based on the beginning month of aid. Unless the SAR cycle is being established to align with an existing CalFresh recertification date, the beginning month of aid shall be considered the first month of the SAR Payment Period.

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(QR) This model requires CWDs to consider a client’s application month as the first month of the QR Payment Quarter. This month will begin the QR cycle for the new reporting system. Clients will be assigned to one of three cycles, based on their application date. For purposes of discussing months within the cycle, the following definitions will apply:

QR Payment Quarter – the quarter in which benefits are paid. The QR Payment Quarter will include three consecutive months. The month of application will be considered the first month of the “QR payment quarter” for purposes of identifying the appropriate client reporting cycle, regardless of whether benefits are issued in that month or as a supplemental payment in a subsequent month.

QR Data Month – the 2nd month of the quarter for which the client reports all information necessary to determine eligibility and

QR Submit Month – The third month of the quarter in which the QR 7 is required to be submitted to the CWD.

<u>January</u> (Application Month)	<u>February</u>	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>
QR Payment Quarter Begins	QR Data Month	QR Submit Month	QR Payment Quarter Begins	QR Data Month	QR Submit Month

<u>July</u>	<u>August</u>	<u>September</u>	<u>October</u>	<u>November</u>	<u>December</u>
QR Payment Quarter Begins	QR Data Month	QR Submit Month	QR Payment Quarter Begins	QR Data Month	QR Submit Month
					RV/RC due

<u>January</u> (13th month)
QR Payment Quarter Begins
New FS Cert Period

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The following cycles would be assigned to each applicant, based on application date.

Cycle 1:

Application/QR Payment Quarter	QR Data Month	QR Submit Month
January	February	March
April	May	June
July	August	September
October	November	December

Cycle 2:

Application/QR Payment Quarter	QR Data Month	QR Submit Month
February	March	April
May	June	July
August	September	October
November	December	January

Cycle 3:

Application/QR Payment Quarter	QR Data Month	QR Submit Month
March	April	May
June	July	August
September	October	November
December	January	February

This system enables the county to align the reporting/budgeting cycle with the FS recertification date. The month in which the certification period expires will always be the QR Submit Month, which will be when the recertification can be completed to set up the thirteenth month's allotment.

(SAR) This model requires CWDs to consider a client's beginning date of aid as the first month of the SAR Payment Period. This month will begin the SAR cycle for the new reporting system. Clients will be assigned to one of six cycles, based on their beginning date of aid. For purposes of discussing months within the cycle, the following definitions will apply:

SAR Payment Period – the six months in which benefits are paid. The SAR Payment Period will include six consecutive months. The beginning date of aid will be considered the first month of the "SAR Payment Period" for purposes of identifying the appropriate client reporting cycle.

SAR Data Month – the fifth month of the SAR period for which the client reports all information necessary to determine eligibility, and

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SAR Submit Month – the sixth month of the SAR period in which the SAR 7 is required to be submitted to the CWD or the annual redetermination is required to be completed.

January (Beginning Date of Aid)	February	March	April	May	June
SAR Payment Period Begins	Month Two	Month Three	Month Four	SAR Data Month	SAR Submit Month/ SAR 7 due

July	August	September	October	November	December
SAR Payment Period Begins	Month Two	Month Three	Month Four	SAR Data Month	SAR Submit Month
					RD/RC due

January (13th month)
SAR Payment Period Begins
New CalFresh Cert Period

The following cycles would be assigned to each applicant, based on the beginning date of aid.

Cycle 1:

Beginning Date of Aid/SAR Payment Period	SAR Data Month	SAR Submit Month
January	May	June
July	November	December

Cycle 2:

Beginning Date of Aid/SAR Payment Period	SAR Data Month	SAR Submit Month
February	June	July
August	December	January

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Cycle 3:

Beginning Date of Aid/SAR Payment Period	SAR Data Month	SAR Submit Month
March	July	August
September	January	February

Cycle 4:

Beginning Date of Aid/SAR Payment Period	SAR Data Month	SAR Submit Month
April	August	September
October	February	March

Cycle 5:

Beginning Date of Aid/SAR Payment Period	SAR Data Month	SAR Submit Month
May	September	October
November	March	April

Cycle 6:

Beginning Date of Aid/SAR Payment Period	SAR Data Month	SAR Submit Month
June	October	November
December	April	May

This system enables the county to align the reporting/budgeting cycle with the CalFresh recertification date. The month in which the certification period expires will always be the SAR Submit Month, which will be when the recertification is completed to establish the thirteenth month's allotment.

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(QR) (B) Quarterly Reporting Cycle Based on Terminal Digits

The county shall establish three QR cycles, each for a particular set of numbers. Counties shall determine the groupings. The county shall assign a cycle to an applicant/recipient based on the last digit of his/her case number.

(SAR) (B) Semi-Annual Reporting Cycles Based on Other Methods

Under SAR, counties may establish reporting cycles based on factors established or approved by the department; however, the SAR cycle must be aligned with the CalWORKs redetermination date and the CalFresh recertification date.

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This handbook section will become inoperative on the date that SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Following is one example of how a county might set up their QR cycle based on terminal digits:

Cycle 1 will be assigned to cases ending in 0, 1, 2, and 3.

Cycle 2 will be assigned to cases ending in 4, 5, and 6.

Cycle 3 will be assigned to cases ending in 7, 8, and 9.

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NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10613, 11209, 11265.1, 11268, 11322.5, 11323.3, 11324.8(a), (b) and (c), 11454, 11454(b) and (e), 11454.2, 11495.1, and 11500, Welfare and Institutions Code; 42 USC Sections 608(a)(7), 45 CFR 205.42(d)(2)(v)(A) and (B) as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808; 45 CFR 205.52(a)(1) and (2); 45 CFR 205.55; and California Department of Health Services Manual Letter 77-1; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

40-109 APPLICANT RIGHTS WITH RESPECT TO APPLICATION FOR AID - 40-109
GENERAL

.1 Right to Apply for Aid

Subject to the limitations set forth in Section 40-117, any person has the right to apply for aid, either on his/her own behalf or on behalf of another. An applicant who appears ineligible must still be allowed to exercise his/her right to make an application.

.2 Right to Choose Type of Aid

A person or his/her representative who believes the applicant meets the eligibility requirements for more than one category of aid has the right to choose the type of aid for which he/she will apply. For an exception, see the Diversion Services regulations found at Section 81-215.32. For children in or in need of foster care placement who are eligible to and/or receive AFDC-FC, see Sections 45-202.212(a) and 45-302.1.

40-109	APPLICANT RIGHTS WITH RESPECT TO APPLICATION FOR AID - GENERAL (Continued)	40-109
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.3 Right to be Considered for Another Program

If a recipient becomes ineligible for the type of aid he/she is receiving but appears eligible under another public social service program, his/her request for aid under such other program is to be recorded and any required additional investigation completed promptly so that there will be no interruption in aid payments to him/her (see Section 40-117). If an eligible recipient in one program appears to be eligible for aid in another program and wishes to take advantage of such eligibility, the same procedure shall be followed.

.4 Applicant's Right to Self-Determination

.41 The right to be self-determining is of paramount importance for the individual in clarifying when, how, and what the individual wants for him/herself. However, his/her freedom of choice may be limited by his/her capacity for self-determination and by the function of the agency as expressed in law and regulations.

.42 It is necessary to respect the individual's right to accept or reject what the agency has to offer him/her.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11266.5, Welfare and Institutions Code (Ch. 270, Stats. 1997).

40-115	THE APPLICATION PROCESS	40-115
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.1 Purpose

The basic purpose of the application process is to assist the individual in establishing his/her eligibility for aid and services.

.2 Steps in the Application Process

.21 Discussion of Circumstances Leading to Application

.211 The individual with the help of the worker tells why he/she is applying for aid or services, with the worker explaining agency requirements, program limitations, the applicant's rights and responsibilities and what he/she can expect from the agency.

40-115	THE APPLICATION PROCESS (Continued)	40-115
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- .212 If the applicant indicates on the SAWS 1 (Rev. 9/90) that he/she is in immediate need or indicates at any time during the application process that he/she is in an emergency situation where his/her resources are insufficient to meet the cost of the emergency situation, the county at that time shall make a determination of whether immediate need exists. (See Section 40-129, Immediate Need.) "Applicants" under this section include those who do not need to submit an application under Section 40-121.3.
- .213 At the time of application, all applicants shall be informed of the availability of lump-sum diversion services.

.22 Exploration of Eligibility

The applicant will be given a Statement of Facts (JA 2) to complete and sign under penalty of perjury. Acceptable evidence must be obtained concerning the linking and nonlinking factors of eligibility. (See each Eligibility Chapter for what is acceptable evidence.) When such evidence does not exist, the applicant's sworn statement under penalty of perjury will be considered sufficient, except in the areas of verification of U.S. citizenship or alienage status and/or medical verification or pregnancy. See Section 42-433 for verification of citizenship or eligible alien status and 80-300(m)(2) for verification of pregnancy.

- .221 Before additional evidence may be obtained, the applicant must agree to continue the process of attempting to establish his/her eligibility.
- .222 The applicant must participate in the gathering of evidence necessary to make an eligibility determination insofar as he/she has the capacity to do so.
- .223 The principles and methods set forth in 40-157.2 and 40-157.3 shall be observed when obtaining evidence.
- .224 The application process is not complete until all the evidence is in.
- .225 Income and eligibility information shall be requested through IEVS and shall be used, to the extent possible, in the determination of eligibility in accordance with the procedures specified in Sections 20-006.2 and 20-006.4. However, the county shall not delay the determination of eligibility pending receipt of IEVS information if other information establishes the individual's eligibility.
- .226 See Section 42-715 for the treatment of domestic abuse in the application process.

40-115	THE APPLICATION PROCESS (Continued)	40-115
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.23 Determination of Eligibility

.231 If eligibility is clearly established, aid is authorized and the eligible persons are certified for medical assistance.

.232 If it is determined the applicant is ineligible for a cash grant, determination of eligibility or ineligibility for certification as a medically needy person or family is required before action is taken on the application.

.24 Authorization of Assistance

.241 The next step in the application process concerns only approved applications. This step includes the following:

- a. Authorization of assistance to a person who has been determined to be eligible for a cash grant;
- b. The administrative procedure which assures prompt payment to a new recipient; and
- c. Certification for medical assistance.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 45 CFR 206.10(a)(1)(ii) and Sections 10553, 10554, 10604, 11056, 11266.5 (Ch. 270, Stats. 1997), and 11495.1, Welfare and Institutions Code.

40-117	WHO MAY APPLY	40-117
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.1 Repealed by Manual Letter No. EAS-86-01 (effective 1/17/86).

.2 Right to Initiate an Application for AFDC

Any person acting on behalf of a family or child or pregnant woman who believes the family or child or pregnant woman to be in need has a right to request aid; however, the county should make every effort to obtain the parent's or pregnant woman's signature on the application. Persons or agencies that may make application for a family or child or pregnant woman may include, but are not limited to:

.21 A guardian or relative with whom the child resides (see Section 82-808).

40-117 WHO MAY APPLY (Continued) 40-117

- .22 The person closest to the family or child or pregnant woman who has knowledge of the needs of the family or child or pregnant woman and knows of the desire of the family to apply, and who requests aid in behalf of the family, or child or pregnant woman with the knowledge and consent of the parent, guardian or relative.
- .23 The person or agency which placed the child in foster care.
- .24 The representative of a public agency.
- .3 The Family or Child Absent from the State -- A request for aid per the CA 1 cannot be approved unless the county determines that the continued absence of such family or child is beyond the family's or child's control. (See Chapter 42-400.)
- .4 Repealed by Manual Letter No. EAS-86-01 (effective 1/17/86).

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

40-118 WHO MUST BE INCLUDED ON THE STATEMENT OF FACTS (FILING UNIT) 40-118

- .1 Mandatory Inclusion

The applicant shall include the following persons if living in the home on the applicable Statement of Facts:
- .11 Applicant Child

An applicant child, and
- .12 Siblings

Children who are siblings or half-siblings of the applicant child, and
- .13 Parents

The parents of any child listed above, or
- .14 Pregnant Woman

A pregnant woman, in a one-person AU, or
- .15 SSI/SSP Child

The caretaker relative, stepparent, California domestic partner of the SSI/SSP child's parent and second parent of an SSI/SSP child when aid is requested.
- .16 GAIN Sanctioned Child

The caretaker relative, stepparent, California domestic partner of the child's parent, and second parent of a child who is sanctioned by the GAIN program.
- .17

Senior Parent.

40-118 WHO MUST BE INCLUDED ON THE STATEMENT OF FACTS (FILING UNIT) (Continued) **40-118**

- .18 Sponsor of an alien.
- .19 Spouse or California domestic partner of persons mandatorily included in the filing unit.
- .2 Optional Persons Applicants shall include optional persons, including an ASP, on the applicable Statement of Facts when aid is requested for them.
- .3 Relinquishment Biological relatives of a child are not required to be included on the Statement of Facts when the child has been relinquished for adoption or parental rights are terminated, but the child has not been adopted.
- .4 County Responsibility The county shall determine whether the appropriate persons are included on the applicable Statement of Facts.
 - .41 Deny Application The county shall deny the application, redetermination, request to add a person, or request for restoration whenever the applicant refuses to include any persons listed in .1 on the applicable Statement of Facts.
 - .42 Deny Persons The county shall deny aid for optional persons whenever the applicant refuses to include the optional person on the applicable Statement of Facts.

NOTE: Authority cited: Sections 10553, 10554 and 10604, Welfare and Institutions Code. Reference: 45 CFR 206.10(a)(1)(vii), 45 CFR 206.10(a)(5)(i), and 45 CFR 233.90(c); SSA-AT-86-01; Civil Code 224m and 229; 42 USCA 602(a); Zapata v. Woods (1982) 187 Cal. Rptr 351, 137 C.A. 3d 858; and Sections 297 and 297.5(a), Family Code.

40-119	HOW AND WHERE APPLICATION IS MADE	40-119
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|-------|--------------------|--|
| .1 | New Applications | The county shall accept an application made by the applicant in writing on the SAWS 1 when made in the county in which the applicant lives. When an applicant applies in another county, the county receiving the SAWS 1 shall forward the SAWS 1 to the county in which the applicant lives. The beginning date of aid is the date the first county received the completed SAWS 1. The first county shall date stamp the completed SAWS 1 upon receipt. |
| .2 | Optional Persons | Section 40-119.2(QR) shall become inoperative and Section 40-119.2(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration. |
| (QR) | | The county shall consider either the SAWS 1, QR 3, or the QR 7 the application for adding an optional person. |
| (SAR) | | The county shall consider either the SAWS 1, SAR 3, or the SAR 7 the application for adding an optional person. |
| .3 | Person Added to AU | The applicant or recipient joining an existing AU shall complete one of the following, prior to aid being granted: |
| .31 | CW 8A | A CW 8A "Statement of Facts to Add a Child Under 16 Years," or |
| .32 | CW 8 | A CW 8 "Statement of Facts for Additional Persons." |
| .4 | Statement of Facts | The applicant/recipient shall complete the appropriate Statement of Facts when the county determines that additional eligibility factors need review and/or the annual redetermination is due. |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 45 CFR 206.10(a)(1)(ii), (a)(8), and (b)(2); 45 CFR 233.10(a)(1)(ii)(A) and (B); 45 CFR 233.100(a)(3)(iii) and (vi)(A); and Sections 11265.1, 11265.3, and 11450(b), Welfare and Institutions Code.

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For farm laborers applying for CalWORKs on the basis of part-time employment, if the family has accompanied the employed member to a county, whether or not there is a home base in some other county, the county in which the family is presently located is responsible for accepting the application, determining eligibility, paying aid and providing services until the family returns to their home base, or if they have no home base, until the family remains in one county for a period of time at least 60 days. The employed member need not remain with the family, but may go to work in one or more other counties.

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.2 Definitions

.21 Applicant -- See Section 40-103.5.

.22 County A -- County in which the individual "lives" or where the individual makes his home.

.23 County B -- County in which the individual is physically present when other than the county in which he lives.

.24 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

.25 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

.3 Determining County of Responsibility -- County Where Applicant Lives

The county where the applicant is physically present when an application is filed is considered to be the county in which the applicant "lives". This includes an applicant who is a caretaker relative of a child receiving AFDC-FC from a county other than the county in which the caretaker relative lives. Exceptions are specified in Sections .31 and .35. However, counties may, by mutual written agreement, consider for purposes of aid that the applicant "lives" in the county that has jurisdiction of the child receiving foster care.

.31 Applicant in County "B" Maintaining Living Place in County "A"

An applicant in County "B" is considered to live in County "A" if he plans to return to County "A" within 45 days of the date of application and is maintaining a living place in County "A".

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In CalWORKs, if the family remains in an established home in County "A" while one or more members are in County "B" for temporary employment, including farm labor, the entire family is considered to be living in County "A."

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- .32 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.
- .33 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.
- .34 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.
- .35 Applicant Absent from State Retaining California Residence

An applicant who is absent from the state but retaining California residence is considered to "live" in the county in which he was living immediately prior to leaving the state. (See Sections 40-105 and 40-181.)

.4 Applicant is in County B but lives in County A

- .41 Responsibility of County B

County B shall assist in completing the application Form SAWS 1 and in securing the Statement of Facts (SAWS 2), and shall also obtain pertinent information and immediately send the application, the Statement of Facts and supporting documents and information to the county in which the applicant lives (County A).

Upon the request of County A, County B shall assist in determining initial and continuing eligibility, developing a service plan, and in providing needed services to the applicant.

When the applicant or recipient in a state hospital is to be released and will reside in a County B (see .32 above), County B shall also upon request of the State Department of Health Care Services or State Department of Social Services liaison staff, provide any needed assistance to expedite the application process or to determine continuing eligibility. This county shall also assist, as needed, in planning for care of the applicant outside the hospital, keeping County A informed promptly of its activities on behalf of the applicant.

40-125	REAPPLICATIONS, RESTORATIONS, AND COUNTY OF RESPONSIBILITY (Continued)	40-125
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.42 Responsibility of County A

County A shall accept the application, complete the determination of eligibility and grant aid if eligibility is established.

.5 Applicant or Recipient Moves After Signing Application or Requesting Restoration

When an applicant moves from one county to another to make his/her home (see Section 40-189) after application has been signed or restoration requested in the first county, the first county shall complete the determination of eligibility or ineligibility. If eligibility exists, this county shall authorize aid and certify the applicant for medical assistance, or if indicated, certify him/her as a medically needy person eligible for medical assistance. Intercounty transfer is then initiated with the county in which the recipient is making his/her home. (See Section 40-189.)

.51 For cases in which an application has been signed in the first county, and the applicant requests homeless assistance (see Section 44-211.5) in a second county prior to eligibility being established and/or authorization of aid in the first county, the procedure outlined in Section 40-125.5 shall apply. The beginning date of aid shall be the date of application in the first county.

.6 Repealed by Manual Letter No. EAS-91-02, effective 2/1/91.

.7 California Youth Authority Parolees

In CalWORKs the cost of care of California Youth Authority (CYA) parolees in foster homes is normally the responsibility of the CYA even though the child may be eligible for CalWORKs. However, the CYA does not have the means of providing support for the children of a parolee mother even though she is living in a boarding home. In such cases, the county should accept and process the application for the parolee mother's children. If they are found eligible, the caretaker mother is included in the CalWORKs grant as a needy parent.

Financial responsibility for eligible Youth Authority wards who are living in their own homes or with relative is also carried by the county under the CalWORKs program.

.8 Child Receiving AFDC-FC

.81 A child residing in a family home or group home as a result of placement by a public agency, or by a private agency which has legal custody because the child has been relinquished to them or a court has given them legal custody, is considered to make his/her home in the county in which the agency is located, regardless of whether the family home or group home is situated in that county.

40-125	REAPPLICATIONS, RESTORATIONS, AND COUNTY OF RESPONSIBILITY (Continued)	40-125
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- .811 For purposes of this section, a public or private agency shall be considered to have placed the child in a family home or group home if the agency:
 - a. Actively participated in making the decision as to whether or not the child was to be placed; and
 - b. Initiated the placement of the child, either through direct negotiations with the family home or group home or by requesting help in making the placement from the county in which the family home or group home is located.

- .82 The county of responsibility for a child accepted for voluntary placement by a county welfare department or a licensed public or private adoption agency is the county in which the agency which accepted the voluntary placement is located.

- .83 The agency making or desiring to make a placement in a county other than the one in which the responsible agency is located, may request a service evaluation of the placement home by the county in which the home is located.

- .84 Where an agency has placed a child in foster care, and at time of placement or subsequent thereto a court of competent jurisdiction in a county other than that in which the placing agency is located accepts responsibility for the child, the county shall initiate an intercounty transfer of the child's AFDC-FC case to the county in which the court is located.

- .841 The receiving county accepts responsibility for the child when it receives and files the order to transfer in its respective court.

.9 Request for Restoration of Aid

When a county receives a request for restoration of aid, all provisions of Chapter 40-100 shall apply except as modified below.

- .91 The county may require that the applicant complete a new Statement of Facts (SAWS 2) as specified in Sections 40-115.22 and 40-128.1, except as specified in Section 40-125.94.
 - .911 The county shall determine on a case-by-case basis the need for completion of a new SAWS 2. Reasons for requesting a new SAWS 2 may include but are not limited to, the following:

40-125 REAPPLICATIONS, RESTORATIONS, AND COUNTY OF RESPONSIBILITY (Continued) 40-125

- (a) Circumstances of the applicant have changed in such a way that it is necessary to redetermine eligibility.
- (b) A periodic redetermination of eligibility is overdue or it would have been due in the month of the request for restoration or in the month immediately following the month of the request for restoration.

.912 When the county determines that a new SAWS 2 is required, failure by the applicant to complete the SAWS 2 shall result in denial of the request for restoration (See Section 40-171.221(d)).

.92 Section 40-125.92(QR) shall become inoperative and Section 40-125.92(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) If the applicant is determined to be eligible within the month following discontinuance, the applicant must provide a current QR 7 unless a complete QR 7 for the quarter in which the applicant was discontinued is in the county's possession. The applicant may be assigned to the previous QR cycle or a new QR cycle based on the date of the most recent request for aid.

(SAR) If the applicant is determined to be eligible within the month following discontinuance, the applicant must provide a current SAR 7 unless a complete SAR 7 for the SAR Payment Period in which the applicant was discontinued is in the county's possession. The applicant may be assigned to the previous SAR cycle or a new SAR cycle as long as the SAR cycle remains aligned with their redetermination/recertification date.

.93 If a former recipient of aid requests restoration within the calendar month following the effective date of discontinuance, the county shall not require him/her to furnish any documentation previously provided to the county except under the following conditions:

.931 The documentation is missing from the case record and

.932 The documentation affects eligibility or amount of aid for the month of restoration.

.94 Section 40-125.94(QR) shall become inoperative and Section 40-125.94(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Restorations in the Calendar Month Following a QR 7 Related Discontinuance

(SAR) Restorations in the Calendar Month Following a SAR 7 Related Discontinuance

.941 Section 40-125.941(QR) shall become inoperative and Section 40-125.941(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

40-125 REAPPLICATIONS, RESTORATIONS, AND COUNTY OF RESPONSIBILITY (Continued) 40-125

(QR) When a recipient who has been discontinued for failure to submit a complete QR 7 requests restoration of CalWORKs during the calendar month following discontinuance, but after the first working day of the next QR Payment Quarter, the county shall determine if the recipient had good cause (Section 40-181.23(QR)) for failure to submit a complete report.

(SAR) When a recipient who has been discontinued for failure to submit a complete SAR 7 requests restoration of CalWORKs during the calendar month following discontinuance, but after the first working day of the next SAR Payment Period, the county shall determine if the recipient had good cause (Section 40-181.23(SAR)) for failure to submit a complete report.

.942 Section 40-125.942(QR) shall become inoperative and Section 40-125.942(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) If the recipient had good cause for failure to submit a complete report, the discontinuance action shall be rescinded, eligibility redetermined and the grant amount computed based on information contained on the complete QR 7 submitted by the recipient.

(SAR) If the recipient had good cause for failure to submit a complete report, the discontinuance action shall be rescinded, eligibility redetermined and the grant amount computed based on information contained on the complete SAR 7 submitted by the recipient.

.943 Section 40-125.943(QR) et seq. shall become inoperative and Section 40-125.943(SAR) et seq. shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) When a recipient who has been discontinued for failure to submit a complete QR 7 requests restoration of CalWORKs during the calendar month following discontinuance, and is not found to have good cause, the CWD shall redetermine eligibility based on the information contained on the complete QR 7 submitted by the recipient as follows:

(QR) (a) Eligibility will be based on recipient rules. The recipient will not be subject to applicant eligibility criteria.

(QR) (b) An application (SAWS 1), Statement of Facts (SAWS 2), and intake interview are not required.

**40-125 REAPPLICATIONS, RESTORATIONS, AND
COUNTY OF RESPONSIBILITY (Continued)****40-125**

- (QR) (c) If found eligible, aid will be restored, prorated, effective the date that the recipient submitted the complete QR 7. (See Section 44-315.72 for instructions on how to calculate prorated benefit amounts.)
- (SAR) When a recipient who has been discontinued for failure to submit a complete SAR 7 requests restoration of CalWORKs during the calendar month following discontinuance, and is not found to have good cause, the CWD shall redetermine eligibility based on the information contained on the complete SAR 7 submitted by the recipient as follows:
- (SAR) (a) Eligibility will be based on recipient rules. The recipient will not be subject to applicant eligibility criteria.
- (SAR) (b) An application (SAWS 1), Statement of Facts (SAWS 2), and intake interview are not required.
- (SAR) (c) If found eligible, aid will be restored, prorated, effective the date that the recipient submitted the complete SAR 7. (See Section 44-315.72 for instructions on how to calculate prorated benefit amounts.)

.95 Restorations Based on Excess Property

When a former recipient requests restoration of cash aid after a discontinuance due to excess property, the county shall verify that the AU did not transfer assets for less than fair market value (see Section 42-221).

.951 If an AU requests restoration of cash aid before the effective date of discontinuance, the county shall evaluate the property spend down and if the AU is verified property eligible, the county shall rescind the discontinuance.

.952 Section 40-125.952(QR) shall become inoperative and Section 40-125.952(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) If a former recipient requests restoration after the effective date of discontinuance, the county shall determine the AU's eligibility and grant amount based on the information provided at the time of request for restoration. Beginning date of aid rules will apply (see Section 44-317). The AU may be assigned to the previous QR cycle or a new QR cycle based on the date cash aid is restored.

40-125	REAPPLICATIONS, RESTORATIONS, AND COUNTY OF RESPONSIBILITY (Continued)	40-125
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(SAR) If a former recipient requests restoration after the effective date of discontinuance, the county shall determine the AU's eligibility and grant amount based on the information provided at the time of request for restoration. Beginning date of aid rules will apply (see Section 44-317). The AU may be assigned to the previous SAR cycle or a new SAR cycle based on the date cash aid is restored; however the SAR cycle must remain aligned with the redetermination and recertification date.

.96 Restorations Based on Excess Income

When an AU is discontinued due to excess income, the recipient may request restoration of cash aid if the AU experiences a loss or reduction of reasonably anticipated income that was used to determine financial ineligibility.

.961 If an AU requests restoration of cash aid before the effective date of discontinuance, the county shall determine income eligibility and rescind the discontinuance if the AU is found eligible.

.962 Section 40-125.962(QR) shall become inoperative and Section 40-125.962 (SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) If a former recipient requests restoration after the effective date of discontinuance, the county shall determine the AU's eligibility and grant amount based on the information provided at the time of request for restoration. Beginning date of aid rules will apply (see Section 44-317). The AU may be assigned to the previous QR cycle or a new QR cycle based on the date cash aid is restored.

(SAR) If a former recipient requests restoration after the effective date of discontinuance, the county shall determine the AU's eligibility and grant amount based on the information provided at the time of request for restoration. Beginning date of aid rules will apply (see Section 44-317). The AU may be assigned to the previous SAR cycle or a new SAR cycle based on the date cash aid is restored; however the SAR cycle must remain aligned with the redetermination and recertification date.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 45 CFR 233.60, Section 3510 (October 1961), Federal Handbook of Public Assistance Administration; Section 11349, Government Code; Sections 10553, 10554, 10604, 11008, 11023.5, 11056, 11102, 11265.1, 11265.2, 11450.12, and 11451.5, Welfare and Institutions Code; and ACF-AT-94-5; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

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40-126 PROCESSING APPLICATIONS 40-126

- .1 Promptness Requirement

The determination of eligibility, including the gathering of any necessary evidence, shall be completed promptly. One of the following must be mailed within 45 calendar days starting with the first day after the filing of the application: an aid payment, a notice of denial, or a notice that the applicant is eligible.

- .11 Inability to Complete
the Determination of
Eligibility

Inability to complete the determination of eligibility within the 45-day period shall not be a basis for denying the application unless the delay is caused by the refusal of the applicant to participate in the gathering of evidence in accordance with Section 40-157. (See Section 40-171.11.) The specified time limit may be exceeded in situations where completion of the determination of eligibility is delayed because of circumstances beyond the control of the agency, in which instances the case record shows the cause for delay. These instances include:

- .111

Inability on the part of the recipient to provide necessary clarification.

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- .112 Failure or delay on the part of an examining physician to provide all needed information.

- .113 Application is made prior to the date on which the applicant meets the eligibility requirements and the 45-day period terminates before the applicant meets such requirements. (See Section 40-171 regarding application held pending eligibility.)

- .2 (Reserved)

- .3 Requirements for Obtaining Evidence
 - .31 Require Only Evidence of Eligibility
The county shall require only evidence necessary to determine past or present eligibility for the amount or delivery of aid.

 - .32 Notice of Required Evidence
Within ten calendar days of application, the county shall provide written notice to the applicant of the required evidence and examples of alternative evidence, if any, to determine eligibility.
 - .321 The ten-day requirement shall be waived if the applicant fails to attend the scheduled interview or if the applicant requests that the interview be delayed beyond ten calendar days following application.

 - .33 Assist the Applicant in Obtaining Evidence
 - .331 Good Faith Effort
The county shall assist the applicant in obtaining evidence of eligibility from a third party when the county has determined that the applicant has made a good faith effort to obtain the evidence and the third party fails or refuses to provide the evidence.
 - (a) A "good faith effort" means that the applicant has attempted to comply within the limits of his/her resources.

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- (b) An applicant needs evidence showing the amount in a bank account to complete the AFDC application. The applicant lacks the evidence. The applicant goes to the bank and discovers that the bank will charge a fee to provide the applicant with the evidence. The applicant has no money to pay the fee. The applicant returns to the county and asks that the county help get the evidence. The applicant has made a good faith effort to obtain the evidence.

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- .332 Third Party Fees If necessary, the county shall pay a third party fee to obtain existing evidence of eligibility on behalf of the applicant.
- .333 Notice Requirement The county shall notify the applicant, in writing, of the requirements of Section 40-126.33 at the time that such evidence is requested.
- .334 Document Failure The county shall document an applicant's failure to
to Make Good make a good faith effort in obtaining necessary
Faith Effort evidence of eligibility in the case file.
- .34 Cooperation in Providing The county shall not deny an application for failure to
Evidence of Eligibility provide evidence of eligibility if the county has determined that the applicant is continuing to cooperate by attempting to comply in obtaining necessary evidence.
- .341 Denial for Failure A denial due to failure to cooperate shall be made
to Cooperate in when a presumption of noncooperation has been
Providing Evidence established by the county but an act of refusal has
of Eligibility not
occurred.

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- (a) An applicant owns property which may cause the family to exceed the AFDC property limits. The applicant is told that evidence of the value of the property will be required to establish eligibility for aid. The applicant states that he/she must obtain the needed information from another state. The applicant is given an appointment in two weeks at which time he/she is expected to have the needed evidence. The applicant misses the appointment and does not call.

The next day the applicant calls to say that he/she will be in on the following Wednesday. On Wednesday the applicant fails to show-up or call. On Thursday the eligibility worker sends a letter specifying the evidence required and allows the applicant ten days to provide the evidence. The applicant fails to respond to the letter by the tenth day. The application is denied based on failure to cooperate and the provisions of Sections 40-126.341 and .342 would apply.

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- .342 Rescind Denial
- The county shall rescind a denial and grant aid if the applicant is otherwise eligible based on the original application when:
- (a) The denial is based solely on the applicant's failure to cooperate in providing evidence of eligibility; and
- (b) The county receives the needed evidence within 30 calendar days of the date of denial.
- .343 Notice of Action
- When the county denies an application based on failure to cooperate in providing needed evidence of eligibility, the notice of action must advise the applicant of his/her rights to submit evidence within 30 calendar days of the date of denial for the denial to be rescinded.

40-126	PROCESSING APPLICATIONS (Continued)	40-126
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| .344 | Failure Versus
Refusal to
Cooperate | The provisions of Sections 40-126.341 and .342 shall not apply to applications which are denied based on the applicant's refusal to cooperate pursuant to Section 40-157.3. |
| (a) | | A denial based on refusal to cooperate shall only be made as the result of the applicant's active refusal either orally or in writing to cooperate in the investigation of eligibility. |

HANDBOOK BEGINS HERE

Example

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| (b) | | An applicant owns property which may cause the family to exceed the AFDC property limits. The applicant is told that evidence of the value of the property will be required to establish eligibility for aid. The applicant states that the value of the property is irrelevant to his current need and states that he will not provide any additional information. The application is denied due to refusal and the provisions of Sections 40-126.341 and .342 would not apply. |
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HANDBOOK ENDS HERE

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| .35 | Retrieve Case File | The county shall retrieve and examine those existing case files which are in the possession of the county or its agents, in a timely manner, to determine if needed evidence of eligibility is already in the possession of the county when: |
| .351 | Within One Year | An applicant applies within one year of the effective date of discontinuance of aid, and |
| .352 | Reasons | The applicant is unable to provide the needed evidence of eligibility due to one of the following: |
| (a) | | The applicant does not have easy access to the needed evidence; or |

40-128 APPLICANT'S STATEMENT OF FACTS 40-128

.1 Filing the Statement of Facts

.11 The applicant, in support of his/her application, shall complete, sign, and file with the county the Statement of Facts (SAWS 2) supporting his/her eligibility for assistance. The statement may be filed with the county at the time of application or at any subsequent time prior to completion of the determination of eligibility. In case of an applicant in "immediate need," see Section 40-129.

.111 A copy of the completed Statement of Facts is to be given to the applicant if he/she so desires or to the guardian, conservator, or other person who completed the original.

.112 Two copies of the Statement of Facts shall be available to applicants and recipients on request, but only one copy of the Statement of Facts shall be required to be completed, signed, and returned to the county welfare department.

.12 Minor Parent Residing with Unaided Senior Parent(s).

.121 Section 40-128.121(QR) shall become inoperative and Section 40-128.121(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) The minor parent (see Section 44-133.71) who applies for aid while residing in the same household as his/her unaided senior parent(s) must report the income of his/her parent(s).

(QR) In addition to the form CA 2 or CA 20, the minor parent shall submit a complete Supplement to the Statement of Facts (CA 23) to the county welfare department. The minor parent is responsible for obtaining all information necessary to complete the CA 23 and for obtaining the necessary verification from the senior parent(s). The information and the submitted verification must provide the county welfare department with the facts necessary to make a correct eligibility and grant determination.

(SAR) The minor parent (see Section 44-133.51) who applies for aid while residing in the same household as his/her unaided senior parent(s) must report the income of his/her parent(s).

(SAR) In addition to the SAWS 2, the minor parent shall submit a Senior Parent Statement of Facts (SAR 23) to the county welfare department. The minor parent is responsible for obtaining all information necessary to complete the SAR 23 and for obtaining the necessary verification from the senior parent(s). The information and the submitted verification must provide the county welfare department with the facts necessary to make a correct eligibility and grant determination.

.122 Section 40-128.122(QR) shall become inoperative and Section 40-128.122(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

40-128 APPLICANT'S STATEMENT OF FACTS (Continued)

40-128

(QR) Failure to provide a complete CA 23 (as defined in .121 above) shall result in the denial of aid to the minor parent and child in accordance with Section 40-105.1.

(SAR) Failure to provide a complete SAR 23 (as defined in .121 above) shall result in the denial of aid to the minor parent and child in accordance with Section 40-105.1.

.13 Sponsored Non-Citizens

.131 A sponsored non-citizen who applies for aid shall provide the County Welfare Department (CWD) with a statement of the ability of the sponsor to meet his/her needs. As a part of his/her application for aid on the form SAWS 2, the sponsored non-citizen shall submit a complete Form SAR 22 (Sponsor's Statement of Facts) to the CWD. The sponsored non-citizen is responsible for ensuring that the SAR 22 is complete.

.132 Failure to provide a complete SAR 22 (as defined in .131 above) shall result in the denial of aid to the sponsored non-citizen.

.14 A change in an aid recipient's status from that of a medically needy person certified for medical assistance to that of a grant recipient requires a new application. A Statement of Facts (SAWS 2) is required before a cash grant is authorized for such person only in circumstances described in Section 40-183.5.

40-128	APPLICANT'S STATEMENT OF FACTS (Continued)	40-128
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.2 Who May Sign the CalWORKs Statement of Facts

Every effort should be made to obtain the parent's or guardian's signature on the Statement of Facts (SAWS 2) regardless of who signs the application (SAWS 1). However, a relative or the social service agency representative who has responsibility for the care and supervision of the child may sign the SAWS 2 in the following instances:

- .21 The child has been relinquished for adoption.
- .22 There is no parent or guardian.
- .23 The parent has been legally deprived of the child's custody.
- .24 The parent cannot be located or is not available to sign. The parent may be deemed unavailable to sign if he/she is physically or mentally incapable of signing. In all situations where the child is living with someone other than the parent, then the parent may be deemed unavailable to sign if (1) his/her whereabouts are unknown, (2) he/she refuses to sign, or (3) he/she refuses to cooperate in providing necessary information.

(See Section 40-131 regarding interview requirement.)

- .25 At county option, the placement worker shall have the authority to complete an FC 2 in place of the SAWS 2 under the following circumstances:
 - .251 The child is relinquished for adoption.
 - .252 The parent is unavailable to sign, as described in .24 above.
 - .253 There is no parent or guardian.

.3 Repealed by Manual Letter No. EAS-86-01 (effective 1/17/86).

.4 When the Statement of Facts and other documents are to be completed by a representative of the county on behalf of the applicant or recipient, that representative shall be the person with responsibility for the care and supervision of the applicant or recipient, and another representative of the county shall then countersign and approve any recommendation for authorization of aid payments. (See Section 40-131 regarding interview requirement.)

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 45 CFR 205.50(a)(1)(i)(A); 42 USC 602(a)(39); Family Support Action Transmittal 91-15 dated April 23, 1991; and Section 5053 of the Omnibus Budget Reconciliation Act (OBRA) of 1990.

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40-129	IMMEDIATE NEED	40-129
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.1 Definitions

- .11 "Apparent Eligibility" means that the information provided on the Statement of Facts and information otherwise available to the county indicates that the applicant would be eligible for aid if the information on the Statement of Facts were verified.
- .12 "Applicant" means the person or family making, or on whose behalf is made, a request for AFDC by filing an application.
- .13 An "Emergency Situation" means one or more of the following exist:
 - .131 Lack of Housing - The applicant is homeless as defined in MPP 44-211.511.
 - .132 Pending Eviction - The applicant has received any type of eviction notice, including a three-day notice to pay or quit, evicting the family from its current residence.
 - .133 Lack of Food - The applicant does not have enough food to sustain the family for a period of three calendar days.
 - .134 Utility Shutoff Notice - The applicant has received a notice of termination of utility service or such service has been terminated.
 - .135 Transportation - The applicant is unable to meet essential transportation needs such as those relating to food, medical care, or job opportunity.

40-129	IMMEDIATE NEED (Continued)	40-129
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- .136 Clothing - The applicant lacks essential clothing such as diapers or clothing needed for inclement weather.
- .137 Other - The applicant has other emergencies of similar importance to the family's immediate health and safety.
- .14 "Home" means any location where a family resides.
- .15 "Liquid Resources" means exempt and nonexempt items of value belonging to persons who would be included in the assistance unit which are immediately available and reasonably convertible to cash in time to meet the emergency situation.
 - .151 Liquid resources shall include but are not limited to cash, negotiable securities, and similar resources.
 - .152 Liquid resources do not include the cash surrender value of insurance policies, trust deeds, household items and furnishings, personal effects, motor vehicles, or real property.
- .2 Eligibility for an Immediate Need Payment
 - .21 Eligibility for an Immediate Need payment exists when the applicant meets all of the following conditions:
 - .211 Is apparently eligible for AFDC.
 - (a) An alien applicant who does not provide verification of his/her eligible alien status is not apparently eligible.
 - (b) A woman with no eligible children who does not provide medical verification of pregnancy as specified in MPP 44-205.642 is not apparently eligible.
 - .212 Has an emergency situation, without regard to whether it could have been anticipated, which cannot be addressed by the issuance of food stamps or homeless assistance or by referral to a community resource as specified in MPP 40-129.6.
 - .213 Has resources that do not exceed the resource limitation as specified in MPP 40-129.22.

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- .214 Has complied with the following technical conditions for AFDC:
 - (a) Social security enumeration, application for unconditionally available income (including UIB), work registration of the principal earner who is exempt from GAIN due to remoteness, work registration of the nonfederal principal earner, and cooperation with the District Attorney in accordance with MPP 43-201.1.
 - (1) AFDC and Immediate Need case processing shall continue pending the applicant's verification of his/her completion of any technical condition of eligibility required.

- .22 Resource Limitation
 - .221 When the emergency situation involves transportation, liquid resources must be less than the cost of the emergency.
 - .222 When the emergency situation is a pending eviction, liquid resources together with income must be less than the rent owing.
 - .223 For all other emergency situations, liquid resources must be less than \$100.

- .23 If eligible, the Immediate Need payment is:
 - .231 The amount of the grant to which the applicant family would be entitled for the month of application computed in accordance with MPP 44-315.5 or \$200, whichever is less.

- .24 The family shall be eligible for a second Immediate Need payment when:
 - .241 A second request is made; and
 - .242 The applicant remains apparently eligible; and
 - .243 The AFDC check has not yet been issued; and
 - .244 The family emergency continues or a new emergency has arisen; and
 - .245 The Immediate Need payment issued in the previous month was approved for an amount less than \$200.

- .25 In no event shall the combined amount of the Immediate Need payments exceed \$200.

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.3 Immediate Need Payment Requests

.31 A family may request an Immediate Need payment any time during the application process.

.311 The application process begins the date the county receives a completed application and continues until the AFDC application is approved and aid is issued or until the application is denied or withdrawn.

.32 At the time of application, every applicant shall be given the opportunity to request an Immediate Need payment by completing the Immediate Need section of the application.

.321 The county shall encourage applicants who indicate that they are in an emergency situation to complete the Immediate Need section of the application.

.322 If an applicant indicates verbally or in writing that he/she has an emergency situation, after the application has been submitted, the county shall provide the applicant with the Immediate Need Payment Request (CA 4, 9/90).

.323 The Immediate Need Payment Request (CA 4, 9/90) shall only be required for applicants who request an Immediate Need payment after the initial application.

.33 The county shall not complete the Immediate Need section of the application or the Immediate Need Payment Request (CA 4, 9/90), except at the applicant's specific request.

.34 All Immediate Need payment requests received during regular business hours shall be accepted on that date.

.341 In no event shall any person wishing to file a request for an Immediate Need payment be denied the right to do so.

.342 The county shall not ask an applicant to withdraw an Immediate Need payment request.

.35 The applicant shall be given a copy of the application or the Immediate Need Payment Request (CA 4, 9/90) when it is received by the county indicating the date of receipt.

.4 The Immediate Need Interview

.41 If the applicant indicates on the initial application or the Immediate Need Payment Request (CA 4, 9/90) that the family has an emergency situation as defined in MPP 40-129.13, the county shall conduct an Immediate Need interview no later than the next working day following the date the Immediate Need request is received.

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- .411 When feasible, the county should conduct the interview the same day the Immediate Need payment is requested, but no later than the next working day.

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- .412 The face-to-face interview shall be conducted in accordance with MPP 40-131.

- .413 During the Immediate Need interview, the county shall review:

- (a) The completed Statement of Facts; and
- (b) The application or, if applicable, the completed Immediate Need Payment Request (CA 4, 9/90).

- .414 To the extent that it is reasonable for the county to expect the applicant to do so within the Immediate Need time frame, the applicant shall provide all documentation necessary to verify the family's eligibility for AFDC.

- (a) The county shall not deny an Immediate Need payment because the applicant failed to provide verification/documentation of eligibility for AFDC except as required under MPP 40-129.211(a) and (b) or when such verification is in the applicant's possession.

.5 Action on The Immediate Need Payment Request

- .51 A determination of eligibility for an Immediate Need payment shall be made no later than the next working day following receipt of the request.

- .52 When eligibility to an Immediate Need payment exists:

- .521 And eligibility for AFDC is verified within the Immediate Need time frame specified in MPP 40-129.51, the county shall issue the regular aid payment to which the applicant is eligible in lieu of the Immediate Need payment.

- (a) The aid payment shall be issued in the same manner as the Immediate Need payment in MPP 40-129.8.

40-129	IMMEDIATE NEED (Continued)	40-129
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- .522 And eligibility for AFDC is not verified within the Immediate Need time frame, the county shall issue the Immediate Need payment in accordance with MPP 40-129.8 unless the emergency situation is pending eviction and the applicant has requested an expedited determination of eligibility in accordance with MPP 40-129.7.

- .523 The county shall notify the applicant in writing in accordance with MPP 22-001a.(1).

- .53 When eligibility for an Immediate Need payment does not exist:
 - .531 The Immediate Need payment request shall be denied and the applicant notified in writing in accordance with MPP 22-001a.(1). Where notification is hand-delivered, a new Immediate Need Payment Request (CA 4, 9/90) shall also be given to the applicant.

 - .532 The AFDC eligibility determination process shall continue unless the family fails to meet financial eligibility or deprivation standards, in which case the AFDC application and the request for an Immediate Need payment may be denied concurrently.

 - .533 A denial of an Immediate Need payment request shall not constitute a basis for denial of the application for aid.

 - .534 The county shall deny the Immediate Need request in the following situations:
 - (a) The applicant is eligible for Immediate Need based on the need for food as defined in MPP 40-129.133 and the need for food has been met through the issuance of food stamps within one working day from the date of the Immediate Need request.

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- (1) In order for the request for an Immediate Need payment to be denied based on the issuance of food stamps to meet a food need, the applicant must be able to use the food stamps to feed the applicant and the applicant's family.
- (2) For example, a family is living in a hotel which prohibits the family from bringing food into the room. In this situation, the food stamps will not meet the family's need for food unless the food stamps can be used to purchase prepared meals at a location reasonably accessible to the hotel. If such prepared meals are not available, the request for an Immediate Need payment cannot be denied based on the issuance of food stamps.

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- (b) The applicant is eligible for an Immediate Need payment based on homelessness as defined in MPP 44-211.511 and a homeless assistance payment has been issued within one working day of the Immediate Need request.
- (c) The applicant is not apparently eligible in accordance with MPP 40-129.211.
- (d) The county has concluded, based upon all available information, that the applicant does not have an emergency situation.
- (e) The applicant is eligible for an Immediate Need payment based on an eviction as specified in MPP 40-129.132 and the applicant chooses an expedited eligibility determination for aid.
- (f) The need has been met through a referral to a community resource made in accordance with MPP 40-129.6.
- (g) The applicant is currently receiving AFDC or Refugee Cash Assistance.
- (h) The Immediate Need request was made by an individual being added to an existing assistance unit.
- (i) The Immediate Need request was made on behalf of a child placed in foster care.

40-129	IMMEDIATE NEED (Continued)	40-129
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- (j) The entire assistance unit is currently being sanctioned.
 - (k) The county is unable to establish the applicant's eligibility in the following circumstances:
 - (1) The applicant fails to cooperate as specified in MPP 40-129.214 or refuses to cooperate as specified in MPP 40-129.414(a).
 - (2) The applicant fails to keep the scheduled face-to-face interview.
- .6 Referral to Community Resources
- .61 The county shall have the option to refer the applicant to another public program or private resource to meet an emergency situation other than the need for shelter or food and the request for an Immediate Need payment may be denied, when all of the following conditions are met:
 - .611 During the application period not more than one referral is made and the referral, when made, is to meet no more than one need.
 - .612 The county has verified in advance that the specific need will be fully met by the public program or private resource by the end of the working day following the request for an Immediate Need payment. The case record shall be documented to show that the county has verified in advance that such need will be met.
 - .613 The family has the mental and physical capabilities to travel to the public program or private resource. Counties will complete the referral with due regard to the situation of the family as a whole.
 - .62 The county shall not refer the applicant to the public program or private resource when travel will create another emergency situation.
 - .63 When a referral to another public program or private resource is made, the county shall provide the applicant the following information in writing:
 - .631 The name, contact person, address and phone number of the public program or private resource, and
 - .632 The applicant's specific need that will be met by the referral to the public program or private resource, and
 - .633 If the other public program or private resource does not fully meet the applicant's need and the applicant returns within the Immediate Need time frame and remains eligible for an Immediate Need payment, the payment will be issued no later than the next working day following the date the county received the Immediate Need request.

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- .64 When the other public program or private resource does not fully meet the applicant's need and the applicant returns within the Immediate Need time frame, the county shall provide the applicant with an Immediate Need payment, providing the applicant remains eligible.

- .65 When the other public program or private resource does not fully meet the applicant's need and the applicant returns after the Immediate Need time frame, the county shall provide the applicant with a new Immediate Need Payment Request (CA 4, 9/90).

- .7 Expedited Determination of Eligibility
 - .71 If the emergency situation is an eviction, and the applicant is found to be eligible for an Immediate Need payment, the applicant shall be permitted to choose in writing either the Immediate Need payment or an expedited determination of AFDC cash aid eligibility when all of the following conditions are met:
 - .711 The applicant is in receipt of a notice of eviction, including a three-day notice to pay or quit; and
 - .712 The applicant has insufficient funds to pay the rent owing; and
 - .713 The applicant is currently residing in his/her home.

 - .72 Before the applicant chooses between the two options, the county shall inform the applicant in writing of the information and verification known to be necessary to determine eligibility for aid.

 - .73 The applicant's decision shall be documented in writing and retained in the case record.

 - .74 The expedited eligibility determination shall be completed and payment issued within three working days from the date of the Immediate Need payment request.

 - .75 The county shall issue the Immediate Need payment no later than the third working day if the eligibility determination cannot be completed.

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.8 Payment Issuance

.81 If AFDC eligibility has not been verified, the county shall issue the Immediate Need payment as follows:

.811 If the office where the Immediate Need payment request is received has in-house payment issuance capabilities for AFDC FG and U, then the Immediate Need payment shall be hand-delivered to the applicant in that office.

(a) The county shall deliver the payment no later than the next working day following the day the county received the Immediate Need request.

.812 If the office where the Immediate Need payment request is received does not have in-house payment issuance capabilities, the applicant shall be given the choice of having the Immediate Need payment hand-delivered either at another specified location or to the applicant at the office where the application was filed.

(a) When an applicant chooses to receive payment at another specified location, the county shall deliver the payment no later than the next working day following the day the county received the Immediate Need request.

(b) When an applicant chooses to receive payment at the office where the application was filed, the county shall deliver the payment no later than the third working day following the day the county received the Immediate Need request.

(c) When the applicant fails to pick up the payment, the county shall deposit it in the mail no later than the end of the next working day.

(d) The applicant's choice of payment method shall be documented in the case record.

.9 Completion of the AFDC Eligibility Determination Process

.91 When an Immediate Need payment has been issued, the county shall verify the applicant's eligibility for aid within 15 working days from the date of receipt of the Immediate Need payment request.

.911 The 15-working-day time frame shall apply to an Immediate Need request that was denied because the need was met by another public program or private resource.

40-129 IMMEDIATE NEED (Continued) 40-129

- .912 The 15-working-day time frame shall apply to an Immediate Need payment request that was denied because the emergency situation was a lack of housing and the need was met by the issuance of a homeless assistance payment.
- .913 When the 15-working-day time frame cannot be met, the eligibility verification process shall continue.
- .92 If verification of eligibility is completed, and the applicant determined eligible, the county shall compute the aid payment in accordance with the beginning date of aid rules at MPP 44-317.13.
- .93 The amount of aid payment shall be the grant amount less any Immediate Need payment the county issued for that month.
- .94 The county shall issue the payment as soon as administratively possible.
- .95 When an Immediate Need payment has been issued, and the applicant family is determined to be ineligible for AFDC benefits, the application shall be denied.

NOTE: Authority cited: Sections 10553, 10554, and 11209, Welfare and Institutions Code. Reference: Sections 11056, 11266, and 11270, Welfare and Institutions Code; and 45 CFR 205.52, 206.10 and 233.10(a)(1)(iv).

40-131 INTERVIEW REQUIREMENT 40-131

- .1 Interview Required Prior to Granting Aid
 - .11 A face-to-face interview with the applicant is required prior to the granting of aid. For the home visit requirement in CalWORKs, see Section 40-161.
 - .12 For any applicant who chooses to apply for both CalWORKs and CalFresh, as specified in Section 40-107(a)(6)(B), the CWD shall conduct a single interview for both programs. CalWORKs applicants shall not be required to see a different eligibility worker or otherwise be subjected to two interview requirements to obtain the benefits of both programs.

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- .121 Following the single interview, the application may be processed by separate workers to determine the eligibility and benefit levels for CalWORKs and CalFresh.

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40-131 INTERVIEW REQUIREMENT (Continued)**40-131****.2 Inability of Applicant to Participate in Interview**

When the applicant's appropriate Statement of Facts is to be completed on his/her behalf by a guardian, conservator, or other person as provided in Section 40-128, the application interview must be with such guardian, conservator, or other person and also with the applicant unless the applicant is unable to participate because of his/her physical or mental condition or is a child in foster care. The applicant's inability to participate in the interview must be determined by the county through personal contact with the applicant. Such personal contact is required before aid is authorized.

.3 Content of Application Interview

The application interview shall include discussion of the following as pertinent:

- (a) The meaning of the eligibility requirements for both cash grant and medical assistance.
- (b) The applicant's responsibility for reporting all facts and for notifying the county immediately of all changes of circumstances material to a correct determination of eligibility and grant.
- (c) The joint responsibility which the county and the applicant have for exploring all the facts concerning eligibility, needs and income, and the circumstances under which the applicant will be held responsible for presenting records or documents in his possession to support his statements.

This includes the circumstances under which the applicant will be asked to secure statements of their earnings and deductions from their employers and to report both to the county.

- (d) The confidential nature of all information disclosed to the CWD including circumstances under which information may be released to law enforcement officials. See Section 19-004.4.
- (e) The kinds of evidence which may be needed to establish eligibility. (See Section 40-157.)
- (f) The fact that an investigation may be undertaken with the full knowledge and consent of the applicant.
- (g) The purpose and provisions of appropriate public social service programs. (See Services Regulations.)
- (h) The availability of appropriate services and resources within the agency, including family planning (See Section 40-107(f)(2)).
- (i) The availability of assistance or service under some other program either public or private if the needed assistance or service cannot be met by the county department.

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- (j) The right to request a state hearing in relation to any action or inaction of the county, including a verbal explanation, in a manner and language which the applicant understands, of the nature of the state hearing process.
- (k) The purpose, provision, and availability of early and periodic screening, diagnosis and treatment services for children under the Child Health Disability Prevention (CHDP) program.
- (l) The responsibility of a parent to support his or her children and the right of the parent or caretaker relative living with the child for whom aid is requested to claim exemption from the cooperation requirements as provided in Section 82-512. The law requires as conditions of eligibility:
 - (1) the assignment of accrued spousal and child support rights for himself or herself and for all children required to be in the AU, and that the receipt of public assistance operates as an automatic assignment unless there is a written refusal to assign such rights; and
 - (2) cooperation in the identification and location of the absent parent, establishment of paternity, and establishment and enforcement of the support obligation unless exempted in accordance with the provisions of Section 82-512.
- (m) The furnishing of the Social Security Number (SSN) is a condition of eligibility required by 42 U.S.C. Section 1320b-7(a)(1) of the Social Security Act, and that the SSN will be utilized in the administration of the CalWORKs Program.
- (n) The fact that information regarding his/her eligibility will be requested through the automated Income and Eligibility Verification System (IEVS) and will be used to aid in determining their eligibility for assistance.
- (o) The applicant's responsibility to apply for and take all appropriate steps to obtain specific benefits for which he/she appears to be potentially eligible.
- (p) Reserved

40-131 INTERVIEW REQUIREMENT (Continued) **40-131**

- (q) The applicant's responsibility to cooperate in a quality control review.

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See Chapter 40-200, Quality Control Cooperation Requirements.

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- (r) The availability of transitional child care benefits and transitional Medi-Cal benefits for recipients who are discontinued from CalWORKs due to certain employment-related circumstances.
- (1) The county shall be permitted to discuss this information either at application or at time of approval.
- (s) The availability of program activities and supportive services of the WTW Program for which applicants and recipients may be eligible. (See Sections 40-107(a)(6) and (a)(7).)
- (t) The actions which constitute an IPV and the penalties to be applied to an individual who committed an IPV.
- (u) At application and each annual redetermination, applicants/recipients shall receive an informing notice regarding the availability of Stage One child care (see Section 47-301.2).

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- (v) Reserved

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- (w) The applicant's responsibility for identifying and providing information about third parties who may be liable for medical care and services.

40-131 INTERVIEW REQUIREMENT (Continued) 40-131

- (x) The applicant's responsibility, as specified in Section 40-105.4(c), to secure age-appropriate immunizations for all children in the AU under the age of six. Applicants shall also be informed of any county-specific immunization requirements. This informing shall include but is not limited to the criteria for what constitutes good cause.
- (y) The requirement that all school-age children in the AU must regularly attend school as specified in Section 40-105.5(a). Applicants shall also be informed of any county-specific school attendance requirements. This informing shall include but is not limited to: what constitutes irregular school attendance, the criteria for what constitutes good cause, time frames for complying, and the penalties for not complying.
- (z) See Section 42-715 for instructions in handling the discussion of domestic abuse in the application interview process.

NOTE: Authority cited: Sections 10553, 10554, 10604, and 18904, Welfare and Institutions Code. Reference: Sections 10613, 11209, 11253.5, 11265.8, 11268(a), 11280, 11323.3, 11324.8(a), AB 312, Chapter 1568, Statutes of 1990, 11495.1, 11500(b), and 11511(a), Welfare and Institutions Code; Section 37 of AB 444 (Chapter 1022, Statutes of 2002); 7 U.S.C. 2020(i), 7 CFR 273.2(j), 42 U.S.C. 616(f), 682(c)(2), (3) and (4), and 1320b-7(a)(1), 45 CFR 205.52(a)(1), 45 CFR 250.20, 45 CFR 250.40(a) and (b); 45 CFR 255.1; 45 CFR 256.1(b), and Section 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996.

40-157 PRINCIPLES AND METHODS OF DETERMINING ELIGIBILITY 40-157

- .1 Principles of Gathering Evidence
 - .11 All information secured in the process of determining eligibility shall be evaluated in light of its internal consistency.
 - .12 Each piece of evidence shall be evaluated in light of the motives and adequacy of knowledge of the person completing the record or document or making the statement.
 - .13 Evidence shall be evaluated qualitatively rather than quantitatively.
 - .14 When evidence is conflicting, inconsistent or incomplete, the investigation shall be pursued to the point that the preponderance of evidence supports the determination regarding the applicant's eligibility.
- .2 Methods of Gathering Evidence
 - .21 The gathering of evidence necessary to make an eligibility determination of an applicant is a joint responsibility of the applicant and the county.

40-157	PRINCIPLES AND METHODS OF DETERMINING ELIGIBILITY (Continued)	40-157
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- .211 The county shall inform the applicant what evidence is desired, why it is needed and how it will be used.
- .212 The applicant shall cooperate with the county in the evidence gathering process to the fullest extent possible.
- .213 When it is not possible for the applicant to obtain necessary evidence, the county shall obtain it for him.

- .22 When needed in the evidence gathering process, and as evidence of the applicant's consent thereto, a specific consent form, signed by the applicant and, if necessary, by the spouse (by both parents in AFDC when this is possible) shall be obtained for each such contact. The consent form should cover the purpose of the specific contact as well as the individual or agency to be consulted. Form 228, Applicant's Authorization for Release of Information, may be used for this purpose. A signed consent form is not required when public records are used or for the purposes of verifying information obtained through IEVS in accordance with Section 20-006.5.

- .3 Participation by the Applicant

If the applicant is able to assist in resolving incomplete, unclear or inconsistent statements on the Form CA 2 or is able to assist in the evidence gathering process but refuses to do either or both, the application shall be denied.

40-159	SPECIAL PROVISIONS FOR DETERMINING ELIGIBILITY	40-159
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.1 Aid Received Previously in Another County

When aid was received previously in another county, the county to which the recipient has moved will be responsible for determining the recipient's continued eligibility for payment of aid.

HANDBOOK BEGINS HERE

For Medi-Cal eligibility, see Medi-Cal Eligibility Manual Section 50136.

HANDBOOK ENDS HERE

.2 Aid Received Previously in Another Program

When aid was received previously under another public social services program, or as medically needy only, the determination of eligibility made under such other program is to be used, to the maximum extent possible, in determining eligibility under this program. (See Section 40-185 and Beginning Date of Aid sections.)

40-161	HOME VISIT	40-161
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A home visit prior to approval of aid and prior to completion of periodic redetermination of eligibility pursuant to 40-181.1 is required when living arrangements or other factors affecting eligibility, or apparent eligibility in cases of immediate need or diversion, cannot be satisfactorily determined without such a visit. However, the recipient's failure to comply with the provisions of Section 40-181.22 will result in the termination of the recipient's grant without the requirement of a home visit.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11266.5 (Ch. 270, Stats. 1997), Welfare and Institutions Code.

40-167	APPLICATION AND DETERMINATION OF ELIGIBILITY PROCEDURE FOR APPLICANTS IN STATE HOSPITALS WHO ARE TO BE RELEASED	40-167
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Repealed by Manual Letter No. EAS-86-01 (effective 1/17/86).

40-169	GAIN PARTICIPATION OR EMPLOYMENT REGISTRATION REQUIREMENTS FOR PERSONS APPLYING FOR AFDC OR INCLUDED IN THE ASSISTANCE UNIT	40-169
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Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

40-171	ACTION ON APPLICATIONS, INTERPROGRAM TRANSFERS AND INTRAPROGRAM STATUS CHANGES	40-171
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.1 Application Held Pending

.11 Action Deferred

When the individual, family, or child is ineligible at the time of application as provided in W&IC 11052 but it appears there will be eligibility within 60 days, action on the application is withheld. The applicant is notified of the withholding and of the date when action is to be taken. If the applicant is subsequently determined to be eligible, the beginning date of aid is determined as provided in the Aid Payment Chapter of these regulations.

.2 Actions -- General

Actions on applications consist of approvals, denials, withdrawals, or cancellations.

.21 Application or Request for Restoration Approved

40-171	ACTION ON APPLICATIONS, INTERPROGRAM TRANSFERS AND INTRAPROGRAM STATUS CHANGES (Continued)	40-171
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.211 Application Granted -- General

If eligibility is established aid to begin at a specified time shall be authorized on the date the determination of eligibility is completed.

(See Section 40-129 regarding applications granted on the basis of "immediate need" prior to the completion of the determination of eligibility.)

.212 Certification for Medical Assistance

Every applicant who is determined to be eligible shall be certified for medical assistance. If eligibility for medical assistance only is determined, the application is granted but is designated as "medically needy" and the applicant is certified for medical assistance. Certifications are to be made as provided in Medical Assistance Regulations, Title 22, California Administrative Code, Division 3, (W&IC 14017). The effective date of certification is determined as provided in Section 44-317.

.213 Restoration Following Discontinuance Due to Confinement in an Institution

Under this circumstance the county may elect to effect an "automatic restoration." To do this, two authorization documents shall be approved at the time aid is discontinued. On one form discontinuance is authorized. On the second form restoration of aid is authorized with no effective date specified. Upon release of the recipient from the institution the second authorization is completed by entering the effective date for restoration. (See Aid Payment Chapter.)

When aid is restored to a former recipient who has not during the period of discontinuance been known to the agency, the CA 2 shall be secured and any indicated determination of eligibility completed before aid is paid.

.22 Application or Request for Restoration Denied

.221 County action shall be taken to deny aid if:

- a. Proof of ineligibility for public assistance or for certification for medical assistance as medically needy is obtained. This does not apply when the applicant will become eligible with 60 days of his application. (See Section 40-171.11.)
- b. All reasonable facts concerning eligibility are examined without establishing eligibility.

40-171	ACTION ON APPLICATIONS, INTERPROGRAM TRANSFERS AND INTRAPROGRAM STATUS CHANGES (Continued)	40-171
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| | c. | The applicant's whereabouts is unknown. |
| | d. | The applicant fails to complete the Form CA 2. |
| | e. | Reserved |
| | f. | Reserved |
| | g. | Ineligibility occurs after the legal beginning date of aid but before action is taken to grant aid. |
| | h. | The applicant establishes residence in another state before the determination of eligibility is completed. |
| | i. | Failure to cooperate in providing evidence of eligibility in accordance with Section 40-126.344(b). |
| | j. | Refusal to cooperate in accordance with Section 40-105.1. |
| | k. | Any person required to provide fingerprint and photo images refuses or otherwise fails to do so. |
| .23 | Application or Request for Restoration Withdrawn | |
| .231 | An application can be withdrawn only upon the voluntary initiative of the applicant or person applying on his behalf. The request for withdrawal shall be in writing. | |
| .232 | There is no requirement that denial action be taken on an application which has been withdrawn. | |
| .233 | The Notice of Applicant Who Withdraws Application form is mailed or given to the applicant unless the county elects to take denial action, when the notification is by means of the appropriate Notice of Action form or its equivalent. | |

40-171	ACTION ON APPLICATIONS, INTERPROGRAM TRANSFERS AND INTRAPROGRAM STATUS CHANGES (Continued)	40-171
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.24 Application or Request for Restoration Cancelled

.241 An application or request for restoration of a cash grant is considered cancelled if the applicant dies before the determination is completed.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10830, 11201 (Ch. 270, Stats 1997) and 11275, Welfare and Institutions Code; and 42 USC 402(a)(6).

40-173	COUNTY DEPARTMENT RESPONSIBILITY FOR NOTIFYING APPLICANTS AND RECIPIENTS	40-173
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Prior to county action (except as provided in .7 below), the applicant or recipient shall be (a) notified of any county action which relates to his application, affects aid payment to him or his certification for medical assistance, or affects aid payments to him or his family, and (b) informed of his responsibility for reporting facts material to the determination of his eligibility. Such notification, advice, etc., shall be in simple understandable language. Required notifications are:

.1 Section 40-173.1(QR) shall become inoperative and Section 40-173.1(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Notice of County Action Granting Aid, Changing the Amount of the Grant, Changing the Recipient's Status or Not Changing the Amount of the Grant Following the Submittal of a Recipient Mid-quarter Report.

(SAR) Notice of County Action Granting Aid, Changing the Amount of the Grant, Changing the Recipient's Status or Not Changing the Amount of the Grant Following the Submittal of a Recipient Mid-Period Report.

Use appropriate Notice of Action form. Use appropriate Notice of Action form to report county action authorizing a supplemental grant or changing status from a cash grant to MN. (See Section 40-183.)

.2 Notification When Application is Held Pending Eligibility

Use appropriate Notice of Action form.

40-173 COUNTY DEPARTMENT RESPONSIBILITY FOR NOTIFYING APPLICANTS AND RECIPIENTS (Continued) 40-173

- .3 Notice of County Action Denying, Cancelling or Discontinuing Aid
Use appropriate Notice of Action form. (See Sections 22-021 and 22-022.)
- .4 Notification When Application is Withdrawn
Use the Notice to Applicant Who Withdraws Application form. If the county elects to deny the application, use appropriate Notice of Action form.
- .5 Notice to Recipient of His/Her Responsibility
Use the SAWS 2 instruction sheet to notify the recipient of his/her responsibilities according to Section 40-181. The notification shall be given at least the following times:
 - .51 At the time of the initial application on new cases or restorations.
 - .52 At the time of annual redetermination of eligibility.
- .6 Confirmation of Guidance and/or Suggestions Regarding Sale of Property
Regarding the sale of his real or personal property, written confirmation given to the applicant or recipient. Such written confirmation shall include a statement regarding the effect of the proposed sale on eligibility. A copy of such confirmation shall be filed in the case record.
- .7 Notification of Child/Spousal Disregard Payment
 - .71 An informational notice must be sent no later than concurrently with each child/spousal support disregard payment issued under Section 82-520.4. The notice language developed by the California Department of Social Services for this purpose shall be used.
- .8 Section 40-173.8(QR) et seq. shall become inoperative and Section 40-173.8(SAR) et seq. shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Notification of Income Reporting Threshold (IRT)

(QR) Counties must inform each AU in writing of their individual IRT at least once per quarter. Informing shall also occur when MAP amount changes, when the AU or family MAP size changes, when there is a change of persons who are required to report income, at redetermination, or upon recipient request. The informing notice shall include:

40-173	COUNTY DEPARTMENT RESPONSIBILITY FOR NOTIFYING APPLICANTS AND RECIPIENTS (Continued)	40-173
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(SAR) Notification of Income Reporting Threshold (IRT)

(SAR) Counties must inform each AU in writing of their individual IRT at least once per SAR period. Informing shall also occur when the AU or family MAP size changes, when there is a change of persons who are required to report income, when the amount of income used to calculate the grant changes, at redetermination, when the federal poverty levels are updated, upon recipient request and any other time the AU's IRT amount changes. The informing notice shall include:

(QR) .81 The requirement to report the receipt of gross monthly income that exceeds the IRT;

(SAR) .81 The requirement to report the receipt of gross monthly income that exceeds the IRT;

(QR) .82 The dollar amount of gross monthly income for the family MAP that exceeds the IRT; and

(SAR) .82 The dollar amount of the IRT for the AU; and

(QR) .83 The consequences of failing to report.

(SAR) .83 The consequences of failing to report.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10553, 10554, 10613, 11209, 11265.3, 11500(b), 11502(a) and (b), and 11511(a), Welfare and Institutions Code; 45 CFR 250.20; 45 CFR 250.40(b); 45 CFR 255.1; 45 CFR 256.1(b); 45 CFR 256.2(b)(1); 45 CFR 256.4(c); and Administration for Children and Families-Action Transmittal-91-1, dated June 16, 1992; and Section 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996.

40-181	CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY	40-181
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.1 General County Responsibility

(a) Section 40-181.1(a)(QR) shall become inoperative and Section 40-181.1(a)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181
(Continued)

(QR) The county paying aid shall be responsible for continuing to determine eligibility to insure payment only to eligible recipients in the correct amount, to assist recipients to meet their financial and service needs as full as possible, and to make maximum use of their resources and capabilities. For CalWORKs cases, eligibility shall be established by the use of the SAWS 2 at the time of application and then at one-year intervals, and also by the QR 7, and by recipients mid-quarter reports (see Section 44-316(QR) also see Section 82-832.3(QR)).

(SAR) The county paying aid shall be responsible for continuing to determine eligibility to insure payment only to eligible recipients in the correct amount, to assist recipients to meet their financial and service needs as fully as possible, and to make maximum use of their resources and capabilities. For CalWORKs cases, eligibility shall be established by the use of the SAWS 2 at the time of application and then at one-year intervals, and also by the SAR 7, and by recipient mid-period reports (see Sections 44-316(SAR) and 82-832.3(SAR)).

(1) Section 40-181.1(a)(1)(QR) shall become inoperative and Section 40-181(a)(1)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Eligibility regarding deprivation, household/AU composition, property, and the transfer of assets for less than fair market value shall only be determined on a quarterly basis based on the information reported on the QR 7. The county shall compare the information reported on the QR 7 with mid-quarter recipient reports (see Section 44-316(QR)) for accuracy. (Also see Section 82-832.3(QR).)

(SAR) Eligibility regarding deprivation, household/AU composition, property, and the transfer of assets for less than fair market value shall only be determined on a semi-annual basis based on the information reported on the SAR 7 or the SAWS 2. The county shall compare the information reported on the SAR 7 or the SAWS 2 with any mid-period recipient reports for accuracy. (See Sections 44-316(SAR) and 82-832.3(SAR).)

(2) Section 40-181.1(a)(2)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(SAR) The SAR 7 only asks for the recipient to report any changes since he or she last reported in regards to property, deprivation, and household/AU composition. If a recipient reports on the SAR 7 that there have been no changes since they last reported, the information on the last verified report (the SAWS 2 or any verified mid-period report) shall be used to determine continuing eligibility.

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181
(Continued)

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- (3) Handbook Section 40-181.1(a)(3)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(SAR) **Example:** A recipient is in a March through August SAR Payment Period. They make a voluntary mid-period report in April that they received an inheritance in the amount of \$5,000 and provide verification. The county sends the recipient a "no-change NOA" informing them that property is only evaluated once per SAR Payment Period. On the July SAR 7 submitted in August, the recipient reports that there have been no changes to their property since they last reported. The county discontinues the AU at the end of the SAR Payment Period for being over the property limit.

HANDBOOK ENDS HERE

(b) Reserved

(c) AFDC-FC and Kin-GAP cases

- (1) For AFDC-FC cases, eligibility shall be established by use of the SAWS 2 at the time of application if the parent or legal guardian is available and cooperating. If the parent or legal guardian is unavailable or not cooperating, eligibility shall be established by use of the SAWS 2 or FC 2. AFDC-FC eligibility shall be reestablished by use of the SAWS 2 or FC 2 at six-month intervals.

- (2) For children receiving Kin-GAP, eligibility shall be established by use of the KG 2 at the time of application. Kin-GAP eligibility shall be reestablished by use of the KG 2 at one-year intervals.

(d) Section 40-181.1(d)(QR) shall become inoperative and Section 40-181.1(d)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Additional determinations shall be made as necessary if unexpected changes in income or other circumstances occur which affect the eligibility or grant level of the recipient in accordance with Section 44-316(QR).

(SAR) Additional determinations shall be made as necessary if unexpected changes in income or other circumstances occur which affect the eligibility or grant level of the recipient in accordance with Section 44-316(SAR).

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181
(Continued)

- (e) Issuance of aid in the correct amount is a primary program objective. To achieve this objective it is essential that the county shall:
 - (1) Section 40-181.1(e)(1)(QR) shall become inoperative and Section 40-181.1(e)(1)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
 - (QR) Give applicants and recipients at the time of application and at least once every 12 months thereafter complete explanations in writing regarding factors which may cause ineligibility, underpayments or overpayments, penalties due to an IPV, and their responsibility to report changes as prescribed by Section 40-105.14(QR) (Applicant and Recipient Responsibility). The factors which are to be explained shall include changes in income and resources, changes in need, etc. These requirements are met by the use of the SAWS 2A-QR in CalWORKs. These requirements are met by the use of the KG 2A in Kin-GAP. Verbal explanations shall also be given when necessary to assure understanding. The recipient shall signify his/her understanding of his/her responsibilities in writing.
 - (SAR) Give applicants and recipients at the time of application and at least once every 12 months thereafter complete explanations in writing regarding factors which may cause ineligibility, underpayments or overpayments, penalties due to an IPV, and their responsibility to report changes as prescribed by Section 40-105.14(SAR) (Applicant and Recipient Responsibility). The factors which are to be explained shall include changes in income and resources, changes in need, etc. These requirements are met by the use of the SAWS 2A in CalWORKs. These requirements are met by the use of the KG 2A in Kin-GAP. Verbal explanations shall also be given when necessary to assure understanding. The recipient shall signify his/her understanding of his/her responsibilities in writing.
 - (2) Section 40-181.1(e)(2)(QR) shall become inoperative and Section 40-181.1(e)(2)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
 - (QR) In CalWORKs, the quarterly redetermination of eligibility shall follow the procedures described above. This requirement is met by the use of the QR 7. The QR 7 shall be carefully checked each quarter upon its receipt so that correct grant computations are made. Special care should be taken to correct grant adjustments for overpayments when income/resources change.
 - (SAR) In CalWORKs, the semi-annual redetermination of eligibility shall follow the procedures described in Section 40-181.1(a). This requirement is met by the use of the SAR 7 or the SAWS 2. The SAR 7 and SAWS 2 shall be carefully checked each semi-annual period upon receipt so that correct grant computations are made. Special care should be taken to correct grant adjustments for overpayments when income/resources change.

40-181	CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY	40-181
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(Continued)

- (3) All applicants for, and recipients of, assistance shall be notified in writing at the time of application, and at each redetermination that information available through IEVS will be requested, used, and may be verified through collateral contact when discrepancies are found by the CWD, and that such information may affect his or her eligibility and level of benefits.
- (4) In reunification cases, as defined in Section 80-301(r)(4), the parents shall be subject to a six-month CalWORKs eligibility redetermination based on the criteria in Section 40-181.2. The six-month period shall coordinate with the court's review of the reunification plan.
- (5) An eligibility redetermination shall be required to restore cash aid to the CalWORKs case when a family is reunified.
- (f) Aid shall not be discontinued nor a warrant cancelled without compliance with Section 22-022.
- (g) Section 40-181.1(g)(QR) shall become inoperative and Section 40-181.1(g)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
- (QR) Aid shall not be discontinued due solely to circumstances beyond the control of the recipient which prevents reporting changes that are required to be reported within ten calendar days of the change or prevents the prompt return of the SAWS 2 or QR 7 eligibility redetermination forms.
- (SAR) Aid shall not be discontinued due solely to circumstances beyond the control of the recipient which prevents reporting changes that are required to be reported within ten calendar days of the change or prevents the prompt return of the SAWS 2 or SAR 7 eligibility redetermination forms. (See Section 40-181.216(SAR) for information on good cause determinations for failing to complete the annual redetermination timely and Section 40-181.23(SAR) for information on good cause determinations for failure to submit a complete SAR 7 timely.)
- (h) The county is responsible for continuing identification of service needs of the recipient, including medical assistance, and to provide prompt referral for these services.

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181
(Continued)

- (i) Referrals for child abuse and neglect are mandatory and may be made without the knowledge or consent of the relative or other person with whom the child is residing.
 - (1) Income Maintenance staff shall refer to protective services whenever they suspect a child is being abused, neglected or exploited or that the home in which the child is living is unsuitable.
 - (2) Income Maintenance staff shall cooperate with protective services, the court, or other agency in planning or implementing action in the best interest of the child.
- (j) Index and file controls shall be established and maintained to ensure appropriate and timely action on items which could affect the recipients' eligibility or the amount of aid. This includes, but is not limited to, maintaining a "tickler file" informing eligibility workers when annual redeterminations are due.
- (k) Documents and/or evidence required of the applicant/recipient to support the initial and/or continuing determination of eligibility must be received by the county on or before the appropriate deadline established by the county and/or in conjunction with each Eligibility Chapter or these regulations. However, when the deadline falls on a Saturday, Sunday or holiday, the documents and/or evidence received on the first business day following the weekend or holiday shall have the same effect as if it had been received on the appointed day.
- (l) At each annual redetermination, recipients shall receive an informing notice regarding the availability of Stage One child care (see Section 47-301.2).
- (m) The county shall inform recipients in writing as specified in Section 40-105.4(c) of the requirement to obtain age-appropriate immunizations for all children in the AU under the age of six. Recipients shall also be informed of any county-specific immunization requirements. This informing shall include but is not limited to the criteria for what constitutes good cause, as defined by the county.
- (n) The county shall inform recipients in writing of the requirement that all school-age children in the AU must regularly attend school, as specified in Section 40-105.5(a). Recipients shall also be informed of any county-specific school attendance requirements. This informing shall include but is not limited to: what constitutes irregular school attendance, the criteria for what constitutes good cause, time frames for complying, and the penalties for not complying.
- (o) See Section 42-715 for general county responsibilities for addressing domestic abuse as part of continuing activities and eligibility determination.

40-181	CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY	40-181
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(Continued)

.2 Periodic Determination of Eligibility

.21 A redetermination of all circumstances of the recipient subject to change shall be completed at least once every twelve (12) months. The applicant/recipient shall complete the appropriate Statement of Facts at the time of application and at least once every 12 months after determination of eligibility. At the time of the annual redetermination and completion of the appropriate Statement of Facts, each recipient shall be either given or mailed informational material required by CDSS.

.211 For CalWORKs brochures describing benefits available under the Child Health and Disability Prevention (CHDP) program and how and where the benefits are provided within the county shall be given to the recipient during the redetermination interview specified in .311 below. Provisions of CHDP informational material shall be documented by notation upon the SAWS 2 form.

.212 Section 40-181.212(SAR) et seq. shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(SAR) The annual redetermination must be completed in the sixth month of the second Semi-Annual Payment Period of every year (six months after the SAR 7 is submitted). Because the redetermination acts as the second income eligibility report, a complete SAWS 2 must be received by the 15th day of the month in which it is due in order to allow sufficient time to determine benefit amounts and issue timely notice for the following Semi-Annual Payment Period.

(SAR) (a) Because the redetermination process acts as the second semi-annual eligibility report, the redetermination must be aligned with the SAR reporting cycle. The redetermination must be completed in the 6th month of the SAR cycle in which a SAR 7 is not due. However, if for any reason a redetermination takes place outside of the normal SAR Cycle, the county shall act mid-period on all information to increase, decrease, or discontinue cash aid as appropriate.

(SAR) Counties must align the CalWORKs redetermination period with the CalFresh recertification period (Section 63-504). In addition, counties must also align the submission of the annual redetermination with the 6th month of the SAR Payment Period in which a SAR 7 is not due.

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181
(Continued)

- .213 Section 40-181.213(QR) shall become inoperative and Section 40-181.213 (SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
- (QR) The determination shall be considered completed as soon as the appropriate Statement of Facts has been reviewed and a decision made and recorded by the Eligibility Worker as to whether eligibility continues or ineligibility exists. The next due date for completion of the Statement of Facts shall be established in relationship to this decision. In no event shall the decision on the completed Statement of Facts be delayed solely for the purpose of avoiding a change in the periodic due date of determination of eligibility.
- (SAR) The determination shall be considered completed as soon as the appropriate Statement of Facts has been reviewed and a decision made and recorded by the Eligibility Worker as to whether eligibility continues or ineligibility exists. The Statement of Facts shall be due once a year, in the same month of each year, unless the redetermination date needs to be changed in order to align it with the CalFresh recertification date.
- .214 Section 40-181.214(QR) shall become inoperative and section 40-181.214(SAR) et seq. shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
- (QR) If a recipient's circumstances change in such a way that it is necessary to review certain aspects of eligibility before the next Statement of Facts is due, the county shall decide whether a new Statement of Facts shall be completed. If the county decides it is necessary that the Statement of Facts be completed before the scheduled redetermination date, the next due date shall be adjusted accordingly.
- (SAR) Late Redeterminations
- (SAR) (a) When the redetermination of eligibility (SAWS 2) is not received by the 15th day of the month in which it is due, the county shall send the appropriate discontinuance notice.
- (SAR) (b) In addition to the notice of discontinuance, the county shall attempt to make a personal contact by a county worker with the recipient either by telephone or in a face-to-face meeting. During the personal contact the county shall remind the recipient that a redetermination must be completed no later than the last day of the month in which it is due.

40-181	CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY	40-181
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(Continued)

(SAR) (c) The CWD shall document in the case file how and when the contact was attempted or made.

(SAR) (d) If the recipient submits a completed SAWS 2 by close of business on the last day of the month in which it was due, the county shall rescind the discontinuance and determine eligibility and grant amount pursuant to 40-181.215(SAR) and 44-315(SAR).

.215 Section 40-181.215(SAR) et seq. shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(SAR) Processing Late Redeterminations

(SAR) (a) If a redetermination is completed after the 15th but on or before the last day of the month, the county shall:

(SAR) (1) Rescind the discontinuance action; and

(SAR) (2) Determine eligibility based on the information reported on the SAWS 2.

(SAR) (b) If the recipient submits a complete SAWS 2 during the month following discontinuance, upon recipient request, the CWD shall determine whether the recipient had good cause for failure to complete the redetermination timely, in accordance with Section 40-181.216(SAR).

.216 Section 40-181.216(SAR) et seq. shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(SAR) Good Cause Determination for Failure to Complete a Redetermination Timely

(SAR) A recipient may have good cause for not meeting the redetermination reporting requirements. Good cause exists only when the recipient cannot reasonably be expected to fulfill his/her reporting responsibilities due to factors outside of his/her control. The burden of proof rests with the recipient.

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- (SAR) (a) A good cause exemption shall only be granted if the request is made by the parent, other caretaker relative, or an authorized representative.

 - (SAR) (b) A request is defined as any clear expression to the county, whether verbal or written, that the recipient wants an opportunity to present his/her explanation for not meeting the redetermination reporting requirements. A request for a State Hearing also may be considered a request for good cause determination when the issue to be heard specifically relates to Section 40-181.21(SAR).

 - (SAR) (c) In lieu of a request, as required by (2) above, a county has the discretion to independently determine that one of the situations specified in (d) below exists.

 - (SAR) (d) Good cause exists in only the following situations:
 - (SAR) (1) When the recipient is suffering from a mental or physical condition which prevents timely and complete reporting.

 - (SAR) (2) When the recipient's failure to submit a timely and complete report is directly attributable to county error.

 - (SAR) (3) When the county finds other extenuating circumstances.

 - (SAR) (e) When the recipient has good cause for not reporting timely, the county shall rescind the discontinuance.

 - (SAR) (f) If the recipient is not found to have good cause for not reporting timely, the county shall determine eligibility based on applicant rules from the date that the complete SAWS 2 was submitted.

 - (SAR) (g) If the SAWS 2 is received more than a month following discontinuance, it shall be treated as a request for restoration of aid and eligibility shall be determined based on applicant rules from the date the complete SAWS 2 was received. (See Section 40-125.9.)
- .217 Section 40-181.217(QR) and Handbook Section 40-181.217(QR) shall become inoperative and Section 40-181.217(SAR) et seq. shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
- (QR) If the redetermination process is established outside of the QR Data Month, the county shall act mid-quarter on all information to increase, decrease, or discontinue cash aid as appropriate.

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(QR) Counties are encouraged to align the CalWORKs redetermination period with the Food Stamp Program recertification period (Section 63-504) to the extent possible. In addition, counties are strongly encouraged to align the submission of the annual redetermination with the submission of the QR 7, so that the QR Data Month information is also the information used for the redetermination.

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(SAR) For CalWORKs purposes, a redetermination is complete when all of the following requirements are met:

(SAR) (a) The response to all questions pertaining to CalWORKs eligibility and grant amount shall provide the county with information sufficient to answer the question. The information provided on the SAWS 2 together with the submitted evidence must be sufficient for the county to determine eligibility and grant amounts. This includes the income and any change in resources of a stepparent living in the home, and any person who is required to apply for aid under Section 40-118 but is excluded from the AU. Reported income shall include current earned, unearned, exempt, and nonexempt income and any reasonably anticipated changes to that income; and

(SAR) (b) Evidence shall be submitted with the SAWS 2 to verify the gross amount of all earned income received and the date of receipt. Evidence shall be submitted to verify initial receipt of or a change in the amount of unearned income received. Such evidence includes but is not limited to: pay stubs, letters of award or benefits (such as unemployment, disability, or Social Security), statements showing interest income, dividend income, tax return showing the amount of EIC received, etc. Documents and records submitted with the SAWS 2 shall be promptly returned to the recipient; and

(SAR) (c) The address along with other information provided on the SAWS 2 shall be sufficient for county administrative purposes, including the ability to locate the recipient; and

(SAR) (d) Information reported on the SAWS 2 must be consistent with other information which the county has verified to be accurate; and

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(Continued)

- (SAR) (e) The SAWS 2 shall be signed under penalty of perjury by each natural or adoptive parent or aided spouse of a parent or other caretaker relative living in the home, unless an individual so specified is temporarily absent from the home (see Section 82-812); and
 - (SAR) (f) The redetermination interview has been completed; and
 - (SAR) (g) The SAWS 2 shall include the SAR 22 (Sponsors Statement of Facts, Income and Resources) when the recipient is a sponsored non-citizen; and
 - (SAR) (h) The SAWS 2 shall include the SAR 23 (Senior Parent Statement of Facts) when a minor parent lives with his/her senior parent (see Section 89-201.5).
- .218 If the recipient is receiving or is potentially eligible to receive unconditionally available income, including but not limited to Old Age, Survivors, and Disability Insurance (OASDI) or benefits available to veterans of military service, it shall not be necessary to initiate a verification or referral procedure unless circumstances indicate a change in the recipient's eligibility for the benefit.
- .219 If, during a redetermination, the county determines that a recipient is no longer exempt from cooperation requirements, the county shall enforce those requirements.

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- (a) See Section 82-510, Cooperation Requirements

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- .22 Section 40-181.22(QR) shall become inoperative and Section 40-181.22(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
- (QR) CalWORKs recipients shall, in addition to the annual completion of the SAWS 2, complete and return the QR 7 to the county by the 5th calendar day of each QR Submit Month but not before the first calendar day of that month. QR 7s not received by the 11th of the QR Submit Month shall be considered late.
- (SAR) CalWORKs recipients shall, in addition to the annual completion of the SAWS 2, complete and return a SAR 7 to the county by the 5th calendar day of the SAR Submit Month in which a redetermination is not due, but not before the first calendar day of that month. SAR 7s not received by the 11th of the SAR Submit Month shall be considered late.

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.221 Section 40-181.221(QR) shall become inoperative and Section 40-181.221(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Late QR 7s

(SAR) Late SAR 7s

(a) Section 40-181.221(a)(QR) shall become inoperative and Section 40-181.221(a)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) When the QR 7 is not received by the 11th day of the QR Submit Month or the QR 7 is received but is not complete in accordance with the completeness criteria specified in Section 40-181.241(QR), the county shall send the appropriate discontinuance notice.

(SAR) When the SAR 7 is not received by the 11th day of the SAR Submit Month or the SAR 7 is received but is not complete in accordance with the completeness criteria specified in Section 40-181.241(SAR), the county shall send the appropriate discontinuance notice.

(b) Section 40-181.221(b)(QR) shall become inoperative and Section 40-181.221(b)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) When a QR 7 has not been received at the county after the notice of discontinuance has been sent, the county shall attempt to make a personal contact with the recipient either by telephone or in a face-to-face meeting. During the personal contact the county shall remind the recipient that a complete QR 7 must be received by the county no later than the first working day of the next QR Payment Quarter.

(SAR) When a SAR 7 has not been received at the county after the notice of discontinuance has been sent, the county shall attempt to make a personal contact by a county worker with the recipient either by telephone or in a face-to-face meeting. During the personal contact the county shall remind the recipient that a complete SAR 7 must be received by the county no later than the end of the first working day of the next SAR Payment Period.

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- (1) When the recipient cannot be personally contacted, a written reminder notice, which shall include language specified by SDSS, shall be mailed no later than five days prior to the last calendar day of the report month. Under no circumstances shall the reminder notice be mailed in the same envelope as the discontinuance notice required in Section 40-181.221(a).
- (c) The CWD shall document in the case file how and when the contact was attempted or made.
- (d) Section 40-181.221(d)(QR) shall become inoperative and Section 40-181.221(d)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
- (QR) If the recipient contacts the county on the first working day of the QR Payment Quarter to report nonreceipt of his or her warrant, the county shall inform the recipient of a pending discontinuance due to nonreceipt of a complete QR 7 and shall inform him/her that the discontinuance will be rescinded if a complete QR 7 is received by the end of that day.
- (SAR) If the recipient contacts the county on the first working day of the SAR Payment Period to report nonreceipt of his or her benefits, the county shall inform the recipient of a pending discontinuance due to nonreceipt of a complete SAR 7 and shall inform him/her that the discontinuance will be rescinded if a complete SAR 7 is received by the end of that day.
- (e) Section 40-181.221(e)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
- (SAR) If the recipient turns in an incomplete SAR 7 to the county on or before the first working day of the next SAR Payment Period, the county shall attempt to make a personal contact with the recipient, either by phone or by mail, to inform them that their SAR 7 is still not complete and that the discontinuance still stands.

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(f) Section 40-181.221(f)(QR) shall become inoperative and Section 40-181.221(f)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) The county shall not take action to notify the Local Child Support Agency or any affected employment or training program of a QR 7 related discontinuance until after the first working day of the next QR Payment Quarter.

(SAR) The county shall not take action to notify the Local Child Support Agency or any affected employment or training program of a SAR 7 related discontinuance until after the first working day of the next SAR Payment Period.

.222 Section 40-181.222(QR) shall become inoperative and Section 40-181.222(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Processing Late QR 7s

(SAR) Processing Late SAR 7s

(a) Section 40-181.222(a)(QR) et seq. shall become inoperative and Section 40-181.222(a)(SAR) et seq. shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) If a complete QR 7 is received after the 11th but on or before the first working day of the next QR Payment Quarter, the county shall:

(QR) (1) Rescind the discontinuance action; and

(QR) (2) Determine eligibility based on the information reported on the QR 7.

(SAR) If a complete SAR 7 is received after the 11th but on or before the first working day of the next SAR Payment Period, the county shall:

(SAR) (1) Rescind the discontinuance action; and

(SAR) (2) Determine eligibility based on the information reported on the SAR 7.

(b) Upon the request of the recipient, the CWD shall determine whether the recipient had good cause for failure to submit a timely report of earnings in accordance with Section 40-181.23

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(c) Section 40-181.222(c)(QR) shall become inoperative and Section 40-181.222(c) (SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) If a complete QR 7 is received after the first working day of the next QR Payment Quarter, but during the month following discontinuance for non-submittal of a complete QR 7, eligibility and benefits shall be determined as described in Section 40-125.943(QR).

(SAR) If a complete SAR 7 is received after the first working day of the next SAR Payment Period, but during the month following discontinuance for non-submittal of a complete SAR 7, eligibility and benefits shall be determined as described in Section 40-125.943(SAR).

.223 Section 40-181.223(QR) shall become inoperative and Section 40-181.223(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) In reunification cases, as defined in Section 80-301(r)(4), the parents are not required to submit a quarterly eligibility report as long as the reunification plan remains in place.

(SAR) In family reunification cases, as defined in Section 80-301(r)(4), the parents are not required to submit a semi-annual eligibility report as long as the reunification plan remains in place.

.23 Section 40-181.23(QR) shall become inoperative and Section 40-181.23(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Good Cause Determination for Failure to Submit a Complete QR 7 Timely

(QR) A recipient may have good cause for not meeting the quarterly reporting requirements. Good cause exists only when the recipient cannot reasonably be expected to fulfill his/her reporting responsibilities due to factors outside of his/her control. The burden of proof rests with the recipient.

(SAR) Good Cause Determination for Failure to Submit a Complete SAR 7 Timely

(SAR) A recipient may have good cause for not meeting the semi-annual reporting requirements. Good cause exists only when the recipient cannot reasonably be expected to fulfill his/her reporting responsibilities due to factors outside of his/her control. The burden of proof rests with the recipient.

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.231 Section 40-181.231(QR) shall become inoperative and Section 40-181.231(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) A good cause exemption shall only be granted if the request is made by the parent, other caretaker relative, or an authorized representative unless a good cause determination is required in accordance with Section 40-125.94(QR) (Restoration in the Calendar Month Following a QR 7 Discontinuance).

(SAR) A good cause exemption shall only be granted if the request is made by the parent, other caretaker relative, or an authorized representative unless a good cause determination is required in accordance with Section 40-125.94(SAR) (Restoration in the Calendar Month Following a SAR 7 Discontinuance).

(a) Section 40-181.231(a)(QR) shall become inoperative and Section 40-181.231(a)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) A request is defined as any clear expression to the county, whether verbal or written, that the recipient wants an opportunity to present his/her explanation for not meeting the quarterly reporting requirements. A request for a State Hearing also may be considered a request for good cause determination when the issue to be heard specifically relates to Section 40-181.22(QR).

(SAR) A request is defined as any clear expression to the county, whether verbal or written, that the recipient wants an opportunity to present his/her explanation for not meeting the semi-annual reporting requirements. A request for a State Hearing also may be considered a request for good cause determination when the issue to be heard specifically relates to Section 40-181.22(SAR).

.232 In lieu of a request, as required by .231 above, a county has the discretion to independently determine that one of the situations specified in .233 below exists.

.233 Good cause exists in only the following situations:

(a) When the recipient is suffering from a mental or physical condition which prevents timely and complete reporting.

(b) When the recipient's failure to submit a timely and complete report is directly attributable to county error.

(c) When the county finds other extenuating circumstances.

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.234 When the recipient has good cause for not reporting timely, the county shall rescind the discontinuance.

.24 Section 40-181.24(QR) shall become inoperative and Section 40-181.24(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Criteria for Evaluating Information Reported on the QR 7

(SAR) Criteria for Evaluating Information Reported on the SAR 7

.241 Section 40-181.241(QR) shall become inoperative and Section 40-181.241(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) For CalWORKs purposes, a QR 7 is complete when all the following requirements are met:

(SAR) For CalWORKs purposes, a SAR 7 is complete when all the following requirements are met:

(a) Section 40-181.241(a)(QR) shall become inoperative and Section 40-181.241(a)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) The date the QR 7 is signed shall be no earlier than the first day of the QR Submit Month.

(SAR) The date the SAR 7 is signed shall be no earlier than the first day of the SAR Submit Month.

(1) Section 40-181.241(a)(1)(QR) shall become inoperative and Section 40-181.241(a)(1)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

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(QR) This requirement is met when the date entered on the QR 7 by the recipient, together with other dated material provided with the QR 7 and the date on which the county mailed or gave the QR 7 to the recipient, clearly establishes that the QR 7 was signed no earlier than the first day of the QR Submit Month.

(SAR) This requirement is met when the date entered on the SAR 7 by the recipient, together with other dated material provided with the SAR 7 and the date on which the county mailed or gave the SAR 7 to the recipient, clearly establishes that the SAR 7 was signed no earlier than the first day of the SAR Submit Month.

(b) Section 40-181.241(b)(QR) shall become inoperative and Section 40-181.241(b)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) The address along with other information provided on the QR 7 shall be sufficient for county administrative purposes, including the ability to locate the recipient; and

(SAR) The address along with other information provided on the SAR 7 shall be sufficient for county administrative purposes, including the ability to locate the recipient; and

(c) Section 40-181.241(c)(QR) shall become inoperative and Section 40-181.241(c)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

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(QR) The QR 7 shall be signed under penalty of perjury by each natural or adoptive parent or aided spouse of a parent or other caretaker relative living in the home, unless an individual so specified is temporarily absent from the home (see Section 82-812); and

(SAR) The SAR 7 shall be signed under penalty of perjury by each natural or adoptive parent or aided spouse of a parent or other caretaker relative living in the home, unless an individual so specified is temporarily absent from the home (see Section 82-812); and

(d) (Reserved)

(e) Section 40-181.241(e)(QR) shall become inoperative and Section 40-181.241(e)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) The response to all questions pertaining to CalWORKs eligibility and grant amount shall provide the county with information sufficient to answer the question. The information provided on the QR 7 together with the submitted evidence must be sufficient for the county to determine eligibility and/or grant amounts. This includes the income and any change in resources of a stepparent living in the home, and any person who is required to apply for aid under Section 40-118 but is excluded from the AU. Reported income shall include earned, unearned, exempt, and nonexempt income received during the QR Data Month and income reasonably anticipated to be received during the next QR Payment Quarter; and

(SAR) The response to all questions pertaining to CalWORKs eligibility and grant amount shall provide the county with information sufficient to answer the question. The information provided on the SAR 7 together with the submitted evidence must be sufficient for the county to determine eligibility and/or grant amounts. This includes the income and any change in resources of a stepparent living in the home, and any person who is required to apply for aid under Section 40-118 but is excluded from the AU. Reported income shall include earned, unearned, exempt, and nonexempt income received during the SAR Data Month and any reasonably anticipated changes to this income during the next SAR Payment Period; and

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- (f) Section 40-181.241(f)(QR) shall become inoperative and Section 40-181.241(f)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

- (QR) Evidence shall be submitted with the QR 7 to verify the gross amount of all earned income received and the date of receipt. Evidence shall be submitted to verify initial receipt of or a change in the amount of unearned income received. Such evidence includes but is not limited to: pay stubs, letters of award or benefits (such as unemployment, disability, or Social Security), statements showing interest income, dividend income, tax return showing the amount of EIC received, etc. Documents and records submitted with the QR 7 shall be promptly returned to the recipient; and

- (SAR) Evidence shall be submitted with the SAR 7 to verify the gross amount of all earned income received and the date of receipt. Evidence shall be submitted to verify initial receipt of or a change in the amount of unearned income received. Such evidence includes but is not limited to: pay stubs, letters of award or benefits (such as unemployment, disability, or Social Security), statements showing interest income, dividend income, tax return showing the amount of EIC received, etc. Documents and records submitted with the SAR 7 shall be promptly returned to the recipient; and

- (g) Section 40-181.241(g)(QR) shall become inoperative and Section 40-181.241(g)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

- (QR) Information reported on the QR 7 must be consistent with other information which the county has verified to be accurate; and

- (SAR) Information reported on the SAR 7 must be consistent with other information which the county has verified to be accurate, including any verified mid-period reports; and

- (h) Section 40-181.241(h)(QR) shall become inoperative and Section 40-181.241(h)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

- (QR) The QR 7 shall include form QR 72 (as defined in Section 40-181.25(QR)) when the recipient is a sponsored non-citizen.

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- (SAR) The SAR 7 shall include form SAR 72 (as defined in Section 40-181.25(SAR)) when the recipient is a sponsored non-citizen.
- (i) Section 40-181.241(i)(QR) shall become inoperative and Section 40-181.241(i)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
- (QR) The Senior Parent Quarterly Income Report (QR 73) shall be submitted with the QR 7 when a minor parent lives with his/her senior parent (see Section 89-201.5). The completeness of the QR 73 shall be determined using the criteria for evaluating the completeness of the QR 7.
- (SAR) The Senior Parent Semi-Annual Income Report (SAR 73) shall be submitted with the SAR 7 when a minor parent lives with his/her senior parent (see Section 89-201.5). The completeness of the SAR 73 shall be determined using the criteria for evaluating the completeness of the SAR 7.
- .242 (Reserved)
- .243 The following information or evidence shall be provided before the appropriate deduction or disregard from earnings is allowed:
 - (a) Verification of self-employment expenses (see Section 44-113.212).
- .244 Section 40-181.244(QR) shall become inoperative and Section 40-181.244(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
- (QR) Failure to provide the information or evidence specified in Section 40-181.243 shall result in the disallowance of the deduction. Failure to provide the information on the form or to provide the evidence shall not, in and of itself, render the QR 7 incomplete as defined in Section 40-181.241(QR).
- (SAR) Failure to provide the information or evidence specified in Section 40-181.243 shall result in the disallowance of the deduction. Failure to provide the information on the form or to provide the evidence shall not, in and of itself, render the SAR 7 incomplete as defined in Section 40-181.241(SAR).

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.25 Sponsored Non-Citizen Reporting.

Section 40-181.25(QR) shall become inoperative and Section 40-181.25(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) In addition to the Quarterly Eligibility Report (QR 7), the recipient who is a sponsored non-citizen as defined in Section 43-119 shall report the income and resources of the sponsor.

(SAR) In addition to the Semi-Annual Eligibility Report (SAR 7), the recipient who is a sponsored non-citizen as defined in Section 43-119 shall report the income and resources of the sponsor.

.251 Section 40-181.251(QR) shall become inoperative and Section 40-181.251(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

Reporting of the sponsor's income and resources.

(QR) The recipient shall submit a completed Sponsors Quarterly Income and Resources Report (QR 72) to the county. The recipient is responsible for obtaining all information necessary to complete the QR 72 and for obtaining any cooperation necessary from the sponsor.

(SAR) The recipient shall submit a completed Sponsors Semi-Annual Income and Resources Report (SAR 72) to the county. The recipient is responsible for obtaining all information necessary to complete the SAR 72 and for obtaining any cooperation necessary from the sponsor.

.252 Section 40-181.252(QR) shall become inoperative and Section 40-181.252(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

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(QR) The QR 72 shall be due by the 5th calendar day of the QR Submit Month but not before the first calendar day of the next QR Payment Quarter. When the county has not received the completed QR 72 by the 11th calendar day of the QR Submit Month, the recipient has not met the requirement for returning a complete QR 7. See Section 40-181.22(QR). The QR 72 shall be considered complete if all the following requirements are met:

(SAR) The SAR 72 shall be due by the 5th calendar day of the SAR Submit Month but not before the first calendar day of the next SAR Submit Month. When the county has not received the completed SAR 72 by the 11th calendar day of the SAR Submit Month, the recipient has not met the requirement for returning a complete SAR 7. See Section 40-181.22(SAR). The SAR 72 shall be considered complete if all the following requirements are met:

(a) Section 40-181.252(a)(QR) shall become inoperative and Section 40-181.252(a)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Dated no earlier than the first day of the QR Submit Month; and

(SAR) Dated no earlier than the first day of the SAR Submit Month; and

(b) The boxes for the address and county where signed shall be completed; and

(c) Signed by the sponsor and the recipient; and

(d) All questions and items pertaining to the income and resources of the sponsor shall be fully answered; and

(e) The information together with the submitted evidence must provide the CWD with the necessary information to correctly determine the amount of income and resources to be deemed to the recipient; and

(f) Section 40-181.252(f)(QR) shall become inoperative and Section 40-181.252(f)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

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(Continued)

(QR) Evidence shall be submitted with the QR 72 to establish the gross amount of income received by the sponsor, and the date of receipt. See Section 40-181.241(f)(QR) for examples of acceptable evidence.

(SAR) Evidence shall be submitted with the SAR 72 to establish the gross amount of income received by the sponsor, and the date of receipt. See Section 40-181.241(f)(SAR) for examples of acceptable evidence.

.253 Section 40-181.253(QR) shall become inoperative and Section 40-181.253(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) A complete QR 7 includes form QR 72 (as defined in Section 40-181.251(QR)) when a member of the AU is a sponsored non-citizen. The failure to provide a completed QR 72 on or before the 1st calendar day of the next QR Payment Quarter shall result in discontinuance for those members of the AU who are sponsored non-citizens.

(SAR) A complete SAR 7 includes form SAR 72 (as defined in Section 40-181.251(SAR)) when a member of the AU is a sponsored non-citizen. The failure to provide a completed SAR 72 on or before the 1st calendar day of the next SAR Payment Period shall result in discontinuance for those members of the AU who are sponsored non-citizens.

.26 Section 40-181.26(QR) shall become inoperative and Section 40-181.26(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Failure to report or verify the receipt of a child/spousal support disregard payment issued under Section 82-520.2 will not result in an incomplete QR 7 nor in termination of aid.

(SAR) Failure to report or verify the receipt of a child/spousal support disregard payment issued under Section 82-520.2 will not result in an incomplete SAR 7 nor in termination of aid.

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181
(Continued)

.3 Methods of Periodic Determination of Eligibility

.31 Regulations governing the method of the initial determination also govern all continuing and periodic determinations. (See Sections 40-157 and 40-161.)

.311 Annual redeterminations, using the SAWS 2 form, shall include an interview with the parent or person responsible for the child. Where the parent is institutionalized, the interview should be conducted with the person having the responsibility for care and control of the child. This interview shall include a discussion of the recipient's responsibility to cooperate in a quality control review [see Section 40-131.3 (q)].

.312 Section 40-181.312(QR) shall become inoperative and Section 40-181.312(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Quarterly redeterminations using the QR 7 form, or special nonscheduled investigations conducted by the county, may include an interview with the parent or person responsible for the child.

(SAR) Semi-Annual redeterminations using the SAR 7 form, or special nonscheduled investigations conducted by the county, may include an interview with the parent or person responsible for the child.

.32 Section 40-181.32(QR) shall become inoperative and Section 40-181.32(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) The recipient's statements or the statements of his/her guardian or any other person acting for him/her and completing the appropriate Statement of Facts and QR 7(s), together with information obtained from all other sources, shall be assessed in the light of facts previously known and in relation to potentials for change in eligibility status or amount of grant.

(SAR) The recipient's statements or the statements of his/her guardian or any other person acting for him/her and completing the appropriate Statement of Facts and SAR 7(s), together with information obtained from all other sources, shall be assessed in the light of facts previously known and in relation to potentials for change in eligibility status or amount of grant.

40-181	CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY	40-181
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(Continued)

- .33 Failure to comply with the requirements of any periodic determination of eligibility shall result in a fraud penalty if the recipient is found to have committed an IPV.

- .4 Verification of Eligibility Through IEVS
 - .41 The county shall verify the eligibility of, and amount of assistance for, each applicant and recipient for aid through IEVS by:
 - .411 Submitting applicant information to IEVS as specified in Sections 20-006.211 and .212.
 - .412 Requesting on a quarterly basis income and eligibility information through IEVS for recipients in accordance with Section 20-006.22; and
 - .413 Including, for the purposes of .411 and .412 of this section, any other individuals whose income and resources are considered in determining the amount of assistance to the extent that the county collects the SSN of such individuals.

HANDBOOK BEGINS HERE

- (a) Other individuals whose income and resources are considered in determining the amount of assistance include, unless otherwise exempted by state or federal rule:
 - (1) Stepparents and senior parents living with the assistance unit;
 - (2) Individuals excluded due to ineligible alien status;
 - (3) Individuals who are excluded due to sanction or due to failure to cooperate in meeting a condition of eligibility; or
 - (4) The sponsor of a sponsored alien and the sponsor's spouse, if living with the sponsor.

- (b) For instance, if the county obtains the SSN of an ineligible alien parent living with the assistance unit, the number must be submitted to IEVS. However, if the number is not available for submission to IEVS, the assistance unit's eligibility shall not be affected.

HANDBOOK ENDS HERE

40-181	CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY	40-181
	(Continued)	

- .42 The county shall act on all information received through IEVS in accordance with the procedures specified in Section 20-006.4 and .5.

- .5 Determination of Eligibility During Absence From the State, County or Country
 - .51 A recipient who leaves the state, county, or country is responsible for informing the county paying aid immediately of his/her departure and of changes in his/her living plan, income, and needs. If absent from the state, he/she is also required to inform the county of his/her residence intent. If in the state but absent from the county paying aid, he/she is required to give information from which the county can determine if an intercounty transfer is in order (see Section 40-187). If the recipient leaves the state, the county shall immediately determine his/her residence intent and take appropriate action as provided in Chapter 42-400.

 - .52 Except for children receiving Kin-GAP, when a periodic determination of eligibility is due during a recipient's temporary absence from the state or county, the Statement of Facts (SAWS 2) shall be sent to a welfare agency in the locality. Such agency shall be requested to interview the recipient, secure the signed SAWS 2 and return it with a report on the recipient's plan regarding his/her living arrangements, current needs and income, if he/she is out of state.

 - .53 If it is not possible to secure the signed form and report through the agency within a reasonable time, direct request shall be made to the recipient to submit a completed form with a statement of his/her living arrangements, income and needs, and his/her intent as to residence out of state.

 - .54 If a periodic determination of eligibility is due within the transfer period (see Section 40-185) the county currently paying aid requests the county to which the case is being transferred to make the periodic determination.

NOTE: Authority cited: Sections 10553, 10554, 10604, 11203, 11265.1, 11369, and 18904, Welfare and Institutions Code. Reference: 42 U.S.C. 616(b) and (f); 45 CFR 233.28 and 233.29(c); and 45 CFR 235.112(b); 7 CFR 273.16(b); Sections 10063, 10553, 10554, 10604, 11008, 11203, 11253.5, 11254, 11265, 11265.1, 11265.2, 11265.3, 11265.8, 11280, 11450.12, 11451.5, 11486, and 11495.1, Welfare and Institutions Code; and Section 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193): California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

40-183 INTRAPROGRAM STATUS CHANGE**40-183**

Each assistance program has the following integral parts:

- (a) cash grants for maintenance with medical assistance, and
- (b) medical assistance for the medically needy.

.1 Intraprogram Status Change -- Defined

An intraprogram status change means change in status from one part of the same program to the other, i.e., from cash grant to medically needy and vice versa within the same program and changes between CalWORKs and AFDC-FC, or AFDC-FC and Kin -GAP, or CalWORKs and Kin-GAP. (See Sections 40-183.5 and 44-317.6.)

.2 Using Same Case Number and Record

It is recommended that the same case number and the same case record be utilized for aid and/or medical assistance certifications under either part of the program. The case is then designated by program as cash grant or medically needy, according to which ever is appropriate at the time.

.3 Circumstances in Which Status Change is Appropriate

An intraprogram status change is appropriate under the following circumstances:

- .31 The recipient becomes ineligible for a continuing cash grant but is eligible for certification for medical assistance as a medically needy person within the same program or
- .32 Circumstances of the person who has been certified as medically needy change so that upon application for AFDC or request for restoration as specified in Section 40-121 he/she is eligible for cash assistance for his/her maintenance needs within the same program.

.4 Change From a Cash Grant Recipient to Medically Needy

When the recipient becomes ineligible to a continuing cash grant but remains eligible for medical assistance as a medically needy person, the cash grant shall be discontinued. The discontinuance notice shall indicate that only the cash grant is terminated and that the recipient continues eligible as medically needy. Any necessary change in his certification for medical assistance to reflect his change in status from recipient to a medically needy person, shall be made.

40-187	INTERCOUNTY TRANSFER (Continued)	40-187
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| .12 | Expiration of Transfer Period | The end of the month following the 30-day transfer period after the first county either mails or electronically transfers the notification of the ICT to the second county or the end of the month in which aid is discontinued for cause, whichever is earlier. By mutual agreement of the counties involved, the transfer of responsibility may occur at an earlier date. |
| .13 | First County | The county from which the recipient has moved. |
| .14 | Intercounty Transfer | A transfer of responsibility for determination of eligibility and for provision of social services from one county to another. |
| .15 | Second County | The county to which the recipient has moved to make his home. |
| .16 | Transfer Period | The period of time in which the second county determines eligibility and the first county remains responsible for payment of aid. |

NOTE: Authority cited: Sections 10553, 10554, 10604, 11053, and 11102, Welfare and Institutions Code.
Reference: Sections 10553, 10554, 10604, 11450.018(a) and (b) and 11452.018(a), Welfare and Institutions Code.

40-188	TRANSFER PROCEDURE	40-188
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| .1 | First County | The first county shall: |
| .11 | Notify Second County | Notify the second county of the initiation of a case transfer in writing using the "Notification of Intercounty Transfer" form or via electronic data transfer. |
| .111 | Foster Care | Notify the second county of the initiation of a case transfer in writing by form FC 18 (2/97) "Notification of AFDC-Foster Care Transfer" or via electronic data transfer. |

40-188 TRANSFER PROCEDURE (Continued) 40-188

- .12 Inform Recipient Inform the recipient in writing of his/her responsibility to immediately apply for a redetermination of eligibility in the second county to avoid a break in aid.
- .121 Foster Care For children receiving AFDC-FC, where there is a legal guardian for the child, the first county shall inform the legal guardian in writing of his/her responsibility to apply for a redetermination of eligibility in the second county.
- .13 Provide Documentation Provide the second county within seven working days from the date that the first county notifies the second county of a case transfer (per Section 40-188.11), with copies of the most recent:
 - .131 CalWORKs SAWS 1 (Application for Cash Aid, CalFresh and/or Medical Assistance).
 - .132 CalWORKs Welfare-to-Work plan (See Section 42-711.6).
 - .133 CalWORKs-Incap Medical verification of incapacity.
 - .134 Exempt AU Status Verification of the AU's MAP exempt status.
 - .135 Foster Care SAWS 1; FC 2/JA 2/KG2; SOC 158A; Birth Certificate/Alien Status; Social Security Number, FC 3/FC 3A; Voluntary Placement Agreement, Legal Guardianship Papers, or Court Order which establishes the authority for placement; Independent Living Plan; evidence supporting federal and/or state eligibility; and any other information necessary to determine eligibility.
 - .136 Maximum Family Grant Informing Maximum Family Grant (MFG) informing notice or other documentation verifying that MFG informing requirements have been met (see Section 44-314).

40-188	TRANSFER PROCEDURE (Continued)	40-188
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.137	AU with Children Under Age 6	Verification of age-appropriate immunizations pursuant to Section 40-105.4(d), which the county has determined acceptable.
.138		Copies of any documents supporting the eligibility determination made by the first county when requested by the second county.
.139		Overpayment repayment record for overpayment(s) that will not be repaid before the end of the transfer period and will continue to be recouped by the second county through grant adjustment.
.14	Determine Eligibility	Section 40-188.14(QR) shall become inoperative and Section 40-188.14(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
	(QR)	Determine continuing eligibility and amount of cash aid from the most recent Quarterly Eligibility Report due during the transfer period. Once eligibility is determined, cash aid shall continue until the end of the QR Payment Quarter in which the transfer period ends.
	(SAR)	Determine continuing eligibility and amount of cash aid from the most recent Semi-Annual Eligibility Report (SAR 7 or SAWS 2) due during the transfer period. Once eligibility is determined, cash aid shall continue until the end of the SAR Payment Period in which the transfer period ends.
.15	Inform	Inform the second county of any changes in eligibility or payment level and send a copy of any resulting notice of action.
.16	Discontinue	Discontinue responsibility for the provision of aid at the end of the transfer period.
.17	Foster Care	Obtain notification, written or via electronic data transfer, from the second county of the receipt and disposition of the transfer.

40-188	TRANSFER PROCEDURE (Continued)	40-188
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.25 Foster Care Notification	Provide the first county with notification, written or via electronic data transfer, of the receipt and disposition of the transfer documentation.	
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NOTE: Authority cited: Sections 10553, 10554, 10605, 11052.6, 11053, 11102, and 11369, Welfare and Institutions Code. Reference: Sections 10553, 10554, 10605, and 11265.1, Welfare and Institutions Code; and Nickols v. Saenz Court Order Case Number 310867; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

40-189 COUNTY IN WHICH RECIPIENT MAKES HIS/HER HOME 40-189

- .1 Home County

A recipient is considered to "make his/her home" in the county in which he/she is physically residing.

- .2 Exceptions

The following are exceptions to .1 above:

 - .21 Maintaining Home

The recipient is maintaining a home in a county other than the county in which he/she is physically residing with the intent of returning to that home within four months.

 - .211 Four-Month Limitation

The four-month period starts from the date the county paying aid determines that the recipient is "maintaining a home" in a county other than that in which he/she is physically residing.
 - .212 Fails To Return Home

If the recipient fails to return within the four-month period, he/she is considered to have moved to the county in which he/she is physically residing.
 - .22 Farm Labor Family

The four-month limitation does not apply to the recipient farm labor family that goes to another county to work when a home is maintained to which the family will return when not working.

 - .221 County of Responsibility

The county responsible for paying aid is the county where the farm labor family maintains a home. The home county continues to be responsible for aid payment until the family establishes a home base in another county.
 - .23 AFDC-FC Placement

In AFDC-FC, a child placed by a public agency or a private agency which has legal custody because the child was relinquished to them or a court has given them legal custody, shall be considered to make his/her home in the county in which the court having jurisdiction for the child is located, regardless of whether the child's placement is located in another county.

40-189	COUNTY IN WHICH RECIPIENT MAKES HIS/HER HOME (Continued)	40-189
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| .24 | Inpatient in Public or Private Health Care Institutions | When the AU moves because a member of the AU must go to another county to be admitted to a public or private health care institution for inpatient care, the AU is considered to make its home in the first county. The AU must continue to maintain the existing home while out of the first county. |
| .25 | Inpatient Released From State Hospital | A recipient, who was part of an existing AU prior to entering a state hospital and is released from inpatient status in a state hospital, is considered to continue to make his/her home in the county where the AU resided prior to the AU member's admittance to the state hospital from which he/she was admitted for a period not to exceed three years following his/her release from the hospital. |
| .26 | Medical Care in Another County | When a member of an AU must go to another county solely because needed medical care is not available in the home county, the AU's home is considered to be the first county. The AU must continue to maintain the existing home while out of the first county. |
| .27 | Kin-GAP | In Kin-GAP, a child shall be considered to make his/her home in the county which had legal custody of the child pursuant to Section 40-125.8 immediately prior to the dismissal of dependency and establishment of the legal guardianship by the court. |

NOTE: Authority cited: Sections 10553, 10554, 10604, 11053, 11102, and 11369, Welfare and Institutions Code. Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

40-190	COUNTY RESPONSIBILITY			40-190
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| .1 | Initiation of Intercounty Transfer | An intercounty transfer shall be initiated immediately when: |
| .11 | First County is Notified of Move | The first county is notified that the recipient has moved his/her permanent residence to another county. |
| .12 | Foster Care Transfer | Responsibility for the child welfare services case management function of a child receiving AFDC-FC is transferred from an agency in one county to an agency in another county. |
| .121 | Legal Guardian | The child's legal guardian changes his/her county of residence, the first county shall transfer the AFDC-FC case to the second county. |
| .13 | Court Jurisdiction | Court jurisdiction for a child receiving AFDC-FC is received by a court that is located in another county. |
| .14 | Kin-GAP Transfer | A Kin-GAP child has been receiving aid from a county other than the county of responsibility as identified in Section 90-105.2, the case should be transferred to the county of responsibility. |
| .2 | Payment Responsibility | There shall be no interruption nor overlap in payment of aid when a recipient moves from one county to another county. |
| .21 | | Section 40-190.21(QR) shall become inoperative and Section 40-190.21(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's Declaration. |
| | (QR) Quarterly Reporting Cycle | The second county shall establish the recipient's quarterly reporting cycle which may differ from the first county's quarterly reporting cycle. |
| | (SAR) Semi-Annual Reporting Cycle | The second county shall establish the recipient's semi-annual reporting cycle which may differ from the first county's semi-annual reporting cycle, but must remain aligned with the CalFresh recertification date. |
| .22 | General Rule | The first county is responsible for continuing eligibility and aid payment during the transfer period. |

40-190 **COUNTY RESPONSIBILITY (Continued)** **40-190**

.23 Transfer of AU Members When a child(ren) moves to the home of a new caretaker relative, who resides in the second county, the first county's responsibility for payment of CalWORKs during the transfer period is as follows:

.231 Creation of New AU When the transfer of a child(ren) results in the creation of a new AU which consists of the transferred child plus one or more applicants for aid, the first county is responsible for eligibility and aid payment during the transfer period. The first county is responsible for adding the applicants to the existing AU in the first county.

HANDBOOK BEGINS HERE

(a) A child receiving CalWORKs from one county, the first county, moves to another county, the second county, to live with his mother. Also in the home are three of the mother's other children. The mother and the other children are unaided, but the mother requests aid for herself and also for these children.

The first county is responsible for eligibility and payment during the transfer period. The mother and children are added to the existing AU in the first county.

HANDBOOK ENDS HERE

.232 Addition to Existing AU When a transferred child is added to an existing AU which consists of the transferred child and persons currently aided in the second county, the second county is responsible for eligibility and payment for the entire AU. The second county is responsible for adding the transferred persons to the existing AU in the second county.

HANDBOOK BEGINS HERE

- (a) A child receiving CalWORKs from the first county moves to a second county to live with his mother, who is receiving CalWORKs from the second county for her three other children. The mother requests aid for the transferred child. The second county becomes responsible for eligibility and payment. The first county discontinues its case with appropriate notice. The second county adds the transferred child to the existing AU in the second county if otherwise eligible. There is no break in aid for the transferred child.

HANDBOOK ENDS HERE

- .24 Intraprogram Status Change When an intraprogram status change occurs during the transfer period, the first county is responsible for determining continuing eligibility and the aid payment until the end of the transfer period.

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- .241 If the intraprogram status change is from medically needy to cash grant status, see Sections 40-125.3 and 40-183.5 for county responsibility for determination of eligibility and payment of aid. Also, see Medi-Cal Eligibility Manual Section 50136 for county responsibility for continued Medi-Cal eligibility.

HANDBOOK ENDS HERE

- .25 Expiration of Transfer Period Upon the expiration of the transfer period, the second county is responsible for the payment of aid.
- .3 Exceptions to Payment Responsibility The following are exceptions to the payment responsibilities rule specified in Section 40-190.2.
- .31 Request for Homeless Assistance When an AU requests homeless assistance, see Section 44-211.515. The MAP amount for the county of residence is used.

40-190 COUNTY RESPONSIBILITY (Continued) **40-190**

.32	Foster Care Placement	No intercounty transfer is necessary when the first county places a child in a second county. The first county continues to be responsible for payment of aid.
.4	Discontinuance During Transfer Period	Responsibility of the first county ceases when payment of aid is discontinued during the transfer period.
.5	Overpayment Adjustment During Transfer Period	When the grant has been reduced to recoup an overpayment:
.51	First County	If the overpayment adjustment will continue beyond the transfer period, then the first county shall transmit the current repayment record and notify the second county to continue the overpayment adjustment upon expiration of the transfer period.
.52	Second County	When the intercounty transfer is completed, the second county shall continue to recoup the overpayment by grant adjustment until:
.521	Repaid in full	The overpayment is repaid in full, or
.522	Intercounty Transfer	The recipient moves to a subsequent county and, pursuant to an intercounty transfer, that county assumes responsibility for collection of the overpayment, or
.523	Aid is Discontinued	Payment of aid is discontinued, at which time the second county is responsible for recouping the balance of the overpayment through appropriate collection procedures.
.53	Retain Collections	Regardless of where the overpayment originated, the county that collects the overpayment will retain the amount collected and receive any collection incentives.

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See Sections 44-351 and 44-352, overpayment recovery and recoupment.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553, 10554, 10604, 11053, 11102, and 11369, Welfare and Institutions Code. Reference: Sections 10553, 10554, 10604, 11004, and 11265.1, Welfare and Institutions Code; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

40-191 DISCONTINUANCE DURING TRANSFER PERIOD 40-191

.1 Recipient Responsibility

Where aid is discontinued for cause during the transfer period, and the recipient does not appeal the discontinuance through the state hearing process but wishes to reapply due to a change in his/her circumstances, he/she must reapply for aid with the county in which he/she currently resides.

NOTE: Authority cited: Sections 10553, 10554, 10604, 11053 and 11102, Welfare and Institutions Code.
Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

40-193 GRANT REDUCED DURING TRANSFER PERIOD 40-193

Renumbered to Section 40-190 by Manual Letter No. EAS-97-07, effective 5/1/97.

40-195 TRANSFER PROCEDURE 40-195

Renumbered to Section 40-188 by Manual Letter No. EAS-97-07, effective 5/1/97.

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40-197 DISPUTE REGARDING COUNTY RESPONSIBILITY 40-197

.1 Referring Dispute to Department of Social Services (DSS)

When a county wishes to refer a dispute to DSS, a letter, signed by the director of the CWD, shall be sent in triplicate to DSS. The county shall also send copies of documents, correspondence, etc., which are pertinent to a determination of county responsibility and a summary of its contention in the dispute. The decision of DSS shall be final. When responsibility for payment is found to be in a county other than that paying aid, intercounty transfer shall be initiated. DSS will make any claim adjustments which are indicated based on a determination of county responsibility.

.2 Grant of Services During Dispute Period

In the event of a dispute, payment of aid to an otherwise eligible applicant or recipient, shall be provided by the county to which application is made or shall be continued by the county currently paying aid. Such payment shall continue pending the determination of the dispute and shall be subject to the claim adjustments provided in Section 40-197.1 above.

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**RECEPTION AND APPLICATION
QUALITY CONTROL COOPERATION REQUIREMENTS**

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40-207 **RESTORATION OR REAPPLICATION FOLLOWING DISCONTINUANCE** **40-207**
(Continued)

- .12 The assistance unit reapplies for aid at least 95 calendar days after the end of the annual review period in which the refusal to cooperate occurred, and has met all eligibility conditions.

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See Section 40-107.3, Eligibility Determination.

HANDBOOK ENDS HERE

40-209 **CAUSE DETERMINATION FOR NONCOOPERATION** **40-209**

- .1 The recipient may have good cause for failure or refusal to cooperate.
- .2 Good cause, as determined by the county welfare department, includes but is not limited to the following:
 - .21 Illness or incapacity.
 - .22 Court-required appearances or temporary incarceration.
 - .23 Family crisis or other change in circumstances.
 - .24 Other substantial and compelling reasons.

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**ELIGIBILITY AND ASSISTANCE STANDARDS
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**LINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY
DEPRIVATION OF PARENTAL SUPPORT OR CARE**

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CHAPTER 41-400 DEPRIVATION OF PARENTAL SUPPORT OR CARE

41-400 DEPRIVATION OF PARENTAL SUPPORT OR CARE 41-400

Deprivation of parental support or care is a separate and specific eligibility factor for CalWORKs. A child's deprivation is based on the status of his/her natural or adoptive parent or parents. (For AFDC-FC see Division 45.)

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 10063 (Ch. 270, Stats. 1997), Welfare and Institutions Code.

41-401 BASIS OF DEPRIVATION 41-401

- .1 A child is considered deprived of parental support or care if:
 - .11 Either parent is deceased (see Section 41-420);
 - .12 Either parent is physically or mentally incapacitated (see Section 41-430);
 - .13 The principal earner is unemployed (see Section 41-440);
 - .14 Either parent is continually absent from the home in which the child is living (see Section 41-450).
- .2 The recipient family of a child considered to be deprived of parental support or care due to the unemployment of the principal earner may continue to receive assistance, regardless of the number of hours the principal earner parent works, provided the AU meets all other eligibility requirements.
- .3 When the child is deprived of parental support or care for more than one reason, eligibility may be established on any basis of deprivation that appears in Section 41-401.1.

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Interpretation - Regardless of the basis of deprivation upon which the child is determined to be eligible for CalWORKs, the requirements for securing absent parent support remain unmodified.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10063 and 11201 (Ch. 270, Stats. 1997), Welfare and Institutions Code.

HANDBOOK CONTINUES

- (2) Before the child's birth, he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and
 - (i) If the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage, or within 300 days after its termination by death, annulment, declaration of invalidity, or divorce; or;
 - (ii) If the attempted marriage is invalid without a court order, the child is born within 300 days after the termination of cohabitation.
 - (3) After the child's birth, he and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with the law, although the attempted marriage is or could be declared invalid, and
 - (i) With his consent, he is named as the child's father on the child's birth certificate, or
 - (ii) He is obligated to support the child under a written voluntary promise or by a court order.
 - (4) He receives the child into his home and openly holds out the child as his natural child.
- (b) Except as provided in Section 621 of the Evidence Code, a presumption under this section is a rebuttable presumption affecting the burden of proof and may be rebutted in an appropriate action only by clear and convincing evidence. If two or more presumptions arise under this section which conflict with each other, the presumption which on the facts is founded on the weightier considerations of policy and logic controls. The presumption is rebutted by a court decree establishing paternity of the child by another man.

HANDBOOK CONTINUES

HANDBOOK CONTINUES

.222 Evidence Code Section 621:

- (a) Except as provided in subdivision (b), the issue of a wife cohabitating with her husband, who is not impotent or sterile, is conclusively presumed to be a child of the marriage.
- (b) Notwithstanding the provision of subdivision (a), if the court finds that the conclusions of all the experts, as disclosed by the evidence based upon blood tests performed pursuant to Chapter 2 (commencing with Section 890) of Division 7 are that the husband is not the father of the child, the question of paternity of the husband shall be resolved accordingly.

.223 Health and Safety Code Section 10577:

- (a) Any birth, fetal death, death, or marriage record which was registered within a period of one year from the date of the event under the provisions of this division, or any copy of such record or part thereof, properly certified by the State Registrar, local registrar, or county recorder, is prima facie evidence in all courts and places of the facts stated therein.

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.3 Presence of a Stepparent or UAM in the Home

Deprivation is not affected by the presence in the home of a stepparent or an unrelated adult male.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

41-405 TERMINATION OF DEPRIVATION 41-405

.1 When a basis for deprivation ceases, and the family remains in need, the county shall determine if any other basis for deprivation exists.

.11 Section 41-405.11(QR) shall become inoperative and Section 41-405.11(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

41-405 TERMINATION OF DEPRIVATION (Continued) 41-405

(QR) When a basis for deprivation ceases mid-quarter, the county shall not take mid-quarter action based on changes in deprivation. Any change in deprivation shall be reported on the QR 7 and any change in eligibility or grant amount that results from the change in deprivation shall be effective the first day of the next QR Payment Quarter.

(SAR) When a basis for deprivation ceases mid-period, the county shall not take mid-period action based on changes in deprivation. Any change in deprivation shall be reported on the SAR 7 or the SAWS 2 and any change in eligibility or grant amount that results from the change in deprivation shall be effective the first day of the next SAR Payment Period.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11265.2 and 11450.5, Welfare and Institutions Code.

41-410 RELINQUISHMENT FOR ADOPTION 41-410

Repealed by DSS Manual Letter No. EAS-88-05.

41-420 PARENT IS DECEASED 41-420

- .1 Deprivation exists if either parent is deceased.
- .2 Acceptable evidence of the death of a parent is:
 - .21 A copy of the death certificate.
 - .22 An award letter from the Social Security Administration based on the death of the parent.
 - .23 A newspaper account of the parent's death.
 - .24 Other reliable documentation

41-430 **PHYSICAL OR MENTAL INCAPACITY OF A PARENT** (Continued) **41-430**

- .22 Form CA 341 (Medical Report) or other written statement from a physician licensed or certified psychologist, or by an authorized member of his or her staff with access to the patient's medical records that provides information sufficient to substantiate the determination of incapacity and includes the following:
- .221 A diagnosis of the parent's condition and explanation of the extent to which it prevents him or her from engaging in employment or why it reduces substantially, or eliminates the parent's ability to support or care for the child.
 - .222 The expected duration of the condition, and date of the next scheduled examination or appointment.
 - .223 The doctor's name, address and phone number.
- .23 Where a written statement cannot be obtained without delay, for reasons beyond control of the applicant, a verbal statement from the physician, licensed or certified psychologist or an authorized staff member with access to the applicant's medical records verifying incapacity as specified above may be accepted pending written verification up to a maximum of 60 days.

If obtained verbally, documentation must include the date verification was obtained, the name of the person who supplied the verification, and the name of the county person who obtained verification.

.3 Review

If the individual's condition is expected to last more than one year it is to be reviewed at the annual reinvestigation. If the condition is not expected to last more than one year, review is to be completed at the time the condition is expected to end or earlier if there is reason to believe there has been a change in the condition.

41-440 **UNEMPLOYED PARENT PROGRAM** **41-440**

The requirements of Section 41-440 apply to all principal earners who establish deprivation based on unemployment whether the individual is included or excluded from the assistance unit.

.1 Definitions

(a) Unemployed Parent:

- (1) An unemployed parent is one of the natural or adoptive parents with whom a child is living, who is the principal earner [see Section 41-440.1(b)], and who:

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EXAMPLE:

A principal earner is self-employed as a salesperson selling a product door-to-door. The individual spent the following hours during the four-week period prior to the date of eligibility in connection with his/her occupation:

36 hours collecting orders for the product.

12 hours ordering the products from the supplier. This includes completing the necessary work and going to the post office.

5 hours developing and delivering flyers advertising the business.

4 hours with floor duty at the distributor's office.

32 hours delivering the products to the customers.

10 hours distributing new catalogs.

In this situation, all of the above hours count as hours worked because all hours were spent promoting the business or attempting to or making contact with prospective or actual customers.

HANDBOOK ENDS HERE

- (c) Principal Earner: In a home in which both parents of an eligible child are living, the principal earner is whichever parent earned the greater amount of income in the 24-month period, the last month of which immediately precedes the date of application or the month of transfer to the unemployed parent program as defined in Section 41-440.1(d):

When both parents qualify as the principal earner and have earned an identical amount of income in such 24-month period, the county in consultation with the parents shall designate which parent is the principal earner. Once the principal earner has been determined correctly, the parent continues to be the principal earner for each consecutive month for which the family receives aid under the unemployed parent program.

41-440	UNEMPLOYED PARENT PROGRAM (Continued)	41-440
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(d) Date of Transfer to the unemployed parent program: The date for determining the transfer to the unemployed parent program is either:

- (1) the date of application for CalWORKs benefits on the basis of unemployment of the principal earner, or
- (2) the date of an interprogram status change when a family's circumstances have changed in such a way that eligibility may be established for the unemployed parent program; for example, a parent returns to the home, a parent is no longer incapacitated.

The county shall identify the need for and assist the recipient in making the status change.

(e) Applicants for aid who are participating in an on-the-job training (OJT) program or any similar work training activity, in which the parent is paid a wage, shall be considered employed for purposes of determining deprivation.

(f) Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

(g) Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

(h) Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

(i) Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

(j) Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

(k) Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

(l) Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

(m) Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

(n) Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

41-440 UNEMPLOYED PARENT PROGRAM (Continued) 41-440

.2 Requirements to be Met in Order to Establish Deprivation Due to Unemployment

To establish deprivation due to unemployment, the following requirements shall be met;

- .21 Deprivation shall be due to the unemployment of the principal earner. Deprivation due to unemployment exists if the principal earner is unemployed (See Section 41-440.1(a) for definition of unemployed) and the child would otherwise be deprived for AFDC except that neither of his/her parents is deceased, incapacitated, or absent from the home.
- .22 The principal earner shall have worked less than 100 hours (Section 41-440.1(a)) during the four-week period prior to the date of eligibility for cash aid based on unemployment deprivation. The four-week period shall be adjusted daily to determine the four-week period in which the applicant principal earner worked less than 100 hours. (See Handbook Section below.)
 - .221 An individual who applies for CalWORKs after leaving aid due to AB 98 subsidized employment income as described in Sections 42-716.811(a) and 42-716.813(a), shall be considered a current recipient for the purpose of establishing unemployment deprivation if he or she applies within three calendar months of the subsidized employment ending.
 - (a) During the three calendar month period after the subsidized employment ends, the 100-hour work rule as described in Section 41-440.22 shall not apply.
 - (b) If an individual applies for CalWORKs after this three-month period has passed, he or she shall be considered an applicant for the purpose of establishing unemployment deprivation as described in Section 41-440.22, and the 100-hour work rule will apply. (See Handbook Section below.)

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.222 EXAMPLE:

An applicant principal earner was laid off on April 13th and worked a total of 40 hours in April and 40 hours per week in March. The family applied for aid on April 14th. The original four-week period would be from March 17th through April 13th. Since the PE worked 120 hours during this four-week period, a new four-week period would need to be identified.

March 18th through April 14th = 112 hours
March 19th through April 15th = 104 hours
March 20th through April 16th = 96 hours

The qualifying four-week period in which the PE worked less than 100 hours would be from March 20th through April 16th. The beginning date of aid for this family would be April 17th, if otherwise eligible.

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41-440 UNEMPLOYED PARENT PROGRAM (Continued) 41-440

- .23 The principal earner, who is apparently eligible for UIB (see Section 82-610), shall apply for and accept any unemployment insurance benefits (UIB) to which he/she is entitled, when referred to EDD by the county welfare department. When the principal earner does not meet this requirement, unemployment deprivation does not exist for the family. This requirement is considered to be met on the date of application as long as it is completed by the date of authorization of aid.
- .24 The principal earner shall not be considered to be unemployed as a result of his/her participation in a strike.
- .3 Repealed by Manual Letter No.85-44, effective 7/1/85.
- .4 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.
- .5 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.
- .6 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.
- .7 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

NOTE: Authority cited: Sections 10553, 10554, 10604, 11209, and 11450(g), Welfare and Institutions Code. Reference: Sections 10553, 10554, 10604, 11201, 11201.5, 11270, and 11322.63(b), Welfare and Institutions Code; and 45 CFR 233.10(a)(1), 233.100(a)(5), and 250.30(b); Family Support Act of 1988, Public Law (PL) 100-485, October 13, 1988; Family Support Administration Action Transmittal 91-15 (FSA-AT-91-15), dated April 23, 1991; and Omnibus Budget Reconciliation Act (OBRA) of 1990, Section 5061.

41-441 PROCEDURES FOR REFERRAL TO AND COMMUNICATIONS WITH EDD-JS FOR APPLICANTS/RECIPIENTS 41-441

Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

41-442 CAUSE DETERMINATIONS AND PENALTIES 41-442

Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

41-450 CONTINUED ABSENCE OF A PARENT 41-450

.1 Definition of "Continued Absence"

- .11 "Continued Absence" exists when the natural parent is physically absent from the home, and the nature of the absence results in an interruption or termination of the parent's functioning as a provider of maintenance, physical care, or guidance for the child, regardless of the reason for the absence or the length of time the parent has been absent, and the known or indefinite duration of the absence precludes counting on the parent's performance in planning for the present support or care of the child.

If such an interruption or termination of performance of parental responsibilities exists, "continued absence" shall be considered to exist for purposes of eligibility for AFDC even if the parent remains in contact with the child through regular or frequent visitation. Regular or frequent visits with the child by a parent who is physically absent from the home shall not, in and of itself, prevent a determination that "continued absence" exists. "Continued absence" shall be considered to exist when the child lives with each parent for alternating periods of time.

"Continued absence" shall also be considered to exist when a parent who is a convicted offender is permitted to live at home while serving a court imposed sentence by performing unpaid public work or unpaid community service during the workday. This parent may be eligible to receive AFDC. (See Sections 44-203.213, 82-828.2, and 80-301(a)(5).

- .12 "Continued Absence" does not exist when one parent is physically absent from the home on a temporary basis (see Section 82-812). Examples are visits, trips or temporary assignments undertaken in connection with current or prospective employment.

- .13 "Continued Absence" does not exist when a parent is absent for the sole reason of performing active duty in the uniformed services of the United States.

.131 Uniformed services of the United States means the Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanographic and Atmospheric Administration and the Public Health Service of the United States.

.132 When an individual provides appropriate evidence (see Section 41-450.4) to establish that continued absence would exist irrespective of the parent's performance of active duty in the uniformed service of the United States, continued absence shall be considered to exist.

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- .14 When a question exists regarding continued absence of a parent various factors may be considered such as but not limited to:
- .141 Does the parent provide day-to-day care and control of the child?
 - .142 Do the parents maintain separate homes?
 - .143 Do the parents have separate mailing addresses?
 - .144 Do the parents maintain their money separately?
 - .145 Do the parents have access to each others income or resources?
 - .146 Is the parent absent due to hospitalization; attendance at school; visiting; vacationing; or moving or trips made in connection with current or prospective employment?

Other similar factors may also be considered. A single factor may not be determinative.

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.2 Circumstances That Meet the Definition of "Continued Absence"

The continued absence of a parent from the home as defined in Section 41-450.1, includes but is not limited to the following circumstances:

- .21 The parents are not married to each other and have not maintained a home together.
- .22 The parent:
 - .221 Is not legally able to return to the home because of confinement in a penal or correctional institution, or
 - .222 Has been deported, or
 - .223 Has voluntarily left the country because of the threat of, or the knowledge that he or she is subject to deportation.

41-450 CONTINUED ABSENCE OF A PARENT (Continued) 41-450

- .23 A parent has filed, or retained legal counsel for the purpose of filing an action for dissolution of marriage, for a judgment of nullity, or for legal separation.
 - .24 The court has issued an injunction forbidding the parent to visit the custodial parent or child.
 - .25 The remaining parent has presented a signed, written statement (see .5 below) that the other parent has left the family and that the nature of the absence constitutes continued absence as defined in .1 above.
 - .26 Both parents are physically out of the home and their whereabouts are not known.
- .3 Beginning Date of "Continued Absence"
- Deprivation due to "continued absence" exists as of the date that one of the foregoing circumstances occurs, as shown by evidence presented in accordance with Section 41-450.4.
- .4 Evidence of "Continued Absence"
- .41 The written statement of the applicant or recipient parent may be considered sufficient evidence of "continued absence" of the other parent, unless conflicting information is known to the county or reasonable doubt indicates further evidence is necessary.
 - .42 If conflicting information is known to the county or reasonable doubt indicates further evidence is necessary, the written statement of the applicant or recipient parent must be supported by at least one of the following:
 - a. Additional evidence indicating "continued absence", which may include written statements of the absent parent or other persons with prior knowledge of the family relationship; or
 - b. Evidence of the actions of the applicant or the recipient or the absent parent that clearly indicate not only the physical absence of the other parent but also the continued nature of the absence as defined in Section 41-450.1 above.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

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**LINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY
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Repealed by Manual Letter No. EAS-90-04, effective 10/1/90.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.

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**LINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY
STATE-ONLY AFDC-U PROGRAM**

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Repealed by Manual Letter No. EAS-91-10, effective 8/1/91.

NOTE: Authority cited: Sections 10553, 10554, and 11270, Welfare and Institutions Code. Reference: Sections 11056, 11201(b), and 11315, Welfare and Institutions Code.

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Repealed by Manual Letter No. EAS-91-10, effective 8/1/91.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.

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Repealed by Manual Letter No. EAS-91-10, effective 8/1/91.

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Entire Chapter Repealed by Manual Letter No. EAS-91-10, effective 8/1/91

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Repealed by Manual Letter No. EAS-91-10, effective 8/1/91

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Repealed by Manual Letter No. EAS-91-10, effective 8/1/91

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**ELIGIBILITY AND ASSISTANCE STANDARDS
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DIVISION 42 NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY**CHAPTER 42-100 AGE****42-101 AGE REQUIREMENT****42-101**

- .1 A child meets the age requirement for CalWORKs eligibility until his/her 18th birthday. A child 18 years of age may be eligible if the requirements in Section 42-101.2 are met.
- .2 A child 18 years of age is eligible for CalWORKs only if he/she is enrolled as a full-time student (as defined by the school) in high school or, if he/she has not completed high school, in a vocational or technical training program which cannot result in a college degree, provided he/she can reasonably be expected to complete either program before reaching age 19.
 - .21 The requirements of this section cannot be met by correspondence course work.
 - .22 A student enrolled in a full-time program shall be considered attending on a full-time basis until enrollment is terminated by the school or the student.
 - .23 In addition, for a child in receipt of Kin-GAP, the child and placement agency must sign a mutual agreement (KG 1) prior to or within the month the child reaches age 18.
- .3 Children who currently receive or have in the past received SSI/SSP benefits shall be considered disabled. Parent/caretaker relatives shall cooperate with the CWDs to obtain verification of receipt of SSI/SSP benefits. Past or present 18-year-old recipients of SSI/SSP benefits who attend school full-time shall be considered an eligible child in their parent/caretaker relative's AU and aid shall continue for the otherwise eligible parent/caretaker relative until the child completes the program, turns 19 or stops attending school full-time, whichever occurs first.
 - .31 Verification may include a copy of a Social Security determination letter. To determine if the child who is turning 18-years-old is attending school full-time, verification shall be obtained in accordance with MPP Section 40-105.5 (b).
- .4 Children who currently receive or have in the past received services through a Regional Center Program pursuant to the Lanterman Act shall be considered disabled. Parent/caretaker relatives shall cooperate with the CWD to obtain verification of receipt of services. Otherwise eligible 18-year-olds who attend school full-time and are considered disabled under this criterion shall be eligible for CalWORKs benefits until they complete the program, turn 19 or stop attending school full-time, whichever occurs first.
 - .41 Verification may include a statement from the Regional Center stating that the child is currently receiving or has in the past received services. To determine if the child who is turning 18-years-old is attending school full-time, verification shall be obtained in accordance with MPP Section 40-105.5(b).

42-101 AGE REQUIREMENT (Continued)

42-101

- .5 Children who currently receive services at school in accordance with their Individual Education Plan (IEP) or receive services under/pursuant to Section 504 of the Rehabilitation Act (e.g., a Section 504 Plan or Section 504 Accommodation Plan) or have received such services in the past, shall be considered to be disabled. Parent/caretaker relatives shall cooperate with the CWD to obtain verification of receipt of services. Otherwise eligible 18-year-olds who attend school full-time and are considered disabled under this criterion shall be eligible for CalWORKs benefits until they complete the program, turn 19 or stop attending school full-time, whichever occurs first.
- .51 Verification may include a copy of the child's IEP or Section 504 Plan/Section 504 Accommodation Plan (MPP 40-105.5 (b)). To determine if the child who is turning 18 years-old is attending school full-time, verification shall be obtained in accordance with MPP Section 40-105.5 (b).
- .6 When a child's disability cannot be verified by the criteria described above, the parent/caretaker relative can provide independent verification or authorize the CWD to obtain documentation from a health care provider or a trained, qualified learning disabilities evaluation professional of a current or past disability. Otherwise eligible 18-year-olds who attend school full-time and are considered disabled under this criterion shall be eligible for CalWORKs benefits until they complete the program, turn 19 or stop attending school full-time, whichever occurs first. To determine if the child who is turning 18-years-old is attending school full-time, verification shall be obtained in accordance with MPP Section 40-105.5(b).

NOTE: Authority cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code. Reference: Sections 10063(a), and 11253, Welfare and Institutions Code, Fry v. Saenz 98 Cal.App.4th256, and Fry v. Saenz, (Sacramento County Superior Court), Case No. 00CS01350, Judgment and Peremptory Writ of Mandate, July 7, 2004.

42-111 EVIDENCE OF AGE 42-111

- .1 Determination of a child's age shall be based on acceptable evidence, including, but not limited to the following, which the county determines to be substantive and genuine:
 - a. Birth certificate or hospital's, physician's or midwife's birth record.
 - b. Baptismal certificate or church record of baptism.
 - c. Confirmation papers or church record of confirmation.
 - d. School records.
 - e. Indian agency records (if applicable).
 - f. Immigration papers or governmental record of immigration.
 - g. Naturalization papers or governmental record of naturalization.
 - h. Adoption decree.
 - i. Passport.
 - j. State of Federal census record.
 - k. The affidavit of an adult if it is based on his personal knowledge of facts which would determine the probable age of the applicant and is not merely a statement of belief based on applicant's personal appearance. Such affidavit must contain statements of the circumstances upon which the affiant's knowledge is based.
 - l. Entries in a family Bible or other genealogical record or memorandum of such applicant.
- .2 The EW shall record in the case record the documentation used to establish age, the pertinent evidence contained in such document(s) and the date he reviewed the documentation.

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**NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY
PROPERTY**

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**NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY
PROPERTY**

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CHAPTER 42-200 PROPERTY

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CHAPTER 42-200 PROPERTY

42-200 PROPERTY - GENERAL **42-200**

Renumbered to Section 42-201 by Manual Letter No. 85-51, effective 8/1/85.

42-201 PROPERTY - GENERAL **42-201**

- .1 Real and personal property shall be considered for purposes of this chapter when it is actually available. Property shall also be considered when the applicant or recipient has a legal interest in a liquidated sum and has the legal ability to make that sum available for support and maintenance.
- .2 Limits on property holdings have been set high enough that a person need not be completely destitute to qualify for aid. On the other hand, these limits insure that persons who own property sufficient to provide themselves with the necessities of life do not receive aid intended for those in greater need. Limits on property which he/she can retain and remain eligible for aid are set forth in this chapter.

HANDBOOK BEGINS HERE

.3 Objectives

In determining eligibility with respect to property, it is necessary to ascertain the purposes for which property is held. A person is eligible if the property he owns is held for any one of the following purposes (within certain limits): (1) To provide him with a home; (2) to provide him with income to help meet his needs; (3) to provide him with a reserve to meet a future need.

Emphasis is placed on the purpose for which property is allowed to be held. The specific limits with respect to use or total value on some types of property constitute a part of the definition of a needy person; but the more important consideration is that property may be held within those limits, because it meets a present or future need of the recipient.

Regulations in this chapter are designed to express a general test: does the property meet a current need or is it to be held for some future need? This test should be the basis of decision in situations not specifically or exactly covered by the regulations.

Policies governing eligibility with respect to property shall be administered with consideration to the ability and circumstances of the person in order that undue hardship not be imposed upon him in making his plans to comply with property provisions.

HANDBOOK ENDS HERE

42-203 BASIC DEFINITIONS
42-203

.1 Real Property

Real property generally is land and improvements, as differentiated from cash, bonds, mortgages, or similar assets which are personal property. Real property includes as a general rule, immovable property attached to the land such as trees, fences, buildings, etc. It also includes mines, patented or unpatented oil, mineral or timber rights.

.2 Personal Property

Personal property is defined in accordance with Food Stamp regulations.

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.21 See Food Stamp regulations at Manual of Policies and Procedures Section 63-501.1.

HANDBOOK ENDS HERE

.3 Owner of Property

The owner of property is the person who has the legal title to, the right to or has possession of the property. Unless there is evidence to prove otherwise, it is presumed for purposes of determining eligibility that the person who "owns" the property has the right to possess, use, control, and dispose of the property.

The ownership of property may be vested in one individual or shared with others.

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.31 For questions concerning joint ownership of personal property, including vehicles, see Food Stamp regulations at Manual of Policies and Procedures Section 63-501.2.

HANDBOOK ENDS HERE

.4 Separate Property -- General

Property acquired by the husband or wife prior to marriage is separate property. If either spouse separately acquires property by gift or inheritance, after marriage, that property is the separate property of that spouse. Property acquired during marriage remains separate property if purchased with funds which are the separate property of the owner, such as funds received from the sale of separate property or property received by gift or inheritance.

42-203 BASIC DEFINITIONS (Continued) 42-203

.41 Separate Property Derived From Income

If the spouses are living separate and apart from each other, the income of each spouse is the separate income of that spouse in the month of receipt and separate property if retained past the month of receipt.

.42 Marital Separation

For the purposes of this section, the spouses have separated if they have obtained an interlocutory or final judgment of dissolution, if they are legally separated or if they are informally separated. (They are living separate and apart from each other and they consider their marital relationship to have ended.)

HANDBOOK BEGINS HERE

.43 For questions concerning joint ownership of personal property, including vehicles, see Food Stamp regulations at Manual of Policies and Procedures Section 63-501.2.

HANDBOOK ENDS HERE

.5 Community Property -- General

Community property, real or personal, is property acquired by the husband or wife during marriage (unless acquired as separate property). It includes property purchased with community funds, which include earnings of the spouses while married and living together, income derived from community property, and funds received from the sale of community property. Community property generally includes property purchased on the personal credit of either spouse. If property is purchased with funds which cannot be identified as separate property, such property shall be presumed to be community property. However, this presumption can be rebutted, for the entire property or a portion thereof.

NOTE: Due to the complexity of community property laws, the appropriate County Legal Officer should be consulted if problems arise in determining whether property is community or separate.

HANDBOOK BEGINS HERE

.51 For questions concerning joint ownership of personal property, including vehicles, see Food Stamp regulations at Manual of Policies and Procedures Section 63-501.2.

HANDBOOK ENDS HERE

.6 Transfer of Property

A transfer of property means a change of ownership whereby an applicant or recipient through such transfer has divested himself in whole or in part of a resource actually available to him.

.7 Net Market Value (Real Property Only)

Net market value is the highest price that real property, less encumbrances thereon, will bring in a sale by a willing seller to a willing buyer in the ordinary course of business.

.8 Members of the CalWORKs Family

For purposes of this chapter, the members of the CalWORKs family are the child and his/her natural or adoptive parents and, when seeking aid for themselves, his/her eligible stepparents and needy caretaker relative, provided they are not receiving SSI/SSP benefits.

.9 Liquidated Sum

A liquidated sum, for purposes of this chapter, is that amount of money that can be realized from the sale or disposition of real property. See Section 42-203.1 for a definition of real property.

.10 Conversion of Property

For purposes of this chapter, conversion occurs when a recipient changes an existing resource from one form to another.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10063 and 11155 (Ch. 270, Stats. of 1997), Welfare and Institutions Code.

42-205 DETERMINING OWNERSHIP OF REAL AND PERSONAL PROPERTY 42-205

.1 Declaration of Property Ownership

The applicant's declaration of the property he and/or his spouse own is considered sufficient proof of property ownership unless there is information indicating probable ownership of property other than that declared. In the presence of such information, the facts as to ownership must be determined from appropriate records, such as recorder's records, bank deposits and withdrawals and/or through affidavits of the applicant or recipient and other individuals concerned.

.2 Title Shared with Others

There is a presumption that those who share title have equal rights to possession, control and use of the property but the presumption may be refuted by evidence to the contrary. The source and amount of funds invested in the property or the facts around the inheritance, if it was acquired in this way, must be determined in order to arrive at the share which the applicant or recipient and/or his spouse actually owns.

.3 Community Property

Each spouse is presumed to own a one-half interest in community property, regardless of which spouse holds the property. All property held in the name of the spouse of a married person is presumed to be community property unless evidence establishes it to be separate property. Exception: Burial trusts and interment plots are considered the separate property of the spouse who is to be the beneficiary or user.

.4 Child Lives with Mother and Stepfather

When a child lives with his mother and stepfather, each spouse is presumed to own a one-half interest in property held by either spouse, unless this presumption is refuted by evidence which established it to be the separate property of one spouse.

| .5 Sponsored Noncitizens

| For purposes of this section, "sponsored noncitizen" applies to noncitizen who are sponsored by an individual(s) (see Section 43-119.2).

| .51 The resources of the noncitizen's sponsor and the resources of the sponsor's spouse who lives with the sponsor as provided in Section 43-119.22, shall be deemed to be the sponsored noncitizen's resources.

42-205	DETERMINING OWNERSHIP OF REAL AND PERSONAL PROPERTY	42-205
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(Continued)

- .52 Determine the total value of real and personal property of the sponsor and the sponsor's spouse as if they were applying for aid (for real property, see Section 42-215.1; for personal property and vehicles, see Food Stamp regulations at Manual of Policies and Procedures Section 63-501.5);

- .53 If a person is the sponsor of more than one noncitizen, divide the amount determined in Section 42-205.52 above by the number of sponsored noncitizens receiving CalWORKs cash aid, including the number of sponsored noncitizens in the applicant's AU. This amount shall be deemed to be the resources of each applicant or recipient who is a sponsored noncitizen. If the deemed resources alone or in combination with other property of the AU exceed the property limits described in Section 42-207, ineligibility results, but only for the sponsored noncitizen(s).

- .54 These resources shall not be considered as the resources of other applicants or recipients in the family who are not sponsored noncitizens, unless such resources are actually available to these other persons, e.g., the sponsor establishes a trust fund that is available to meet the current needs of the family.

.6 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11008.135, 11155, 11155.1, 11155.2, and 11257, Welfare and Institutions Code; and 8 U.S.C. 1631(a).

42-207 PROPERTY WHICH MAY BE RETAINED BY AN APPLICANT 42-207

- .1 An applicant or recipient AU may retain countable resources in an amount equal to the amount allowed in the Food Stamp regulations at Manual of Policies and Procedures Section 63-1101. The value of real and personal property including resources not excluded elsewhere by regulations, owned by a CalWORKs FG/U family shall not exceed the Food Stamp resource limit. If the limit is exceeded, the family or child is ineligible.

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- .2 Food Stamp regulations at Manual of Policies and Procedures Section 63-1101.1 allows retention of \$3,000 for an AU which includes at least one member aged 60 or older or a disabled member, and \$2,000 for all other AUs. These limits may change in accordance with changes in Food Stamp resource limits.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11155, 11155.2, and 11257, Welfare and Institutions Code; and 7 U.S.C. 2014(g)(1).

42-209 DIFFERENTIATION OF PROPERTY AND INCOME 42-209

- .1 Some payments may be considered property, income, or a combination of both. For the differentiation of such payments, see Section 44-105.
- .2 Section 42-209.2(QR) shall become inoperative and Section 42-209.2(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Under QR/PB, nonrecurring lump sum payments, which are not recurring regular income and usually nonrecurring in regard to amount and/or source, shall be treated as property in the month of receipt and any subsequent months.

(SAR) Under SAR, nonrecurring lump sum payments, which are not recurring regular income and usually nonrecurring in regard to amount and/or source, shall be treated as property in the month of receipt and any subsequent months.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11265.1, 11265.2, 11265.3, and 11450.5, Welfare and Institutions Code.

42-211	PROPERTY ITEMS TO BE INCLUDED IN EVALUATING PROPERTY WHICH MAY BE RETAINED	42-211
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.1 Real Property to Be Included

.11 In addition to the items included in the definition of real property in Section 42-203.1, the following are to be evaluated as real property:

- a. Cemetery property held for profit.
- b. Stocks in a water company not appurtenant to the land in furnishing water for agricultural purposes.
- c. The items defined in this section which are owned (see Section 42-203) by an applicant or recipient are subject to the limits set forth in Section 42-207, unless specifically excluded by Section 42-213.1.

.12 Real property owned by an applicant or recipient includes real property which:

- a. secures any of his debts.
- b. is being purchased by him under a contract of sale, or mortgage and/or deed of trust.
- c. is being sold by him under contract of sale, but no contract has actually been signed.
- d. is being held by him with retention of life estate.
- e. is held in trust for him and is available to him for disposition or use.
- f. is held for him in an undistributed estate and is available for his use prior to distribution.
- g. is being sold by him and is held in escrow.

.2 Personal Property to Be Included: The county shall determine personal property and vehicles to be included in evaluating property which may be retained in accordance with methods established under the Food Stamp regulations at Manual of Policies and Procedures Sections 63-501.1 and .2).

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11155 (Ch. 270, Stats. of 1997), Welfare and Institutions Code.

42-213 **PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY** **42-213**
WHICH MAY BE RETAINED

.1 Real Property to Be Excluded

.11 The following items are to be excluded in evaluating real property:

- (a) Real property held in trust if the child or parent does not have control of the trust of which he is the beneficiary.
- (b) The separate and community share of real property of a parent who has surrendered full custody of his child pursuant to a court order.
- (c) The separate and community share of real property of a parent who has relinquished his child for adoption.
- (d) The separate and community share of real property of the father of a child who is not married to the mother and the parents are not maintaining a home together. Exception: If the father has legitimized the child under Section 230 of the Civil Code, his property is included whether or not the parents are maintaining a home together.
- (e) The separate and community share of real property of a stepfather.
- (f) Property purchased with funds received under Title I or Title II of the Economic Opportunity Act when such funds were excluded from consideration as income or resources. This exclusion does not extend to income or profits from such property.
- (g) An Indian's interest in land held in trust by the United States Government is excluded in evaluating real property which is subject to the monetary limits as set forth in Section 42-207.
- (h) The separate and community shares of real property of the absent parent which are unavailable to the CalWORKs family or child (i.e., the family or child does not have possession or control of the property so that the property may be used to meet current needs). Such unavailable property is to be excluded in cases where the child is living apart from his/her parent or parents. The exclusion applies to a child in foster care regardless of whether his/her parents are maintaining a home together.

42-213	PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY BE RETAINED (Continued)	42-213
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- (1) Section 42-213.11(h)(1)(QR) shall become inoperative and Section 42-213.11(h)(1)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

- (QR) An availability determination of the separate community shares of real property of an absent parent must be made by the county as part of the initial eligibility determination. After the initial eligibility determination, the county shall only make a determination when the county receives information on the QR 7 that there has been a change.

- (SAR) An availability determination of the separate community shares of real property of an absent parent must be made by the county as part of the initial eligibility determination. After the initial eligibility determination, the county shall only make a determination when the county receives information on the SAR 7 or SAWS 2 that there has been a change. If the county receives a voluntary mid-period report of such a change, this information will only be reevaluated when the following semi-annual report is processed.

- (i) The real property in which an CalWORKs recipient has an ownership interest and which is considered in an SSI/SSP resource evaluation.
 - (1) The total value of property owned separately by the CalWORKs recipient who is either the spouse or parent of the SSI/SSP recipient and resides in the same household.
 - (2) The total value of property owned jointly between the CalWORKs recipient and the SSI/SSP spouse or child when they reside in the same household.

- (j) The separate and community share of real property of an APSB recipient (see Section 42-205.3, Community Property).

- (k) A maximum of one burial plot for each member of the Assistance Unit. For purposes of this section, a burial plot is defined as an interment space, crypt or niche intended for the interment of the applicant or recipient.

42-213 **PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY** **42-213**
WHICH MAY BE RETAINED (Continued)

- .12 Real property, not otherwise excluded, that the assistance unit is making a good faith effort to sell may be exempt from consideration in the resource limit described in Section 42-207 for a period of no more than nine consecutive months. Any six-month period, which was the maximum period permitted by these regulations as they were effective prior to January 1, 1987, ending on or after December 31, 1986 may be extended to nine months at the recipient's request.
- .121 As a condition of receiving aid during the exempt period and prior to the county granting aid, the applicant/recipient shall:
- (a) Grant the county a lien against the property which shall be payable to the county when the property is sold (see Section 42-213.122), and
 - (b) Agree in writing to begin immediately to make a good faith effort to sell the property. See Section 42-213.123 for what constitutes a good faith effort. If the applicant/ recipient elects not to sell the property at any time prior to the expiration of the nine months, the property shall no longer be exempt from consideration in the resource limit.
- .122 The county shall have the lien notarized (notarization by the county designated notary is acceptable) and then promptly record the lien in the county recorder's office where the property is located. The lien document shall:
- (a) Clearly show that the purpose of the lien is to repay the county the amount of repayable aid received during the exempt period. See Section 42-213.124. The lien, in itself, shall not require the sale of the property.
 - (b) Contain a legal description of the property that the lien is against. A legal description of the property can be obtained from the tax assessor's rolls of the county where the property is located.
 - (c) State the name(s) of the owner(s) of the property as it appears on the county assessor's rolls. The lien shall be binding on the applicant/recipient and his or her heirs, executors, administrators, and assignees.

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42-213 **PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY** **42-213**
WHICH MAY BE RETAINED (Continued)

- .123 In order to make a good faith effort to sell the property, as a condition of receiving aid during the exempt period, the applicant/recipient shall, at a minimum, either:
- (a) List the property for sale with a licensed real estate broker at the property's approximate fair market value (see Section 42-213.123(c)) and be willing to negotiate the terms of the sale with potential buyers, or
 - (b) Make an individual effort to sell the property which shall include all the following:
 - (1) Advertising once a week in at least one publication of general circulation that the property is for sale. When an AU becomes resource eligible it will no longer be required to use out-of-pocket expenditures to market the property but shall continue to comply with Section 42-213.123(a). [Resource eligibility exists when the equity value of the real property (see Section 42-213.124) plus all countable resources is less than the property limits described in Section 42-207].

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(A) Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

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- (2) Place a sign on the property indicating that the property is for sale. Whenever possible, the sign shall be visible from the street.
 - (3) Offer the property for sale at its approximate fair market value. See Section 42-213.123(c).
 - (4) Be willing to negotiate the terms of the sale with potential buyers and respond to all reasonable inquiries about the property.
- (c) For purposes of this section, the fair market value of the property shall be the applicant/recipient's choice of:
- (1) The assessed value of the property, or

42-213 **PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY** **42-213**
WHICH MAY BE RETAINED (Continued)

- (2) A valuation of the market value of the property obtained by the applicant/recipient from a licensed real estate broker.
 - (3) In exceptional circumstances, such as when the property is located in a remote area and it is impossible or impractical to obtain a valuation, and the applicant/ recipient believes that the assessed value is too high or too low, the county and the applicant/recipient may agree on the market value based upon other available information.
- .124 Any aid paid during the nine-month period or until the property is sold, whichever comes first, shall be considered repayable aid at the time of the sale of the property and shall be collectible from the net proceeds of the sale of the property. The amount of repayable aid shall be determined as follows:
- (a) If the net proceeds from the sale of the property plus the value of other countable real and personal property at the beginning of the exempt period are less than the resource limit specified in Section 42-207, there shall be no repayable aid.
 - (1) Property liens established to repay CalWORKs grants shall be counted as allowable encumbrances when determining the equity value of real property for eligibility purposes.
 - (b) If the amount of aid paid during the exempt period exceeds the net proceeds of the sale of the property, then the amount of repayable aid is the amount of the net proceeds.

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- (1) Example: The county did not count the value of a lot with a house that was owned but not occupied by an assistance unit in the resource limit as allowed under this section. At the end of nine months, the property sold for \$29,000 and the family had received \$3,960 in aid payments. The net proceeds of the sale were determined to be \$3,000. The amount of repayable aid is \$3,000 because the net proceeds were less than the amount of aid paid during the exempt period.

HANDBOOK ENDS HERE

42-213 **PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY** **42-213**
WHICH MAY BE RETAINED (Continued)

(c) The net proceeds of the sale are determined by subtracting from the gross amount of the sale the costs verified by the county to be directly related to the sale of the property, such as:

- (1) Loans and liens of the seller that are secured by the property,
- (2) Title insurance fees paid by the seller,
- (3) Brokers fees paid by the seller,
- (4) Prepaid interest or loan processing fees (points) paid by the seller,
- (5) Appraisal fees paid by the seller,
- (6) Fees paid by the seller to advertise the property, i.e., newspaper aids and for sale signs.

.125 The county shall inform the applicant/recipient at the time this exemption is granted that it is time-limited; and, at the end of nine months the assistance unit will be ineligible if the property has not been sold and the combined value of real and personal property continues to exceed the property limit specified in Section 42-207.

.126 The county shall retain sufficient documentation to determine the amount of repayable aid that will be collectible when the property is sold.

.127 Section 42-213.127(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(SAR) If the nine month exemption period ends in the middle of a SAR Payment Period, and the property has not sold, the county must take mid-period action to discontinue the AU at the end of the month in which the exemption period ended, with timely and adequate notice (see Section 44-316.331(t)(SAR)).

.2 Personal Property and Vehicles to Be Excluded: The county shall determine personal property items and vehicles to be excluded in evaluating property in accordance with methods established under the CalFresh Program (see CalFresh regulations at Manual of Policies and Procedures Sections 63-501.3, .52, and .53) except as noted below.

.21 401(k), 403(b), 457, 529, IRA and ESA accounts shall be excluded for CalWORKs recipients.

.22 401(k), 403(b) and 457 accounts shall be excluded for CalWORKs applicants.

.23 Restricted accounts shall be excluded for CalWORKs recipients.

.231 Restricted Accounts

42-213 **PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY** **42-213**
WHICH MAY BE RETAINED (Continued)

(a) General

An AU which includes a recipient shall be allowed to retain cash reserves in one or more restricted accounts at a financial institution. There shall be no limit to the amount of money that can be saved in a restricted account.

(1) Additional Funds

The funds shall be in addition to the \$2,000 property limit specified in Section 42-207.2.

(b) Written Agreement

Before an account can be designated as "restricted," the caretaker relative shall sign an agreement with the county welfare department which sets forth the requirements, restrictions and penalties specified in Section 42-213.231.

(1) Advice

The written agreement shall include a statement which advises recipients to first retain resources close to the \$2,000 limit to pay for unexpected expenses or emergencies before they enter into a written agreement.

(c) Account Information

The AU shall provide verification to the county of the following information for each account within 30 calendar days from the date of the written agreement. Failure to comply will result in termination of the agreement.

(1) Names of Persons On the Account(s)

Names of persons as shown on the restricted account;

(2) Institution

Name and address of the financial institution;

(3) Number

Account number; and

(4) Balance and Activity

Account balance and activity since the date the agreement was signed.

42-213 **PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY** **42-213**
WHICH MAY BE RETAINED (Continued)

(d) Specific Purpose

The funds must be retained for one or more of these specific purposes:

(1) Home

purchase of a home;

(2) Education or Training

any education or vocational training expenses of the account holder or any person who is claimed or could be claimed by the account holder as a dependent for federal income tax purposes;

(3) Business

start up of a new business; or

(4) Homelessness Prevention

Costs associated with securing permanent rental housing or to make rent payments to overcome a period of homelessness.

(e) Separate Account

The AU must establish and maintain a restricted account separately from any other accounts.

(f) Interest Exemption

The county shall exempt interest payments for purposes of determining CalWORKs eligibility and grant amount when the interest is deposited directly into the account by the financial institution.

(1) Direct Receipt

The county shall determine that interest which is not deposited directly into the restricted account is a nonqualifying withdrawal.

(2) Erroneous Receipt

When interest is not deposited directly into the account due to an error caused by the financial institution, the AU is allowed 30 calendar days from the date of receipt to deposit the interest into the restricted account.

42-213 **PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY** **42-213**
WHICH MAY BE RETAINED (Continued)

(A) Failure to deposit the interest within 30 calendar days shall result in a determination that a nonqualifying withdrawal has occurred, unless good cause exists for exceeding the 30-day limit as specified in Section 42-213.231(j).

(g) **Qualifying Withdrawal**

The AU is allowed 30 calendar days from the date of a withdrawal to expend funds for one or more of the following expenses:

(1) **Purchase of a Home**

Expenses associated with the purchase of a home that will be the principal residence of the AU.

(A) These expenses include, but are not limited to, deposits, fees, down payment, principal payment, repairs, fixtures and closing costs.

(B) Expenses for furniture and household goods are not allowable.

(2) **Education or Training**

Expenses associated with any education or vocational training for the account holder or any person who is or could be claimed by the account holder as a dependent for federal income tax purposes.

(A) These expenses include, but are not limited to, the following:

1. fees, tuition, books, school supplies, equipment, special clothing needs, student housing, meals, transportation costs to and from school, child care services necessary for school attendance.

(3) **Start Up of a New Business**

Business expenses that are directly related to the start up costs of a new business.

(A) Allowable expenses shall include, but are not limited to, the following:

42-213 **PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY** **42-213**
WHICH MAY BE RETAINED (Continued)

1. purchase and maintenance of capital equipment, uniforms or other protective or required clothing and shoes; tools; inventory; payments on loan principal and interest for capital assets or durable goods; rent for office or floor space and associated utilities; shipping and delivery costs; employee salary; fees; business taxes; insurance; and bookkeeping or other professional services.

(B) Personal expenses such as entertainment are not allowable.

(4) Homelessness Prevention

Allowable expenses shall include, but are not limited to, first and last month's rent, other deposits required under the rental agreement, and credit check fees.

(5) No Expense Incurred

Funds, which are withdrawn in anticipation of an expense that does not occur or are less than anticipated, shall be redeposited into the restricted account within 30 calendar days from the date of the withdrawal.

(A) Failure to timely redeposit the funds shall result in a determination that a nonqualifying withdrawal has occurred, unless good cause exists as specified in Section 42-213.231(j).

(h) Verification

The AU shall provide verification of the following items within 30 calendar days from the date of expenditure:

(1) Date and Amount

date and amount of the withdrawal; and

(2) Receipts

a receipt, cancelled check, or signed statement from the provider of goods or services which verifies the type and the amount of expense paid.

42-213	PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY BE RETAINED (Continued)	42-213
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(i) Nonqualifying Withdrawal

The county shall determine that a nonqualifying withdrawal has occurred when:

(1) Noncooperation

the AU fails to expend funds or to provide verification of a withdrawal or expenditure within the required time limit unless good cause, as specified in Section 42-213.231(j), exists for exceeding the time limit;

(2) Nonallowable Purpose

the AU withdraws or spends the funds for purposes or expenses other than those allowed under Section 42.213.231(g); or

(3) Receipt of Interest Income

the interest payment was not deposited directly into the account by the financial institution.

(j) Good Cause

The county shall determine that good cause exists for exceeding the time limits specified at Sections 42-213.231(f)(2), (g), and (h) when any of the following situations exist.

(1) Beyond AU's Control

Circumstances exist which are beyond the AU's control.

(A) These circumstances include, but are not limited to, illness or medical emergency, failed or delayed completion of a home purchase, lack of transportation, or other extenuating circumstances found by the county.

(B) When good cause is found to exist, the AU will be allowed to fulfill the necessary requirement within a reasonable period of time based on the circumstances for the delay, as determined by the county, to avert a determination of a nonqualifying withdrawal.

42-213 **PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY** **42-213**
WHICH MAY BE RETAINED (Continued)

(2) AU Complies Before the Effective Date of the Notice

Good cause also exists when the AU complies with the necessary requirement before the effective date of the notice of action. In these situations, the county shall rescind the notice of action.

(k) Period of Ineligibility

When the county determines that a nonqualifying withdrawal exists, the county shall calculate a period of ineligibility.

(1) Calculation

To calculate the period of ineligibility, the county shall first determine the total amount in all of the restricted accounts immediately prior to the nonqualifying withdrawal or prior to the issuance of an interest payment when it is not directly deposited into the account by the financial institution, and:

- (A) subtract any portion which the county determines to be a qualifying withdrawal;
- (B) divide the result by the minimum basic standard of adequate care (MBSAC) for the number of persons in the AU, plus any special needs; and
- (C) round down the result to the nearest whole number for the number of months of ineligibility.

(l) Applying the Period of Ineligibility

Section 42-213.231(l)(QR) shall become inoperative and Section 42-213.231(l)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) When the county determines that a period of ineligibility is applicable, the period of ineligibility shall begin on the first day of the month of the next QR Payment Quarter following the reported nonqualifying withdrawal on the QR 7 and continue for the determined number of months.

(SAR) When the county determines that a period of ineligibility is applicable, the period of ineligibility shall begin on the first day of the month of the next SAR Payment Period following the reported nonqualifying withdrawal on the SAR 7 or SAWS 2 and continue for the determined number of months.

42-213 **PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY** **42-213**
WHICH MAY BE RETAINED (Continued)

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(m) Examples

Handbook Section 42-213.231(m)(QR) examples 1 and 2 shall become inoperative and Section 42-213.231(m)(SAR) examples 1 and 2 shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(1) Example 1:

(QR) An AU of three is in an April/May/June Quarter.

Bank balance prior to May withdrawal:	\$5,000
Amount withdrawn from account:	\$4,500
Amount used to purchase home:	\$3,000
Amount used to buy furniture:	\$1,500

(SAR) An AU of three is in a January through June SAR Period.

Bank balance prior to May withdrawal:	\$5,000
Amount withdrawn from account:	\$4,500
Amount used to purchase home:	\$3,000
Amount used to buy furniture:	\$1,500

(A) Since the AU used a portion of the withdrawal on a nonallowable expenditure, the county shall calculate a period of ineligibility as follows:

1.

\$5,000	balance prior to withdrawal
<u>-3,000</u>	allowable expense for purchase of home
\$2,000	remainder
2. Divide the remainder (\$2,000) by MBSAC + special needs for an AU of three
(\$2,000 divided by \$891 = 2.24 months)
3. Round down the result to the nearest whole number
(two months).

HANDBOOK CONTINUES

42-213 **PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY** **42-213**
WHICH MAY BE RETAINED (Continued)

HANDBOOK CONTINUES

4. The AU is ineligible for two months. The AU shall be discontinued at the end of June. The AU can reapply for aid on September 1.

Example 2:

(QR) An AU of three is in the April/May/June Quarter and has the following property:

\$ 100 checking account
+1000 restricted account
+ 800 savings account
\$ 1900 Total

(SAR) An AU of three is in a January through June SAR Period and has the following property:

\$ 100 checking account
+1000 restricted account
+ 800 savings account
\$ 1900 Total

(A) The AU wants to buy new furniture and withdraws all of their funds from their accounts, including the restricted account, to pay for the purchases in May. The county determines that the AU made a nonqualifying withdrawal.

(B) Although the AU's total property reserve prior to the nonqualifying withdrawal is under the \$2,000 property limit, the county will calculate a period of ineligibility as follows:

1. Balance prior to nonqualifying withdrawal in May \$1000
2. Divide by MBSAC for 3 (\$715)
3. Result 1.3
4. Round down to nearest whole number 1
For number of months of ineligibility

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42-213	PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY BE RETAINED (Continued)	42-213
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(n) Shortening The Period of Ineligibility

The county shall shorten the period of ineligibility when the AU reapplies for aid and the standard of need increases.

(1) An increase in the standard of need includes any increase in AU size, general increase in the MBSAC (COLA increases), or a determination that the ineligible family would be eligible for a special need item as specified in Section 44-211.

(2) Calculation

To shorten the period of ineligibility due to an increase in the standard of need, the county shall:

(A) Identify the restricted account balance used to calculate the original period of ineligibility.

(B) Identify the original MBSAC plus any special needs allocated to the ineligible family unit and multiply it by the number of ineligible months prior to the increase. Subtract the total from the amount in Section 42-213.231(n)(2)(A).

(C) Divide the result calculated in Section 42-213.231(n)(2)(B) by the increased standard of need. Round down the result to the nearest whole number.

(D) The revised period of ineligibility is the final result in Section 42-213.231(n)(2)(C) plus the number of ineligible months prior to the increase.

(E) The revised period of ineligibility shall begin in the same month as the original period of ineligibility.

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42-213 **PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY** **42-213**
WHICH MAY BE RETAINED (Continued)

- (o) Establishing a Separate AU for Other Eligibles

A separate AU may be established for an otherwise eligible person whose needs were not considered in the calculation of the period of ineligibility.

- (p) Termination of the Written Agreement

The written agreement for the restricted account terminates when:

- (1) the AU is discontinued from CalWORKs; or
- (2) the restricted account is closed; or
- (3) the AU does not provide timely verification of the account information as specified in Section 42-213.213(c); or
- (4) state or federal law changes the conditions or no longer permits these restricted accounts.

.3 A home, regardless of its value, occupied by the assistance unit shall be excluded in evaluating property which may be retained.

.31 Any house, mobile home, camper, trailer, houseboat or any other dwelling whether assessed as real or personal property by the county assessor is excluded if such an item or property is occupied by the AU as a home (place of residence). Property shall continue to be considered the home during temporary absence for reasons such as illness, seasonal employment, visits, extreme climatic conditions, etc., provided the recipient plans to, and it appears will be able to, return to the home when such circumstances no longer exist.

.32 The excluded home may be the unit of a multiple-dwelling unit that is occupied by the assistance unit as a home. A home and a separate unit adjacent to the home shall be treated as a multiple dwelling unit.

.321 The unit(s) of the multiple dwelling that is (are) not occupied by the assistance unit shall be treated as a resource and the value must be included in the property limit described in Section 42-207. See Section 42-215 for the method of determining the value of real property.

42-213 **PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY** **42-213**
WHICH MAY BE RETAINED (Continued)

- (a) If the assistance unit is making a good faith effort to sell the unit(s) that is (are) not occupied as a home, the unit(s) may be exempt from consideration in the resource limit for a period of time under the conditions specified in Section 42-213.12.
 - (b) If the unit(s) that is (are) not occupied as a home cannot be sold separately, the unit(s) is (are) unavailable to meet current needs and shall be excluded in evaluating property. (See Section 44-113.1 for the treatment of income received from the rental of real property.)
- .4 The home which was the usual home of an applicant/recipient who has entered into marital separation shall be treated as follows:
- .41 The usual home shall be exempt in determining an applicant's eligibility for CalWORKs and for three months following the end of the month in which aid begins.

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See Section 44-317.

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- .411 Section 42-213.411(QR) shall become inoperative and Section 42-213.411(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
 - (QR) If the exemption period ends mid-quarter, the county shall not act on the information during the QR Payment Quarter. The usual home shall be used to determine eligibility for the QR Payment Quarter following the QR Payment Quarter in which the exemption period ended.
 - (SAR) If the exemption period ends mid-period, the county shall not act on the information during the SAR Payment Period. The usual home shall be used to determine eligibility for the SAR Payment Period following the SAR Payment Period in which the exemption period ended.
- .42 The usual home shall be exempt in evaluating a recipient's retained property during the month of separation and for three months following the end of the month in which the separation occurs.
- .421 Section 42-213.421(QR) shall become inoperative and Section 42-213.421(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

42-213 **PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY** **42-213**
WHICH MAY BE RETAINED (Continued)

- (QR) If the exemption period ends mid-quarter, the county shall not act on the information during the QR Payment Quarter. The usual home shall be used to determine eligibility for the QR Payment Quarter following the QR Payment Quarter in which the exemption period ended.
- (SAR) If the exemption period ends mid-period, the county shall not act on the information during the SAR Payment Period. The usual home shall be used to determine eligibility for the SAR Payment Period following the SAR Payment Period in which the exemption period ended.
- .43 The applicant/recipient shall be informed when the exemption is granted that it is time-limited and that the expiration of the three month period may result in ineligibility.
- .44 See Sections 42-213.3 and 42-201.1 for situations which require the home to remain excluded from property evaluation following the three month exemption period.
- .5 Other property which is mandatorily and specifically exempt by federal law and shall be exempt from the effective date as specified in federal law.
- .51 Property which is mandatorily exempt under federal law includes, but is not limited to:
- .511 Public Law (PL) 92-254 or PL 94-540 which exempts any funds distributed per capita or held in trust for members of any Native American tribe under PL 92-254 or PL 94-540.
- .512 PL 93-134, PL 97-458 and PL 98-64 which exempt as property the funds of Native American tribes including interest earned from, investment income derived from and initial purchases made with such funds when the funds have been:
- (a) Distributed by the Secretary of the Interior on a per capita basis; or
 - (b) Held in trust by the Secretary of the Interior; or
 - (c) Individually owned trusts or restricted lands.
- .513 PL 100-241 which exempts distributions to a household, individual Native or descendent of a Native when received from a Native Corporation established pursuant to the Alaskan Native Claims Settlement Act (ANCSA). Exempt distributions include:
- (a) Cash (including cash dividends on stock received from a Native Corporation) to the extent it does not exceed \$2,000 total per person per anum, stock, a partnership interest, land or interest in land, and interest in a settlement trust.

42-213	PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY BE RETAINED (Continued)	42-213
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- .514 PL 100-383 which exempts payments received as restitution made to U.S. citizens and permanent resident aliens of Japanese ancestry, and payment received as restitution made to Aleuts as a result of being relocated by the United States government during World War II.

- .515 PL 100-707 which exempts federal major disaster and emergency assistance provided under the Disaster Relief Act and comparable disaster assistance provided by the state, local governments and disaster assistance organizations.

- .516 PL 101-201 and PL 101-239 which exempt payments received from all Agent Orange settlements.

- .517 PL 101-426 which exempts payments received under the Radiation Exposure Compensation Act.

- .518 PL 101-508 which exempts Earned Income Credit (EIC) payments for the month it is received and the following month.

- .519 PL 103-286 which exempts payments received by victims of Nazi persecution.

NOTE: Authority cited: Sections 10553, 10554, 10604, and 11155.2, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11155, 11155.2, 11155.5, 11257, 11265.1, 11265.2, 11450, and 11450.5, Welfare and Institutions Code; Sidwell v. McMahon, United States District Court (E.D. Cal.) May 7, 1990, civil no. S-89-0445; Public Laws 97-458, 98-64, and 103-286; and Federal Action Transmittal 91-23, 45 CFR 233.20(a)(3)(i)(B); Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

42-215	DETERMINING VALUE OF PROPERTY	42-215
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.1 Determination of Value of Real Property

For determination of CalWORKs eligibility, an applicant or recipient's net market value interest in real property is determined by subtracting any allowable encumbrance against it from its market value (42-215.21).

- .11 Acceptable evidence of allowable encumbrances on real property are listed below:
 - (a) Mortgages
 - (b) Notes
 - (c) Deeds of trust

42-215 DETERMINING VALUE OF PROPERTY (Continued) 42-215

- (d) Payment receipts
- (e) Loan payment books
- (f) Delinquent tax liens
- (g) Judgments items
- (h) Mechanics liens
- (i) Assessments
- (j) Unpaid balance on property

.12 Applicant and/or Spouse Not Sole Owners

If the applicant or the applicant and his spouse are not the sole owners of property, only his or their proportionate share is included in their respective holdings.

.13 In order to identify real property holdings of recipients, the county shall, at least, contact the local county assessor, recorder or tax collector.

.2 Acceptable Evidence of Value of Real Property

.21 In CalWORKs the market value of real property shall be based on the most recent appraisal of market value from the county assessor, recorder or tax collector.

.22 Evidence of an allowable encumbrance in .21 above shall be the written document which supports it. Evidence of unwritten encumbrances shall be the sworn statements of all parties, under penalty of perjury, to the following:

- .221 initial and maturity date;
- .222 extent of encumbrances; and
- .223 value received

.3 Determination of Value of Personal Property Other than Motor Vehicles: The county shall determine the value of personal property in conformance with methods established under the Food Stamp Program. (See Food Stamp regulations at Manual of Policies and Procedures Section 63-501.5.)

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- .31 Food Stamp regulations at Manual of Policies and Procedures Section 63-501.5 states that the value of nonexcluded resources shall be their equity value. The equity value is the fair market value less encumbrances.

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- .32 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.
- .33 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.
- .34 Repealed by Manual Letter no. EAS-98-03, effective 7/1/98.
- .4 Determination of Vehicle Value: The county shall determine the value of vehicles in conformance with methods established below.
- .41 Fair Market Value of Vehicles - Verification
- .411 The fair market value of automobiles, trucks and vans shall be determined by the value of those vehicles as listed in publications written for the purpose of providing guidance to automobile dealers and loan companies. Publications listing the value of vehicles are usually referred to as "blue books". The CWD shall insure that the blue book used to determine the value of vehicles has been updated within the last six months. The CWD shall assign the wholesale value to vehicles. If the term "wholesale value" is not used in a particular blue book, the CWD shall assign the listed value which is comparable to the wholesale value. The CWD shall not increase the basic value of a vehicle by adding the value of low mileage or other factors such as optional equipment or special equipment for the handicapped. If a new vehicle is not yet listed in the blue book, the CWD shall determine the wholesale value through some other means, such as contacting a car dealer which sells that make of vehicle and asking how much the dealership would offer the household for the car.
- .412 To determine the most appropriate value of a vehicle, the CWD shall obtain from the applicant and/or the vehicle's registration card, the vehicle's year, make, model, and number of doors. If the information for these four items is incomplete, the CWD shall use the lowest blue book value listed to the extent that the vehicle has been identified.

42-215 DETERMINING VALUE OF PROPERTY (Continued)

42-215

.413 A household may indicate that for some reason, such as body damage or inoperability, a vehicle is in less than average condition. Any household which claims that the blue book value does not apply to its vehicle shall be given the opportunity to acquire verification of the true value from a reliable source. Also, households shall be asked to acquire verification of the value of licensed antique, custom made, or classic vehicles, if the CWD is unable to make an accurate appraisal. If a vehicle is no longer listed in the blue book, the household's estimate of the value of the vehicle shall be accepted, unless the CWD has reason to believe the estimate is incorrect. In that case, and if it appears that the vehicle's value will affect eligibility, the household shall obtain an appraisal or produce other evidence of its value, such as a tax assessment or a newspaper advertisement which indicates the amount for which like vehicles are being sold.

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.42 Handling of Unlicensed Vehicles

The value of unlicensed vehicles shall be their equity value, unless an exemption applies. The equity value is the fair market value less encumbrances.

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.43 Handling of Licensed Vehicles.

The value of licensed vehicles shall be the greater of the fair market value as provided in Section 42-215.44, or the equity value as provided in Section 42-215.45, unless an exemption applies as provided in Section 42-215.431.

.431 The entire value of any licensed vehicle shall be exempt if any of the following apply:

- (a) It is used primarily (over 50 percent of the time the vehicle is used) for income-producing purposes such as, but not limited to, a taxi, truck or fishing boat;
- (b) It annually produces income that is consistent with its fair market value, even if used on a seasonal basis;
- (c) It is necessary for long distance travel, other than daily commuting, that is essential to the employment of a household member; for example, the vehicle of a traveling sales person or a migrant farm worker following the work stream;

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- (d) It is used as the family's residence.
- (e) It is necessary to transport a physically disabled family member, including an excluded disabled family member, regardless of the purpose of the transportation.

Example:

- (1) If the physical disability of the individual is not evident to the eligibility worker, verification shall be required.
- (2) The individual shall be required to provide a statement from a physician certifying that the individual is physically disabled. The disability may be temporary or permanent.
- (3) There shall be a limit of one vehicle per physically disabled household member.
- (4) The vehicle need not have special equipment or be primarily used by or for the transportation of the physically disabled household member. However, a vehicle shall be considered necessary for the transportation of a physically disabled household member if the vehicle is specially equipped to meet the specific needs of the disabled person or if the vehicle is a special type of vehicle that makes it possible to transport the disabled person.
- (f) It would be exempted under any of Sections 42-215.431(a) through (d), inclusive, but the vehicle is not in use because of temporary unemployment, such as when a taxi driver is ill and cannot work, or when a fishing boat is frozen in and cannot be used.
- (g) It is used to carry fuel for heating or water for home use, when the transported fuel or water is the primary source of fuel or water for the family.
- (h) The equity value of the vehicle is one thousand five hundred and one dollars (\$1,501) or less.

42-215 DETERMINING VALUE OF PROPERTY (Continued) 42-215

- .44 Each licensed vehicle that is not exempted under Section 42-215.431 shall be individually evaluated for fair market value, and any portion of the value that exceeds four thousand six hundred fifty dollars (\$4,650) shall be attributed in full market value toward the family's resource level, regardless of any encumbrances on the vehicle, the amount of the family's investment in the vehicle, and whether the vehicle is used to transport family members to and from employment. Each vehicle shall be appraised individually. The fair market value of two or more vehicles shall not be added together to reach a total fair market value in excess of the current vehicle exclusion limit.
- .441 For example, a household owning an automobile with a fair market value of \$5,500 shall have the current vehicle exclusion limit (\$4,650 as of October, 1996) excluded and \$850 applied toward its resource level.
- .45 Licensed vehicles shall also be evaluated for their equity value, except for the following:
- .451 Vehicles excluded by Section 42-215.43.
- .452 One licensed vehicle per adult family member, regardless of the use of the vehicle.
- .453 Any other licensed vehicle driven by a household member under 18 years of age (or an ineligible noncitizen or disqualified household member under age 18 whose resources are being considered available to the household) to commute to and from employment, or to and from training or education which is preparatory to employment, or to seek employment. The equity exclusion applies during temporary periods of unemployment, to a vehicle which a member under age 18 customarily drives to commute to and from employment.
- .46 In the event a licensed vehicle is assigned both a fair market value in excess of the vehicle exclusion limit as specified in Section 42-215.441 and an equity value, only the greater of the two amounts shall be counted as a resource.

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- .461 When computing the value of a licensed vehicle which has not been totally excluded or is not equity exempt, determine both the FMV and the equity value of the vehicle. The larger of the two values is considered the resource value and counted in the resource limit.

Example: The greater of the two amounts is counted as a resource.

Computation of FMV		Computation of Equity Value	
\$5,000	FMV	\$5,000	FMV
-4,650	Exclusion Limit	-3,250	Amount Owed
\$ 350	Excess FMV	\$1,750	Equity Value

The greater of the two amounts to be considered as a resource is \$1,750.

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- .47 Steps in evaluating vehicles:

.471 **Step One**

Determine if any vehicle in the household is excludable as a resource. Vehicles in this category include those that are:

- (a) Income producing;
- (b) Annually producing income consistent with FMV, even if used on a seasonal basis;
- (c) Necessary for long distance travel to employment other than daily commuting, e.g., traveling salesman;
- (d) Used as a home;

42-215 DETERMINING VALUE OF PROPERTY (Continued) 42-215

- (e) Necessary to transport a physically disabled household member;
- (f) Previously used as income producing by a self-employed household member who is temporarily unemployed. Exclude for one year period from date of termination of self-employment in farming.
- (g) Household depends on vehicle to carry fuel for heating or water for home use when such fuel or water is the primary source of fuel or water for the household.

If none of the vehicles in the household are categorized as excludable from resource consideration, or there are remaining vehicles left to be evaluated after others have been determined excludable, go to Step 2.

.472 Step Two

Exclude any vehicle, licensed or unlicensed, that is an inaccessible resource (a vehicle that will not produce an estimated return of more than \$1,500). Valuation of an inaccessible vehicle is required at application and when a new vehicle is reported. Reevaluation is required only at redetermination.

.473 Step Three

Of the remaining licensed vehicles, determine the number of adult household members and exempt one vehicle each from the equity valuation. The FMV must be calculated, and the excess FMV is considered as a countable resource. Adult household members also include ineligible noncitizens or disqualified family members whose resources are considered available to the AU.

Then, determine if any of the remaining licensed vehicles in the family are used by a teenager under age 18 to drive to work, school, job training, or to look for work. If there is a vehicle used by a teenager for any of these purposes, it is exempt from the equity value, but must be evaluated for FMV. The excess FMV is considered a countable resource. Family members under the age of 18 also include an ineligible noncitizen or disqualified household member under age 18 whose resources are considered available to the AU.

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.474 **Step Four**

For any remaining licensed vehicles, compute the FMV and the equity value. Use the greater of the excess FMV or equity value as the countable resource value.

.475 **Step Five**

For any remaining unlicensed vehicles compute the equity value of each and use the resultant amount as a countable resource value.

Add the values of the above values to arrive at the total vehicle resource value.

.48 The exclusions for licensed vehicles as specified in Section 42-215.431 shall also apply to:

.481 unlicensed vehicles on those Indian reservations that do not require vehicles driven by tribal members to be licensed;

.482 licensed vehicles used by ineligible noncitizens or disqualified persons whose resources are considered available to the family.

.5 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

.6 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10063, 10554, 11155 and 18901.9 (Ch. 743, Stats. of 2003), Welfare and Institutions Code; and Federal Register Volume 68, No. 168, Page 51933 published on August 29, 2003.

42-219 ACQUISITION AND CONVERSION OF REAL AND PERSONAL PROPERTY 42-219

.1 Conversions of Property

These regulations are to be applied in a flexible and reasonable manner which within the limits specified in the code, will allow the recipient a maximum freedom of choice in the acquisition, conversion, or disposition of property resources without affecting his eligibility.

Real or personal property may be acquired or converted to other forms by a recipient without affecting eligibility if the resultant holdings do not exceed the maximum allowed by the code.

Payments which include compensation for property which was lost, stolen, damaged, or destroyed shall be evaluated in accordance with Section 44-105.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 10554, Welfare and Institutions Code.

42-221 TRANSFER OF PROPERTY OR INCOME **42-221**

.1 The receipt of aid shall not limit or restrict a recipient's right to give, receive, sell, exchange, or change the form of property. A period of ineligibility (POI) shall result when a recipient AU gives away or transfers, for less than fair market value (FMV), nonexcluded property (including cash) that would cause the AU to exceed its eligibility for cash aid. (See Section 42-207 for property limits.)

.2 Property

.21 The POI shall be computed based on the amount that, when added to other countable property, would have exceeded the property limit if the property had been transferred at its FMV. The county shall determine the POI as follows:

.211 Establish the FMV of the property transferred;

.212 Add other countable property;

42-221	TRANSFER OF PROPERTY OR INCOME (Continued)	42-221
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- .213 Subtract the amount of the property limit;
- .214 Subtract the amount actually received for the property from the FMV amount determined in Section 42-221.211;
- .215 Compare the amount calculated in Section 42-211.213 with the amount calculated in Section 42-221.214 and determine the lesser of the two amounts;
- .216 Divide the lesser of the two amounts in Section 42-221.215 by the MBSAC for the AU;
- .217 Round the resulting figure down to the nearest whole number to determine the number of months in the POI.

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.3 Example: While on aid, a recipient AU of two persons inherits a parcel of real property with a FMV of \$1,300. The value of this inherited property, when added to other (\$1,400) countable property held by the AU, causes the AU to exceed the allowable property limit (\$2,000). The AU sells the parcel for \$100, which is less than its \$1,300 fair market value.

.31 Computation Factors:

\$ 1,300		FMV of the parcel of real property
+ 1,400		Property held by the AU
\$ 2,700		
- \$ 2,000		AU property limit. (See Section 42-207.)
\$ 700		Amount in excess of the property limit
\$1,300		FMV of the parcel of real property
- 100		Amount actually received by the AU for the real property
\$1,200		Difference between the FMV and the amount received for the property.

\$700 is less than the \$1,200 difference between the FMV and the amount received for the transferred property

\$700 divided by \$624* = 1.12 months

POI = 1 month (rounded down from 1.12 months)

*MBSAC for AU of 2 = \$624; MBSAC amounts are subject to change.

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.4 Income

Nonrecurring lump sum income/payments shall be treated as property and shall be subject to any application of POI rules for a transfer of property for less than FMV.

.41 Income is considered nonrecurring if all of the following apply:

.411 the income is not interest income or contractual income as specified in MPP Section 44-102 which requires a specified treatment;

.412 the income is for a period of more than one month, and

.413 the income is not from a source expected to occur regularly.

.5 Applying the Period of Ineligibility (POI)

.51 When the family has transferred property which results in a POI, cash aid shall be discontinued and the POI begin as follows:

(a) Section 42-221.51(a)(QR) shall become inoperative and Section 42-221.51(a)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) The first month of the next QR Payment Quarter following the transfer and shall continue for the determined number of months of ineligibility. Any aid received by the AU during the ineligible months of the quarter is an overpayment.

(SAR) The first month of the next SAR Payment Period following the transfer and shall continue for the determined number of months of ineligibility. Any aid received by the AU during the ineligible months of the SAR Period is an overpayment.

(b) Section 42-221.51(b)(QR) shall become inoperative and Section 42-221.51(b)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) When the transfer is discovered too late to discontinue for the first month of the QR Payment Quarter, the POI shall begin the first of a month within that QR Payment Quarter after timely and adequate notice is given. Any aid received by the AU during the ineligible month(s) of the current quarter is an overpayment.

(SAR) When the transfer is discovered too late to discontinue for the first month of the SAR Payment Period, the POI shall begin the first of a month within that SAR Payment Period after timely and adequate notice is given. Any aid received by the AU during the ineligible month(s) of the current SAR Payment Period is an overpayment.

42-221 TRANSFER OF PROPERTY OR INCOME (Continued) **42-221**

(c) Section 42-221.51(c)(QR) shall become inoperative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) When the transfer is in the first or second month of aid, any resulting POI shall begin the first month of the next QR Payment Quarter and shall continue for the determined number of months.

.6 Transfer of property rules do not apply to applicant families.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11157.5 (Ch. 270, Stats. of 1997 and Ch. 902, Stats. of 1998), 11265.1, 11265.2, 11265.3, and 11450.5, Welfare and Institutions Code.

42-223 SPECIAL PROPERTY CONSIDERATIONS **42-223**

.1 Property in Another State

Since the method for computing the assessed value of real property in other states may not be the same as that utilized in California, it is necessary to convert values arrived at by other states into figures that are comparable to the value referred to in EAS 42-215.21. This should be accomplished by application of the following conversion formula:

$$\begin{array}{ccccccc} \text{Assessed value} & & & \text{Assessment Value as} & & & \\ \text{of property in} & & & \text{rate of} & = & & \text{used in} \\ \text{another state} & \text{divided} & & \text{that state} & & & \text{EAS 42-215.21} \\ & \text{by} & & & & & \end{array}$$

.2 Tax Exemptions

Veterans (and in some cases their widows and parents) are allowed certain tax exemptions which are applied either to real or personal property. If the record used to determine the full value of the property shows only the amount of assessment upon which taxes are based, the amount of exemption would be determined and added to the taxable value to determine the full value.

.3 Property Outside the United States

If property is located outside the United States, the full value is determined on the basis of the rate of exchange in American dollars, regardless of the manner by which other units of government determine the full value.

.4 Ownership of Property in Militarily Occupied Areas

Ownership and value of property located in countries actively at war or in conquered or occupied areas is considered to be in doubt and the facts as to the holdings usually cannot be ascertained. If it is impossible to obtain information on property located in such countries, it is the presumption that continued ownership is in doubt and that such property has no present value in determining eligibility.

**NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY
GENERAL TIME LIMIT REQUIREMENTS**

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CHAPTER 42-300 GENERAL TIME LIMIT REQUIREMENTS

42-301 GENERAL TIME LIMIT REQUIREMENTS FOR ADULTS 42-301

- .1 Time Limits Effective July 1, 2011, there shall be a 48-month time limit on the receipt of aid in California for certain adults as specified in Section 42-302.1. Prior to this date, there was a 60-month time limit on the receipt of aid for certain adults.

- .2 Ineligible Due to Time Limits Adults who are ineligible for aid based on the 48-month time limit provisions, specified in Section 42-302, shall be removed from the AU. See MPP Sections 44-133.8 and 82-833.1 for additional regulations pertaining to timed-out adults.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; SB 72 (Chapter 8, Statutes of 2011), Section 42. Reference: Sections 11450, 11454(a), (b), and (c), and 11454.2, Welfare and Institutions Code.

42-302 48-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS 42-302

- .1 48-Month Time Limit Except as specified in Section 42-302.11, no individual shall be eligible for aid when that individual has received aid as an adult, 18 years of age or older, for a cumulative total of 48 months. The 48-month time limit applies to aid received under CalWORKs. The 48-month time limit also applies to any aid received under another state's program funded by the federal Temporary Assistance to Needy Families (TANF) Program since January 1, 1998. The 48-month time limit shall not apply to children.

- .11 Exceptions When an individual has been aided as an adult for 48 months, additional months of aid may be provided to that adult when all parents, aided stepparents, and/or caretaker relatives residing in the home of the aided child(ren) meet any of the following conditions:
 - .111 Advanced Age The individual is 60 years of age or older.

 - .112 Providing Care The individual is exempt from welfare-to-work participation requirements due to:

42-302	48-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS (Continued)	42-302
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|------|--|--|
| | (a) | The need to care for an ill or incapacitated person residing in the home, and the caretaking responsibilities impair the individual's ability to be regularly employed or to participate in welfare-to-work activities. |
| | (b) | Being a nonparent caretaker of either a dependent child of the court, a Kin-GAP child, or, as determined by the county, a child who is at risk of placement in foster care. For this exemption to apply, the county must also determine that the caretaking responsibilities are beyond those considered normal day-to-day parenting responsibilities so that they impair the individual's ability to be regularly employed or to participate in the welfare-to-work activities. |
| .113 | Disabled | The individual is receiving benefits from State Disability Insurance, Worker's Compensation Temporary Disability Insurance, In-Home Supportive Services, or the State Supplementary Program, and the disability significantly impairs his/her ability to be employed on a regular basis or to participate in welfare-to-work activities. |
| .114 | Unable to Maintain Employment or Participate | The county determines that the individual is not able to maintain employment or to participate in welfare-to-work activities, based on a current assessment of the individual as specified in MPP Section 42-302.114(b), and the county's finding that the individual has a history of participation and full cooperation in welfare-to-work activities. |
| | (a) | An individual shall be found to have a history of participation and full cooperation in welfare-to-work activities if the individual meets the criteria in Section 42-302.114(a)(1) or (a)(2): |

42-302	48-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS	42-302
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(Continued)

(b) Upon the county's determination that the individual has a history of participation and full cooperation in welfare-to-work, the county shall assess the individual's current ability to maintain employment or participate in welfare-to-work activities.

(1) For purposes of this section, an individual who is fully participating in her/his welfare-to-work assignment upon reaching the 48-month time limit shall be considered able to maintain employment or participation unless the individual's required welfare-to-work activity has been modified in accordance with MPP Section 42-302.114(b)(2)(B).

(A) For purposes of this section an individual is fully participating if she/he is meeting their 32 or 35 hours of participation requirement or successfully participating in unsubsidized employment and/or other welfare-to-work activities for the number of hours an appropriate activity is reasonably available.

42-302	48-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS	42-302
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(Continued)

- (A) The individual has a documented impairment or combination of impairments, as specified in MPP Section 42-302.114(a)(2), that is of such severity that the individual is incapable of successfully maintaining employment or participation in welfare-to-work activities for 20 or more hours per week.

- (B) The individual has a documented impairment as specified in MPP Section 42-302.114(a)(2), and is maintaining her/his participation in welfare-to-work activities only through a significant modification of the individual's welfare-to-work activities.
 - 1. For purposes of this section, a significant modification includes but is not limited to: mental health counseling; substance abuse treatment; domestic abuse services; a supported work environment, which is characterized by close supervision, graduated performance expectations, and peer support; or additional time to complete an activity.

- (C) The individual has a documented impairment or combination of impairments, as specified in MPP Section 42-302.114(a)(2), and due to local labor market conditions there is a lack of employers that could reasonably accommodate the individual's physical and/or mental limitations.

42-302	48-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS (Continued)	42-302
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| (c) | Domestic Abuse | The individual is a victim of domestic abuse and the county has determined that good cause exists for waiving the 48-month time limit. See Section 42-713.22. |
| (d) | Teen Program | The individual is eligible for, participating in, or exempt from Cal-Learn or another teen parent program approved by the CDSS. The exemption does not apply to an individual who is 19 years of age and is eligible for voluntary participation if the individual chooses not to participate in Cal-Learn. |
| (e) | Advanced Age | The individual is exempt from welfare-to-work participation requirements due to being 60 years of age or older. |
| (f) | Unaided | The individual is excluded from the AU for reasons other than exceeding the time limit. |
| (g) | Aid is Reimbursed | The cash aid is fully reimbursed as a result of child support collection whether collected in that month or any subsequent month. |
| (1) | Process for Reimbursement of Months of Aid for Exemption | All assigned child support payments, including collections in a current month, arrears, and lump sum payments collected to reimburse aid in California from January 1998 forward, shall be applied cumulatively to repay aid payments in the following order: |
| (A) | | The cumulative child support recoupment will be applied to each month of aid beginning with the earliest unreimbursed month of aid, on or after January 1998, and moving forward as each month of aid is fully reimbursed. |

42-302	48-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS	42-302
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(Continued)

- (B) Recoupment, as provided by the local child support agency, is all child support that has been assigned and collected to repay aid. Beginning October 1998, this includes the disregard payments pursuant to MPP Section 12-425(c)(1)(B).
- (C) Each month of aid that is fully reimbursed by child support shall be exempt and not counted toward the CalWORKs 48-month time limit of parents, aided stepparents, and/or aided caretaker relatives residing in the home of the child(ren.)
- (D) The child support recoupment shall be applied to all months of aid whether or not the month had been previously exempted for any reason, including any month(s) exempt because the individual was unaided for any reason, including a sanction.
- (E) The child support recoupment will be reviewed to determine if the cumulative amount is sufficient to reimburse and exempt a monthly grant amount. Any child support that remains but is insufficient to fully reimburse a monthly grant, whether collected in the current month or for a previous period of time, shall be carried forward and used for any subsequent unreimbursed month(s) of aid.
- (F) The recipient shall be informed of the exempt months due to child support recoupment pursuant to MPP Sections 40-107(a)(4)(A) through (a)(4)(I).
- (G) Information regarding the balance of child support recoupment and the number of months exempt due to the child support recoupment must be reported to any subsequent county(ies) to continue reimbursement of the subsequent months of aid.

42-302	48-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS (Continued)	42-302
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(h)	Living in Indian Country	The individual lived in Indian country, as defined by federal law, or an Alaskan native village, in which at least 50 percent of the adults living in the Indian country or in the village are not employed.
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(1)		Counties shall obtain the required information on unemployment rates through the governing body of each tribal land.
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(i)	Receiving Supportive Services	The individual is a former recipient of cash aid and is only receiving child care, case management or supportive services.
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(j)	Grant Amounts Less Than \$10	The recipient does not receive a cash aid payment for the month because the grant amount is less than \$10.
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(k)	Lack of Necessary Supportive Services	The individual is excused from participation for good cause due to lack of necessary supportive services, as specified in Section 42-713.21. This paragraph is effective July 28, 2009 and shall become inoperative on July 1, 2012.
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.22	Diversion Count	Diversion payments as set forth in Section 81-215 count toward the 48-month time limit unless they are recouped as provided in Section 42-302.223(a) or unless part or all of the diversion period is exempt as provided in Section 42-302.21 et seq. Count the months as follows:
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.221	Diversion Payment Month	The month in which a lump sum diversion payment is made counts as one month toward the 48-month time limit unless the diversion recipient applies for CalWORKs cash aid during the diversion period, as specified in Section 81-215.41, and is determined to be eligible for CalWORKs. In that case, the diversion payment is treated in accordance with Section 42-302.223.
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42-302	48-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS (Continued)	42-302
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.224

A recipient with a Region 2, Non-Exempt MAP of \$538 received a lump sum diversion payment in the amount of \$1,800 in March. The recipient returns to the county in May (within the diversion period), is determined eligible for CalWORKs cash aid, and opts not to have the \$1,800 diversion payment recouped from the CalWORKs cash aid. The diversion payment equates to 3.3 months of aid. The partial month is dropped, and the recipient has a total of three months (March, April, and May) counted toward the 48-month time limit.

.225

A recipient with a Region 2, Non-Exempt MAP of \$538 receives a diversion lump sum payment of \$100 on March 2. The recipient reapplies for CalWORKs cash aid in the same month and is determined eligible. The month of March counts as one month toward the 48-month limit because the recipient received CalWORKs aid.

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42-302	48-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS (Continued)	42-302
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- (b) A statement that the individual may need to provide documentation to substantiate some exemptions/exceptions.
- (c) A statement of exemptions from the time limit that do not require a written request.
- (d) A statement that the individual will be informed, in writing, whether the exemption/exception is granted or not and the reason if the exemption/exception is denied.
- (e) A statement that the individual may request a State hearing to appeal a denial of an exemption/exception request.

.32 Exemption/Exception Determination

The county shall inform the individual, in writing, of the exemption/exception determination no later than 15 calendar days from the date of completed request for an exemption/exception pursuant to Section 42-302.3. The specified response time may be exceeded in situations where completion of the determination is delayed because of circumstances beyond the control of the county, in which instances the case record must specify the cause for delay. These instances include:

- (a) Inability on the part of the recipient to provide the necessary verification.
- (b) Delay on the part of an examining physician to provide the necessary information.

.33 Documentation of Exemption/Exception

The county shall first research all available and relevant case records before requesting additional verification from the recipient. Pursuant to MPP Section 40-107(a), the county shall assist the applicant/recipient in obtaining the necessary records to verify the exemption/exception.

42-302	48-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS	42-302
	(Continued)	

- .34 Determination Notice
- The notice of action approving or denying a request for an exemption or exception shall state whether the request was granted or denied and if denied, the reason for the denial.
- (a) Repealed by Manual Letter No. EAS-03-04, effective 4/9/03.
- (b) Repealed by Manual Letter No. EAS-03-04, effective 4/9/03.
- (c) Repealed by Manual Letter No. EAS-03-04, effective 4/9/03.

NOTE: Authority cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code; SB 72 (Chapter 8, Statutes of 2011), Section 42. Reference: Sections 10553, 10554, 11266.5, 11320, 11320.3, 11454, 11454(e) and (e)(5), 11454.2, 11454.5, 11454.5(b) and (b)(4) and (5), and 11495.1, Welfare and Institutions Code; Section 37 of AB 444 (Chapter 1022, Statutes of 2002); and 42 U.S.C. 608(a)(7)(a), (B) and (D).

**NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY
RESIDENCE**

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RESIDENCE**

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CHAPTER 42-400 RESIDENCE

42-400 RESIDENCE 42-400

Residence in the state, but not in the county, is a requirement for receipt of aid. However, it is necessary to determine the county in which the applicant lives in order to establish county responsibility for payment of aid. (See Section 40-125.)

42-401 STATE RESIDENCE FOR ELIGIBILITY 42-401

No durational period of residence in the state or county is required.

42-403 RESIDENCE - GENERAL 42-403

.1 Definition of Residence

A person establishes residency by either:

- .11 Voluntarily living in the state with the intention of making his or her home for other than a temporary purpose. Residence may not depend upon the reason for which the individual entered the state, except insofar as it may bear upon whether the individual is there voluntarily or for a temporary purpose; or
- .12 Living in the state at the time of application, not receiving assistance from another state, and having entered the state with a job commitment or to seek employment, whether or not currently employed, (e.g., migrant and itinerant workers).

An AFDC-FG/U child living with a caretaker who qualifies under this definition, is a resident of the state in which the caretaker is a resident.

.2 Duration of Residence

Residence in the state established by either of the above criteria continues until the recipient leaves the state and establishes residence elsewhere. Temporary absence from the state, with subsequent returns, or the intent to return to the state when the purposes of the absence have been accomplished, does not interrupt continuity of residence (see 42-405, 406, and 407).

.3 Program Requirements

The husband or wife may each have a separate residence, a fact which is established by the actions and intent of each. An applicant for or recipient of aid does not lose residence for aid because of marriage, but moving out of state with the spouse also implies intent to establish residence elsewhere.

NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY

42-405**RESIDENCE****Regulations****42-405 RIGHTS AND RESPONSIBILITIES OF APPLICANTS OR RECIPIENTS 42-405****.1 Rights of Residence Location**

Applicants for or recipients of aid have the same freedom of movement and choice of a place to live accorded other citizens of California.

.2 Informing County of Residence Changes

.21 An applicant or recipient, shall immediately inform the county to which he applied, or the county paying aid, if he goes to another county, state, or country, regardless of the anticipated date of return. (See Section 40-181.4.)

.22 Such an applicant or recipient shall cooperate with the county welfare department and provide the county with a monthly written statement explaining his reasons for absence from California, his intent to return to California and anticipated date of return. Failure to promptly provide such statements will result in immediate discontinuance of aid payments.

42-406 COUNTY WELFARE DEPARTMENT RESPONSIBILITY**42-406**

.1 Physical absence from the state indicates a possible change of residence. The county shall make inquiry, on a monthly basis, from all applicants or recipients who have been continuously absent from the state for 30 days or longer in order to ascertain the recipient's intent to maintain California residency. If the inquiry establishes (see Section 42-407.2) that the recipient is no longer a California resident, aid shall be discontinued at the end of the month in which timely and adequate notice can be given.

.2 The response to the inquiry shall include, but is not limited to, the following:

.21 a statement of the applicant or recipient declaring his anticipated date of return to California, or his intent not to return to California.

.22 a statement of the applicant or recipient declaring his reason for continued absence from California.

.23 a statement of the applicant or recipient delineating the present location and status of the housing arrangements (owned, leased, or rented) for himself and his family (spouse and children).

.24 Section 42-406.24(QR) shall become inoperative and Section 42-406.24(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) the completion and return of QR 3 or QR 7, giving his current employment status, and all other factors normally used to compute the recipient's needs.

42-406 COUNTY WELFARE DEPARTMENT RESPONSIBILITY (Continued) 42-406

(SAR) the completion and return of the SAR 3 or SAR 7, giving his or her current employment status, and all other factors normally used to compute the recipient's needs.

.25 a notice to the applicant or recipient that his failure to respond to the inquiry will result in his ineligibility and termination of aid payments.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11265.2, Welfare and Institutions Code.

42-407 EVIDENCE OF RESIDENCE INTENTION 42-407

.1 Applicant or Recipient Physically Present in State

Section 42-407.1(QR) shall become inoperative and Section 42-407.1(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) The written statement of the applicant or recipient is acceptable to establish his intention and action on establishing residence unless the statement is inconsistent with other statements on the SAWS 2, QR 7, or recipient mid-quarter report, or with the conduct of the person or with other information known to the county.

(SAR) The written statement of the applicant or recipient is acceptable proof to establish his or her intention of establishing residence unless the statement is inconsistent with the conduct of the person, with other information known to the county, or with other statements on the SAWS 2, SAR 7, or recipient mid-period reports.

.2 Absence From the State

.21 If an applicant or recipient does not respond, within 30 days, to the monthly county inquiry of residence (Section 42-406), it shall be presumed that he does not intend to maintain California residency and aid shall be discontinued at the end of the month in which timely and adequate notice can be given.

.22 If the applicant or recipient responds to the inquiry, and advises the county that he does not intend to return to California, aid shall be discontinued at the end of the month in which timely and adequate notice can be given.

.23 If the applicant or recipient responds to the inquiry and advises the county that he intends to maintain his California residency but he remains out of state for 60 days or longer, his continued absence is prima facie evidence of the applicant's or recipient's intent to have changed his place of residence to a place outside of California subject to Section 42-407.24. Such absence in itself is sufficient evidence to support a determination that the applicant or recipient has established residence outside of California. Therefore, his intent to return must be supported by one or a combination of the following:

42-407	EVIDENCE OF RESIDENCE INTENTION (Continued)	42-407
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- .231 family members with whom the applicant or recipient lived, currently live in California.
- .232 the applicant or recipient has continued maintenance of his California housing arrangements (owned, leased or rented).
- .233 the applicant or recipient has employment or business interests in California.
- .234 any other act or combination of acts by the applicant or recipient which establishes his intent to reside in California.
- .235 even if the recipient's intent to reside in California is supported by .231 through .234, it may still be established that the recipient does not have the intent to reside in California if any of the following situations occur and are significant enough to negate the evidence that supports California residence:
 - a. The applicant or recipient has purchased or leased a house out of state since leaving California.
 - b. The applicant or recipient has been employed out of state since leaving California.
 - c. The applicant or recipient has obtained an out-of-state motor vehicle driver's license since leaving California.
 - d. The applicant or recipient has taken any other action which indicates his intent to establish residence outside of California.
- .24 Continuous absence of 60 days or longer shall not be prima facie evidence of the applicant's or recipient's intent to have changed his place of residence to a place outside of California where he clearly shows:
 - .241 he has not, by act or intent, established residence outside of California; and
 - .242 his return to California was prevented by illness or an emergency.
- .25 Repealed by Manual Letter No. EAS-92-02, effective 3/1/92.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11265.2, Welfare and Institutions Code; Senate Bill (SB) 991, Chapter 1285, Statutes of 1989; and WRL vs. McMahan, Case No. 268972 (Sacramento Superior Court), October 31, 1990.

42-415 PERSONS INCAPABLE OF CHANGING RESIDENCE 42-415

.1 Deprived of Freedom of Movement

The place of residence for persons who are deprived by court action of freedom of movement remains the same as at the time of the court action.

.2 Guardian or Conservator

The place of residence for one for whom there is a court appointed guardian or conservator of the person may be changed by decision of the guardian or conservator accompanied by removal of the ward or conservatee to another place.

42-416 PERSONS ON PAROLE 42-416

Persons on parole from correctional institutions may by intent establish residence.

42-417 PERSONS LIVING ON LAND LEASED OR OWNED BY THE UNITED STATES 42-417

Persons living within the boundaries of California on land leased by United States agencies from the state, its political subdivisions, or individuals, or on land owned by the United States, may by intent establish residence in the state.

42-421 RECIPIENTS FROM OTHER STATES 42-421

Recipients of categorical aid from other states who move to California with the intent to make their homes here shall be granted aid promptly, if otherwise eligible. County welfare departments shall work out cooperative arrangements with the other state to preclude any break in the receipt of assistance and to avoid the duplication of aid payments from two states.

42-422 CALIFORNIA RECIPIENTS MOVING TO OTHER STATES 42-422

.1 Recipients of categorical aid from California who move to another state and intend to make their homes there shall have aid discontinued from California immediately upon having aid granted by the other state.

.2 Exemptions from the residency requirement in 42-422.1 are as follows:

.21 A non-minor dependent placed with an approved relative who resides out-of-state.

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11253(c), Welfare and Institutions Code.

42-423	NOTIFICATION TO APPLY IN ANOTHER STATE	42-423
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The county welfare department shall give written notification to all recipients who are living out of the state to immediately apply for aid in the other state unless intent to return to California is clearly established and if the intent is to return to California, that application need not be made in the other state but California welfare regulations continue to apply to them. The notice shall indicate that aid shall be immediately discontinued unless the recipient responds within thirty days, indicating either that application has been made in the other state or that California residence is being retained.

42-424	APPLICATIONS BY RECIPIENTS IN OTHER STATES	42-424
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When notification is received by the county from the recipient that application for aid is being made in the other state, direct communication with the appropriate state or local welfare department in the other state shall be initiated to coordinate the discontinuance of aid from California and the granting of aid by the other state. However, pursuant to W&IC Section 11103, aid shall not be continued by California beyond the end of the month following that in which the recipient applies for aid in the other state. If the person is not eligible for aid in the other state, aid shall be discontinued immediately upon notification of this by the person or the other state.

42-430	CITIZENSHIP AND NONCITIZEN STATUS	42-430
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Only citizens of the United States and certain categories of noncitizens are eligible for CalWORKs. Citizens must prove their citizenship and noncitizens must prove their eligible noncitizen status. Aid shall not be authorized until eligible noncitizen status is verified.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.

42-431	ELIGIBILITY REQUIREMENTS	42-431
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As suggested in Section 42-430, to be eligible for assistance an applicant or recipient must be a California resident who is either:

- .1 A citizen of the United States (defined for eligibility determination purposes to include persons who, though not United States citizens, are nationals of the United States by reason of their birth in certain unincorporated United States territories such as American Samoa or the American Virgin Islands), or
- .2 A noncitizen who is:
 - .21 Lawfully admitted for permanent residence; or
 - .22 Permanently residing in the U.S. under color of law, including:

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- .221 Aliens lawfully present in the U.S. as a result of the application of the following provisions of the Immigration and Nationality Act.
 - a. Section 207(c), after March 31, 1980 - Aliens Admitted as Refugees.
 - b. Section 208 - Aliens Granted Political Asylum by the Attorney General.
 - c. Section 212(d)(5) - Aliens Granted Temporary Parole Status by the Attorney General.
- .222 Aliens granted status as Conditional Entrant Refugees pursuant to Section 203(a)(7) of the Immigration and Nationality Act in effect prior to April 1, 1980.
- .223 Aliens granted indefinite voluntary departure in lieu of deportation.
- .224 Aliens granted an indefinite stay of deportation.
- .23 A victim of trafficking, domestic violence or other serious crimes granted eligibility for certain public social services under Welfare and Institutions Code Section 18945.
- .231 The CWD must determine the status of individuals applying for benefits as victims of human trafficking, domestic violence or other serious crimes.

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- (a) Severe forms of human trafficking are defined in the U.S. Code, Title 22, Section 7102 (8) as: Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
- (b) Sections 1101(a)(15)(U)(i) and (iii) of Title 8 of the U.S. Code define noncitizen victims of serious crimes as aliens who:
 - (1) Have suffered substantial physical or mental abuse as a result of having been victims of criminal activity involving, or similar to, the following violations: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy or solicitation to commit any of the above mentioned crimes; and,

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HANDBOOK CONTINUES

- (2) Possess information concerning criminal activity (or in case of an alien child under the age of 16, the parent, guardian, or adult representing the child); and
- (3) Have been helpful, are being helpful, or are likely to be helpful to a federal, state, or local law enforcement official, prosecutor, or judge or to other federal, state, or local authorities investigating or prosecuting criminal activities described above (or in the case of an alien child under the age of 16, the parent, guardian, or adult representative of the alien is helpful).

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.3 Eligible noncitizen trafficking, domestic violence or other serious crime victims who meet all other eligibility criteria for cash assistance shall be aided under the CalWORKS program. See MPP Section 40-105.26 for SSN exception.

.31 If not otherwise eligible under the CalWORKS program requirements, these individuals shall have their eligibility determined under the Trafficking and Crime Victims Assistance Program (TCVAP).

.4 Determination of Eligibility as a Victim of Human Trafficking: The county shall consider all forms of acceptable evidence as listed below.

.41 For purpose of determining eligibility as a victim of human trafficking (Section 42-431.23), the CWD shall consider all relevant and credible evidence. A sworn statement by a victim or a representative, if the victim is unable to competently swear, shall be sufficient to verify trafficking status, if at least one item of additional evidence is provided. This evidence includes, but is not limited to the following:

.411 Police, government agency, or court records or files;

.412 News articles;

.413 Documentation from a social services, trafficking or domestic violence program, or a legal, clinical, medical, or other professional from whom the applicant or recipient has sought assistance in dealing with the crime;

.414 A statement from any other individual with knowledge of the circumstances that provided the basis for the claim;

.415 Physical evidence;

.416 A copy of a completed visa application;

.417 Written notice from United States Citizenship and Immigration Services (USCIS) of receipt of the visa application.

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- | .42 If the victim of human trafficking cannot provide additional evidence, a sworn statement shall be sufficient if the county makes a determination that the applicant appears to be credible.

- | .421 The CWD may use a generic "under penalty of perjury" form for the sworn statement that contains the applicant's declaration that s/he is a victim of human trafficking.

- | .422 The credibility of an applicant for purposes of accepting his/her sworn statement of trafficking status may be determined by applying the same standard used when determining credibility in domestic violence cases as defined in Section 42-712.12. The sworn statement is acceptable unless there is an independent and reasonable basis, documented in writing, for finding the applicant not credible.

- | .5 Determination of Trafficking Victim's Eligibility for Benefits and Services

- | .51 Once it has been determined that the applicant meets the definition of a victim of human trafficking, the CWD must verify that the applicant:
 - | .511 Has filed an I-914 application for T Nonimmigrant status (T Visa) with USCIS and the application has not been denied; or
 - | .512 Is preparing to file an application for a T Visa; or
 - | .513 Is otherwise taking steps to meet the eligibility conditions for federal benefits; or
 - | .514 Is a person for whom "continued presence" in the U.S. has been requested by federal law enforcement because s/he is assisting or willing to assist in the investigation or prosecution of human traffickers.

- | .52 The following documentation can be used in determining whether an applicant has filed or is preparing to file for a T Visa:
 - | .521 A confirmation receipt or letter from USCIS verifying an application has been filed; or
 - | .522 A copy of the application for a T Visa (form I-914); or
 - | .523 If an applicant has not yet filed for a T Visa, the applicant's statement that he or she intends to file or is taking steps to become federally eligible (e.g., working with a community-based organization to prepare to qualify for federal benefits, working with law enforcement, etc.) will be acceptable.
 - | (a) Documentation could also include statements from persons in official capacities, (e.g., law enforcement officials or victims advocates) who have assisted or are assisting the victim with the T Visa application or steps to becoming eligible.

42-431	ELIGIBILITY REQUIREMENTS (Continued)	42-431
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.53 "Continued Presence" is a status that allows trafficking victims assisting law enforcement to remain in the country during the course of a criminal investigation.

.54 Eligibility for state-funded services for trafficking victims shall be terminated if:

.541 The recipient has a final administrative denial of a T Visa application; or

(a) "Final Administrative Denial" means that an appeal of the visa denial has been unsuccessful or the time to appeal the denial has passed without an appeal having been filed, whichever comes first.

.542 The recipient has not applied for a T Visa within one year of the date of the CalWORKs application; or

.543 A request on behalf of the recipient for continued presence has not been made within one year of the date of CalWORKs application; or

.544 The recipient is issued a T Visa.

.545 When a trafficking recipient who is otherwise eligible receives his/her T Visa, the case is reviewed for Temporary Assistance For Needy Families (TANF) eligibility and application for SSN must be made in accordance with Section 40-105.21.

.6 Determination of Eligibility for Benefits and Services for Victims of Domestic Violence or Other Serious Crimes

.61 State-funded services for noncitizen victims of domestic violence or other serious crimes are available only when a request with USCIS for a U Visa has been filed, if otherwise eligible. This section also applies to individuals who have requested U Visa Interim Relief only if requested prior to October 17, 2007, if otherwise eligible. To be eligible under this section, the CWD must verify that these applicants:

.611 Have filed a formal application for U Visa (Form I-918 and required supplements) with USCIS for status under Section 1101(a)(15)(U)(i) or (ii) of the Title 8 of U.S. Code or have requested U Visa Interim Relief prior to October 17, 2007, if otherwise eligible.

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- .62 Acceptable documentation for verifying that an application for a U Visa has been filed or a request for U Visa Interim Relief was filed (U Visa Interim Relief is acceptable only if a request for U Visa Interim Relief was filed prior to October 17, 2007) includes, but is not limited to:
 - .621 A confirmation receipt or letter from USCIS verifying that a request has been filed; or
 - .62 The Notice of Action (form I-797) approving a U Visa or a request for U Visa Interim Relief (U Visa Interim Relief is acceptable only if a request for U Visa Interim Relief was filed before October 17, 2007); or
 - .623 A form I-797 which serves as a fee receipt for an employment authorization request based on a U Visa application; or
 - .624 A copy of the Petition for U Nonimmigrant status (Form I-918); or
 - .625 An Employment Authorization Document (EAD) issued under Category “A19” or “A20” for an approved U Visa petitioner.
- .63 Eligibility for state-funded services will continue until the recipient has a final administrative denial, as defined in Section 42-431.541(a), of a U Visa application or when the 48-month program limitation has been reached, whichever comes first.

NOTE: Authority cited: Sections 10553 and 10554, Welfare Institutions Code; SB 1569 (Chapter 672, Statutes of 2006); and SB 72 (Chapter 8, Statutes of 2011), Section 42. Reference; SB 1569 (Chapter 672, Statutes of 2006).: Sections 11454, 11454.2, 13283, 14005.2, and 18945, Welfare and Institutions Code; 8 United States Code 1182(d)(5)(B), 28 Code of Federal Regulations (CFR) Section 1100.35, 45 (CFR) Section 400.43; the Trafficking Victims Protection Act of 2000 (P.L. 106-386), Sections 107(b)(1)(A), (B), and (C).

42-433 PROOF OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS 42-433

A citizen must prove his/her citizenship to be eligible, as provided in Section 42-433.2. A noncitizen must prove that he/she is in one of the eligible categories described in Section 42-431.2 above, by presenting the appropriate documentation described in Section 42-433.31 below.

.1 Cooperation

Every applicant and recipient shall provide all information necessary to determine his/her citizenship or noncitizen status. An applicant or recipient whose citizenship or noncitizen status is evidenced by a document issued by the United States Citizenship and Immigration Services (USCIS) (e.g., a naturalized citizen or person whose American citizenship is derived from the citizenship of another person) must cooperate with USCIS when the county desires that his/her documentation be verified by USCIS (as when the documentation presented is believed by the county to be of doubtful authenticity). Any applicant or recipient who refuses to cooperate in the verification of his/her status shall not be eligible. See Sections 40-105 and 40-157.3.

42-433 PROOF OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS (Continued)42-433

.2 Documentation -- U.S. Citizens

- .21 United States Citizenship as defined in Section 42-431.1 shall be documented by a birth certificate, or similar proof of birth in the United States or United States Territory, U.S. passport, certificate of citizenship or naturalization provided by INS, or an identification card for use of a resident citizen in the United States (INS Form I-179 or I-197). If such evidence is not available, the applicant shall state the reason and submit other evidence which proves his/her birth in the United States or United States Territory, or his/her citizenship. Examples of other evidence: documents which show the date and place of the applicant's birth such as confirmation papers or church record of confirmation, school records, Indian agency records (if applicable), adoption decree (if birth in the United States or United States Territory is shown), copy of discharge from military service, marriage certificate, or affidavits, or declarations made under penalty of perjury, by persons with direct knowledge of (1) the date and place of the applicant's birth in the United States, or (2) the U.S. citizenship of the applicant's parents, or (3) facts concerning the applicant which would not exist if he/she were not a citizen.
- .22 An otherwise eligible person who states on the CA 2 that he/she is a United States citizen, but who cannot provide the documentation or other proof specified in .21 above shall be eligible in the absence of any conflicting evidence, for aid pending verification of citizenship for a period up to 90 days after the date of application, (restoration, or reapplication) pending verification of his/her status. For persons receiving aid, as of the effective date of these regulations, whose only proof of citizenship was a certificate of registration to vote, the county shall continue aid pending verification of status for up to 90 days after the date of the next redetermination or for up to 90 days after the date verification is requested if earlier. Efforts to obtain satisfactory documentation shall be undertaken by the recipient in this period (see Section 40-157.21). At the end of 90 days, aid to the recipient shall be terminated unless the county in assisting the recipient, determines an extension of time is necessary to obtain documentation. The extension of time shall be appropriate to the particular situation, but in no event shall extend beyond the next annual redetermination date. At that time, if no satisfactory proof of citizenship can be obtained, the recipient shall be terminated from aid.
- .23 Aid to a person receiving aid pending verification of citizenship under .22 above shall be terminated if during the period of documentation gathering:

42-433 PROOF OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS (Continued)42-433

- .231 He/she refuses to cooperate with the county and/or INS in determining his/her citizenship (see Section 42-433.1).
- .232 The county verifies that he/she is not a citizen of the United States.

.3 Documentation - Noncitizens

- .31 Every noncitizen claiming eligible noncitizen status as defined in Section 42-431 shall be required to present documentation of that status, as follows:
 - .311 Noncitizens lawfully admitted for permanent residence (Section 42-431.21): USCIS Form I-551, or earlier forms I-151, AR-3 and AR-3a, if specifically endorsed to show legal right to reside permanently.
 - .312 Noncitizens granted asylum or refugee status (Section 42-431.221(a) and (b) and 42-431.222): USCIS Form I-94, annotated with the term asylum or asylee, refugee or conditional entry or entrant.
 - .313 Parolees (Section 42-431.221(c)): USCIS Form I-94 (Arrival-Departure Record -- Parole Edition) endorsed to show bearer has been paroled in the U.S. pursuant to Section 212(d)(5) of the Immigration and Nationality Act.
 - .314 Persons granted indefinite voluntary departure or an indefinite stay of deportation (Section 42-431.223 and .224): A court order or correspondence from USCIS stating that the individual has been granted this status.
 - .315 Noncitizen victims of trafficking, domestic violence or other serious crimes must provide the respective documentation as set forth in Sections 42-431.4 through .6.
- .32 A noncitizen who declares or presents documentation that he/she is lawfully present for temporary residence (e.g., a visitor whose period of admission has not expired) is not eligible except as noted in Sections 42-431.221(c) and .23.
- .33 Documentation submitted by the noncitizen applicant in accordance with .31 above which the CWD believes to be of doubtful authenticity shall be accepted as evidence of eligibility only if the applicant cooperates with the CWD and USCIS in verifying his/her status. See Section 42-433.1. A Document Verification Request (G-8454S) completed by the applicant shall be referred immediately to USCIS. If USCIS returns the G-8454S to the CWD and indicates that USCIS is unable to complete the verification process due to noncooperation by the noncitizen, the CWD shall delete the noncitizen from the AU. A noncitizen who has been deleted from the AU for this reason may complete another G-845S but shall not be reinstated to the AU until confirmation of eligible noncitizen status is received by the CWD from USCIS.
- .34 Where a noncitizen victim of trafficking (as defined in Section 42-431.23) is basing his or her eligibility on MPP Sections 42-431.512 through .514 and does not have documentation that can be verified by USCIS, he or she is not required to complete a G-845S; Document Verification Request.

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.4 Lack of Documentation

.41 If the noncitizen or naturalized/derivative citizen has no documentation of eligible status, the county welfare department shall inform the individual that:

.411 He/she may contact USCIS or otherwise obtain a USCIS document or other conclusive evidence verifying citizenship or eligible noncitizen status, or

.412 He/she may sign a G-845S, authorizing the county to contact USCIS to obtain the necessary verification.

.42 If a noncitizen or naturalized/derivative citizen authorizes the county to contact USCIS to obtain verification of the applicant's status, the CWD shall forward two copies of the G-845S to USCIS and retain a copy in the case file. When USCIS verification is returned to the CWD, the CWD shall notify the applicant.

.43 If the applicant does not wish to contact USCIS or give permission to the CWD to contact USCIS, the applicant may withdraw his/her application or the application shall be denied for noncooperation (see Sections 19-007.12 and 40-105.11).

.5 Receipt of G-845S from USCIS

When a noncitizen's eligibility has been confirmed by USCIS and the completed G-845S has been received by the CWD, the CWD shall resume processing the application and the beginning date of aid rules in Section 44-317 shall apply.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and SB 1569 (Chapter 672, Statutes of 2006). Reference: Sections 13283, 14005.2, and 18945, Welfare and Institutions Code; 8 United States Code 1182(d)(5)(B), 45 Code of Federal Regulations 400.43; The Trafficking Victims Protection Act of 2000 (P.L. 106-386), Sections 107(b)(1)(A), (B), and (C).

42-435 LANGUAGE FLUENCY **42-435**

If an alien applicant is not fluent in English, it shall be the duty of the county to provide an understandable explanation of documentation requirements in a language in which he is fluent.

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Entire Chapter repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

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Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 45 CFR 233.60, Section 3510 (October 1961), Federal Handbook of Public Assistance Administration, and Sections 10553, 10554, and 10604, Welfare and Institutions Code.

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Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

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Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

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Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 45 CFR 233.60, Section 3510 (October 1961), Federal Handbook of Public Assistance Administration, and Sections 10553, 10554, and 10604, Welfare and Institutions Code.

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CHAPTER 42-700 WELFARE-TO-WORK

42-701 INTRODUCTION TO WELFARE-TO-WORK 42-701

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.1 Background

The California Work Opportunity and Responsibility to Kids (CalWORKs) Act became operative in 1998. The Welfare-to-Work Program is the employment and training aspect of CalWORKs that replaces the previous Greater Avenues for Independence (GAIN) program. Welfare-to-Work is a comprehensive statewide employment program designed to enable participants to achieve self-sufficiency through employment.

The intent of the Welfare-to-Work Program is to provide employment and training services to virtually all adult recipients. Some of the major changes brought about by Welfare-to-Work include:

- (a) Broader service scope. By reducing the number of adults eligible for exemption, a much larger segment of the adult assistance population is required to participate in work activities.
- (b) Minimum hourly participation requirements. All participants will be required to be engaged in employment and training activities for enough hours each week to allow for substantial progress toward employment while meeting the federal participation requirements.
- (c) Mandatory core welfare-to-work participation hours. Unless exempt, adult recipients are required to participate in at least a minimum average of 20 hours per week of core welfare-to-work activities. The balance of their 32- or 35-hour per week participation requirement shall be spent in either core or non-core activities. All welfare-to-work activities will be assigned based upon the recipient's assessment and will aid recipients in obtaining employment.
- (d) Expanded supportive services. In addition to child care, transportation, and ancillary services provided under GAIN, welfare-to-work supportive services will include, but not be limited to, mental health, substance abuse, and domestic abuse services.

HANDBOOK ENDS HERE

.2 Definitions for Terms Used in This Chapter

- (a) (1) "Adult Basic Education" means a welfare-to-work activity which includes instruction in reading, writing, arithmetic, high school proficiency, or general educational development certificate instruction, and English-as-a-second-language.
- (b) Reserved

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- (c) (1) "CDSS" means the California Department of Social Services.
- (2) "Certificate" means a document issued by a two or four year accredited college, ROP/C Program, or adult education provider indicating that the individual has achieved a specified level of educational/vocational proficiency.
- (3) "Community Service" means a welfare-to-work training activity that is temporary and transitional, is performed in the public or private nonprofit sector under the close supervision of the activity provider, and provides participants with basic job skills that can lead to employment while meeting a community need.
- (4) "Core Welfare-to-Work Activities" means any of the following welfare-to-work activities: unsubsidized employment, subsidized private sector employment, subsidized public sector employment, work experience, on-the-job training, grant-based on-the-job training, supported work or transitional employment, work study, self-employment, community service, vocational education and training programs for up to 12 cumulative months (pursuant to Section 42-716.211), and job search and job readiness assistance. Adult basic education, job skills training directly leading to employment, satisfactory progress in a secondary school or in a course of study leading to a certificate of general education development, education directly related to employment, and mental health, substance abuse, and domestic abuse services can count as core hours pursuant to Section 42-716.23.
- (5) "County Welfare Department (CWD)" means the agency that administers the CalWORKs program at the county level.
- (6) "Custodial Parent" means the parent(s) who lives with the child.
- (d) (1) "Degree" means a document issued by a two or four year accredited college or university indicating that individual has successfully completed a prescribed course of study.
- (2) "Doctor" means a health care professional who is licensed by a state to diagnose/treat physical and mental impairments that can affect an individual's ability to work or participate in welfare-to-work activities. "Doctor" includes, but is not limited to, doctors of medicine, osteopathy, chiropractic, and licensed/certified psychologists.
- (3) "Domestic Abuse" means assaultive or coercive behavior which includes physical abuse, sexual abuse, psychological abuse, economic control, stalking, isolation, threats, or other types of coercive behaviors occurring within a domestic relationship.
- (4) "Domestic Relationships" are relationships between or among:
 - (A) Adults or minors who are a current or former spouse;

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- (B) Adults or minors who live together or have lived together;
 - (C) Adults or minors who are dating or have dated;
 - (D) Adults or minors who are engaged in or who have engaged in a sexual relationship;
 - (E) Adults or minors who are related by blood or adoption;
 - (F) Adults or minors who are or formerly were related by marriage;
 - (G) Adults or minors who are engaged or were formerly engaged to be married;
 - (H) Persons who have a child in common;
- (5) Domestic abuse is also abuse perpetrated:
- (A) Against minor children of persons in Sections 42-701.2(d)(4)(A) through (H); or
 - (B) When an adult or minor acts in concert with or on behalf of a perpetrator in a relationship identified in Sections 42-701.2(d)(4)(A) through (H).
- (e) (1) "Employment" means work that is compensated at least at the applicable state or federal minimum wage. If neither wage rate applies, the work must be compensated in an amount equivalent to the lesser of the two.
- (2) "Exempt" means that a CalWORKs applicant or recipient is not required to participate in Welfare-to-Work activities as a condition of eligibility for aid.
- (f) (1) "Fixed-Unit Price" means a set fee or price for a single component or group of services that achieve a specific goal.
- (g) (1) "GAIN" means Greater Avenues for Independence.
- (2) "Grant-Based On-The-Job Training (OJT)" is a funding mechanism for subsidized public or private sector employment or OJT in which the recipient's cash grant, or a portion thereof, or the aid grant savings resulting from employment, or both, is diverted to the employer as a wage subsidy to partially or wholly offset the payment of wages to the participant, so long as the total amount diverted does not exceed the family's maximum aid payment. Grant savings from employment is the net nonexempt income from employment, as determined pursuant to Section 44-111.2. Grant-based OJT may include community service positions.

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- (h) Reserved
- (i) (1) "Intermediary Service Provider" means a public or private agency with a CWD contract that subcontracts with employers to provide training or employment to participants.
- (j) (1) "Job Creation Plan" means a county plan for local job creation. The Trade and Commerce Agency provides funding for job creation activities that will provide employment for recipients.

(2) "Job Readiness Assistance" means a welfare-to-work activity that provides the recipient with training to learn basic job seeking and interviewing skills, to understand employer expectations, and to learn skills designed to enhance an individual's capacity to move toward self-sufficiency.

(3) "Job Search" means a welfare-to-work activity in which the participant's principal activity is to seek employment.
- (k) Reserved
- (l) (1) "License" means a document issued by a governmental agency which grants authority to practice a trade, profession or the like.

(2) "Learning Disabilities" means a heterogeneous group of disorders manifested by significant difficulties in the acquisition and use of listening, speaking, reading, writing, reasoning, or mathematical abilities.

These disorders are intrinsic to the individual and presumed to be due to central nervous system dysfunction. Even though a learning disability may occur together with other handicapping conditions (e.g., sensory or mental impairment); or environmental retardation, social and/or emotional disturbance influences (e.g., cultural differences, insufficient/inappropriate instruction, psychogenic factors); it is not the direct result of those conditions or influences.

For the purposes of the CalWORKs Welfare-to-Work program, these disorders interfere with the participant's ability to obtain or retain employment or to participate in welfare-to-work activities.
- (m) Reserved

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- (n) (1) "Non-core Welfare-to-Work Activities" means any of the following welfare-to-work activities: adult basic education, job skills training directly related to employment, education directly related to employment, satisfactory progress in a secondary school or in a course of study leading to a certificate of general education development, mental health, substance abuse, domestic abuse services, vocational education and training programs beyond the 12-month limit, other activities necessary to assist an individual in obtaining unsubsidized employment, and participation required of the parent by the school to ensure the child's attendance.

- (o) Reserved

- (p) (1) "Performance-based Contract" means training or education under a contract in which payment is made to the contractor only after the achievement of a specified goal.

- (2) "Protocol" means procedures, methods, a prescribed plan of action, or a set of rules that will govern actions.

- (q) Reserved

- (r) (1) "Refugee Cash Assistance (RCA) Welfare-to-Work Participant" means a refugee applicant or recipient who meets the requirements of MPP Section 69-206.12 and who is participating in the Welfare-to-Work Program as directed by the county plan.

- (s) (1) "Supplemental Refugee Services (SRS) Welfare-to-Work Component" means a supplemental services component, within the CalWORKs Welfare-to-Work Program, for CalWORKs refugees who would otherwise be temporarily excepted from the full range of Welfare-to-Work services due to Welfare-to-Work funding limitations.

- (2) "Subsidized Employment" means employment in which the welfare-to-work participant's employer is partially or wholly reimbursed for wages and/or training costs.

- (3) "Supported Work or Transitional Employment" means a welfare-to-work activity that is a form of grant-based OJT in which the participant's cash grant, or a portion thereof, or the aid grant savings from employment, is diverted to an intermediary service provider to partially or wholly offset the payment of wages to the participant.

- (t) Reserved

- (u) (1) "Universal Engagement" means non-exempt individuals are required to participate in welfare-to-work activities by signing a welfare-to-work plan within the time frames specified in Section 42-711.62.

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(Continued)

- (v) (1) "Volunteer" means a CalWORKs applicant or recipient who, though not required to participate in the Welfare-to-Work Program, chooses to participate.
- (w) (1) "WtW Grant program" means the Welfare-to-Work (WtW) Grant program as described in 42 U.S.C. 603(a)(5), authorizing the U.S. Department of Labor to provide WtW grants to states and local communities.
- (2) "Welfare-to-Work Plan" means a plan developed by the CWD and the participant that specifies the program activities in which a participant shall engage and the services that will be provided to the participant.
- (3) "Work Experience" means a welfare-to-work training activity in the public or private sector under the close supervision of the activity provider, that helps provide basic job skills, enhance existing job skills in a position related to the participant's experience, or provide a needed community service that shall lead to unsubsidized employment.
- (x) Reserved
- (y) Reserved
- (z) Reserved

NOTE: Authority cited: Sections 10531, 10553, and 10554, Welfare and Institutions Code. Reference: Section 8172, Education Code; Sections 10063, 10800, 11320, 11320.3(b)(3)(A), 11322.6, 11322.8(c), (d), and (e), 11322.9, 11324.6, 11324.8, 11325.21, 11325.25, 11331.5, 11495, 11495.1, 11495.12, and 13280, Welfare and Institutions Code; and Sections 15365.50 and 15365.55, Government Code; and 42 U.S.C. 603(A)(5).

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42-702 CALWORKS WELFARE-TO-WORK ENROLLMENT REQUIREMENTS 42-702

- .1 An individual who was receiving aid in the month prior to the implementation date of CalWORKs Welfare-to-Work Program in the county shall be enrolled in the Welfare-to-Work Program no later than January 1, 1999.

- .11 The CWD may require an existing GAIN participant to enter into a new welfare-to-work plan prior to completion of the activities in the GAIN contract in which the individual is satisfactorily participating. New requirements (including, but not limited to, hours and/or activities) and services may be added to those in the contract, but no assignment(s) may be withdrawn prior to completion without the participant's written consent.

- .2 An individual whose beginning date of aid is in the month that the CalWORKs Welfare-to-Work Program is implemented in the county, or thereafter, shall be enrolled by the CWD at the time when the application for aid is granted. An individual who volunteers to participate before the application is granted shall be enrolled at the time he or she volunteers.

- .3 Enrollment is defined as sending an individual a notice that he or she is scheduled for a welfare-to-work appraisal or that he or she is required to convert their GAIN contract to a welfare-to-work plan, as appropriate.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10532(c) and 11322.8, Welfare and Institutions Code.

42-710 18- AND 24- MONTH TIME LIMITS 42-710

Repealed by Manual Letter No. EAS-06-01, effective 4/3/06.

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- .1 Program Information for Applicants
 - .11 At the time an individual applies for aid or at the time a recipient's eligibility for aid is determined, the CWD shall do the following:
 - .111 Determine whether the individual is required to participate in welfare-to-work activities.
 - .112 Provide the individual, in writing and orally as necessary, with information including:
 - (a) A general description of education, employment, training opportunities, and the supportive services available, including transitional benefits.
 - (b) A description of the core and non-core welfare-to-work activities, the core requirement, and when the non-core activities may count toward the core requirement.
 - (c) A description of the exemptions from required welfare-to-work participation provided in Section 42-712 and the consequences of a failure or refusal to participate in program components if not exempt, pursuant to Section 42-721.3.
 - .12 At the time an individual is required to participate in welfare-to-work activities, he or she will receive a written preliminary determination, if applicable, that he or she is a member of a targeted group for purposes of any federal or state employer tax credit that may be operative.
- .2 Cal-Learn Exclusion
 - .21 The provisions of Section 42-711 shall not apply to individuals who are required to participate in, participating in, or exempt from, the Cal-Learn Program, as described in Sections 42-762 through 42-769.
- .3 Non-Cal-Learn 19-Year-Old Custodial Parents
 - .31 A 19-year-old custodial parent who has no high school diploma or equivalent and is not participating in Cal-Learn is required to participate in welfare-to-work activities only to earn a high school diploma or its equivalent.
 - .311 The CWD may determine that participation in education activities for the purpose of earning a high school diploma or equivalent is inappropriate for a 19-year-old custodial parent:
 - (a) On the basis of an evaluation, pursuant to Section 42-711.58, which indicates that, because of a learning disability or medical problem, the individual is unable to successfully complete or benefit from these educational activities; or

42-711	WELFARE-TO-WORK PARTICIPATION REQUIREMENTS	42-711
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(Continued)

- (b) If at appraisal, the parent is already in an educational or vocational program that is approvable as a SIP in accordance with Section 42-711.541.

- .32 A 19-year-old custodial parent who has a high school diploma or equivalent is required to participate in welfare-to-work activities and is subject to all program requirements.

- .4 Hours of Participation
 - .41 Adult in One-Parent Assistance Unit
 - .411 Unless exempt from participation, an adult recipient in a one-parent assistance unit shall participate each month in welfare-to-work activities for a minimum average per week of 32 hours.
 - (a) A minimum average of 20 hours per week of participation must be in one or more core welfare-to-work activities, as specified in Section 42-716.2.
 - .412 In no event shall the adult recipient participate in welfare-to-work activities less than the hours of participation required under federal law for the entire time period on aid, unless the individual is an exempt volunteer. (See Section 42-714.2.)
 - .42 Adult(s) in Two-Parent Assistance Unit
 - .421 Unless exempt from participation, an adult recipient in a two-parent assistance unit whose basis for aid is unemployment shall participate each month in welfare-to-work activities for a minimum average per week of 35 hours.
 - (a) A minimum average of 20 hours per week of participation must be in one or more core welfare-to-work activities, as specified in Section 42-716.2.
 - (b) 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.
 - (1) 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.

42-711 WELFARE-TO-WORK PARTICIPATION REQUIREMENTS **42-711**
(Continued)

- .422 To be eligible for federally-funded CalWORKs child care, both parents shall participate to meet the family's minimum participation requirement of an average of at least 55 hours per week in welfare-to-work activities.
- (a) The 55-hour requirement does not apply to the family if an adult in the family is disabled, caring for a severely disabled child, or if nonfederal funds are used for child care.

.5 Assignment of Recipients to Welfare-to-Work Activities

- .51 After aid has been granted, recipients who are not exempt in accordance with Section 42-712, shall participate in welfare-to-work activities in the following sequence.

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- .511 Division 21, which includes provisions regarding nondiscrimination and the communication needs of limited English-proficient clients, applies to welfare-to-work activities and services.

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- .512 A county shall provide welfare-to-work activities and services to a reunification parent, including a sanctioned individual, pursuant to the temporary absence/family reunification provisions of Section 82-812.68, and the county child welfare services agency determines that such services are necessary for family reunification.
- .52 Appraisal
- .521 Recipients are required to participate in the appraisal specified in Section 42-711.522. At the option of the CWD, applicants may voluntarily participate.
- .522 Prior to or during the appraisal, the CWD shall inform the individual in writing of the following:
- (a) The requirement to participate in available welfare-to-work activities up to the time limit specified in Section 42-716.11 and for the required number of participation hours pursuant to Sections 42-716.2, .21, and .22.

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42-711 WELFARE-TO-WORK PARTICIPATION REQUIREMENTS (Continued) 42-711

(b) A general description of the welfare-to-work program, including available activity components and supportive services, including child care that is available under Section 42-750.11.

(1) Information regarding child care shall include the following:

(A) For an individual to receive child care, he or she must request and be determined eligible for the services:

(B) Payments for child care services cannot be made for care provided more than 30 calendar days prior to the applicant's or recipient's request for child care, pursuant to Section 47-430.2; and

(C) The individual is responsible for any child care services received prior to the 30-calendar-day period in Section 42-711.522(b)(1)(B).

(c) A general description of the rights, duties, and responsibilities of the participants, including the following:

(1) A list of the exemptions from the required participation pursuant to Section 42-712;

(2) The consequences of a failure or refusal to take part in the program activity(ies), pursuant to Section 42-721, and the criteria for successful completion of the program;

(3) A description of good cause criteria for noncooperation, pursuant to Sections 42-713 and 42-721.3;

(4) The right to request a state hearing or file a formal grievance, pursuant to Section 42-721.5;

(5) The right to a third-party assessment, pursuant to Section 42-711.556.

42-711	WELFARE-TO-WORK PARTICIPATION REQUIREMENTS (Continued)	42-711
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- (d) A statement that the participant has the following grace periods:
 - (1) Three (3) working days after the completion of the welfare-to-work plan or subsequent amendments to the plan to evaluate, and request changes to, the terms of the plan, pursuant to Section 42-711.646.
 - (2) Thirty (30) days from the beginning of the initial training or education assignment activity to request a change or reassignment to another activity, pursuant to Section 42-711.647.
- (e) School attendance requirements for children in the assistance unit.

.523 During the appraisal, the individual shall provide information about their employment history and skills, the need for supportive services, and any other relevant information the CWD requires in order to assign welfare-to-work activities appropriately.

.524 If the CWD denies an individual's request to continue in a SIP, pursuant to Sections 42-711.541 and/or .542, the CWD shall notify the participant in writing that the SIP was denied, the reason(s) for the denial, and the right to appeal the denial.

.53 Job Search

.531 Recipients are required to participate in job search activities. At the option of the CWD, applicants may voluntarily participate. Exceptions to the requirement that all recipients must participate in job search activities are as follows:

- (a) Participation in job search has been determined not to be beneficial pursuant to Section 42-711.533.
- (b) Participation in job search shall not be required if the job search schedule will interfere with unsubsidized employment or participation in an approved SIP as specified in Section 42-711.54.
- (c) The individual is required to participate in, is participating in, or is exempt from Cal-Learn or is 19 years old and has not yet earned a high school diploma or equivalent certificate.
- (d) A noncitizen who is a victim of human trafficking, domestic violence or other serious crimes as specified in Section 42-431.23 who does not have authorization to work from the United States Citizenship and Immigration Services shall not be required to participate in job search.
 - (1) Upon earning a high school diploma or its equivalent, the above individuals shall not be required, but may be permitted, to participate in job search activities as their first program assignments following an appraisal.

42-711	WELFARE-TO-WORK PARTICIPATION REQUIREMENTS	42-711
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(Continued)

- .532 Upon completion of the appraisal specified in Section 42-711.52, all participants, except those specified in Section 42-711.531 and .533, shall be assigned to participate for a period of up to four consecutive weeks in job search activities.
 - (a) Job search activities may include use of job clubs to identify the participant's qualifications.
 - (b) The CWD shall consider the skills and interests of participants in developing a job search strategy.
- .533 The period of job search activities may be shortened under the following circumstances:
 - (a) The participant and the CWD agree that further job search activities would not be beneficial; or,
 - (b) The CWD determines that the recipient will not benefit because he or she may suffer from an emotional or mental disability that will limit or preclude the recipient's participation in welfare-to-work activities.
- .534 Job search activities may be required in excess of four weeks if the CWD determines that the recipient's performance during job search indicates that extending the job search period is likely to result in unsubsidized employment.
- .535 Individuals shall continue to seek employment throughout their participation in welfare-to-work activities.
- .54 Self-Initiated Programs (SIPs)
 - .541 Except as provided by Section 42-711.542, any recipient who is required to participate in welfare-to-work activities in accordance with Section 42-712.1, may continue in an undergraduate degree or certificate program that leads to employment in accordance with Section 42-716.11, if:
 - (a) He or she is enrolled, as defined in Section 42-711.549, as of the earlier of:
 - (1) The date he or she is appraised, or
 - (2) The date he or she would have been appraised if he or she had not failed, without good cause, to appear for the appraisal appointment;
 - (b) He or she is making satisfactory progress in that program;

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- (c) The CWD determines that continuing in the program is likely to lead to self-supporting employment for that recipient; and
 - (d) The welfare-to-work plan reflects that determination.
- .542 Any individual who possesses a baccalaureate degree will not be eligible to participate in a SIP unless the individual is pursuing a California regular classroom teaching credential in a college or university with an approved teacher credential preparation program.
- .543 A program will be determined to lead to employment if it is on a list of programs that the CWD and local education agencies or providers agree lead to employment.
- (a) The list must be agreed to annually, with the first list completed no later than January 31, 1998.
 - (1) By January 1, 2000, all educational providers must report data regarding programs on the list for the purposes of the report card established under Section 15037.1 of the Unemployment Insurance Code for the programs to remain on the list.
 - (b) For recipients whose program is not on the list, the CWD shall determine if the program leads to employment.
 - (1) The recipient shall be allowed to continue in the program up to the time period specified in Section 42-716.11, if the recipient demonstrates to the CWD that the program will lead to self-supporting employment for that recipient and the documentation is included in the welfare-to-work plan.
 - (A) The CWD shall inform the recipient in writing of the process by which the recipient may demonstrate that a program not on the list of approved SIPs will lead to self-supporting employment.
 - (c) Any recipient in any degree, certificate, or vocational program offered by a private postsecondary training provider will not be approved in a self-initiated training or education program unless the program is either approved or exempted by the appropriate state regulatory agency and the program is in compliance with all other provisions of the law.

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- (1) Degree, certificate, or vocational programs offered by private postsecondary schools are either: approved or exempted by the Department of Consumer Affairs, Bureau for Private Postsecondary and Vocational Education or accredited by the Western Association of Schools and Colleges.

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- .544 If participation in a SIP, as determined by the number of hours required for classroom, laboratory, or internship activities, is not at least 32 hours, the CWD shall require concurrent participation in work activities, pursuant to Sections 42-716.31(a) through (j) inclusive and in accordance with Section 42-711.5, to reach the 32-hour requirement.
- .545 Participation in the self-initiated education or vocational training program must be reflected in the required welfare-to-work plan.
 - (a) The welfare-to-work plan shall provide that whenever an individual ceases to participate in, refuses to attend regularly, or does not maintain satisfactory progress in the SIP, the individual shall participate in the welfare-to-work activities in accordance with Section 42-711.5.
- .546 Any person whose previously approved SIP is interrupted for reasons that meet the good cause criteria in Section 42-713.2 may resume participation in the same program if the participant maintained good standing in the program while participating and the SIP continues to meet the approval criteria.
 - (a) Repealed by Manual Letter No. EAS-06-01, effective 4/3/06.
- .547 Any recipient may continue until the beginning of the next educational semester or quarter break in his or her educational program that does not meet the criteria of Section 42-711.541, if:
 - (a) He or she is enrolled, as defined in Section 42-711.549, as of the earlier of:
 - (1) The date he or she is appraised, or
 - (2) The date he or she would have been appraised if he or she had not failed, without good cause, to appear for the appraisal appointment:

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(b) He or she is making satisfactory progress in, the educational program;

(c) He or she continues to make satisfactory progress in the program.

.548 At the time the educational break occurs as provided in Section 42-711.547, the individual is required to participate in welfare-to-work activities pursuant to Section 42-711.51.

(a) A recipient, described under Section 42-711.547, who is not expected to complete the program by the next break, may continue his or her education provided:

(1) He or she transfers at the end of the current quarter or semester to a program that qualifies under Section 42-711.541;

(2) The CWD determines that participation is likely to lead to self-supporting employment of the recipient; and

(3) The welfare-to-work plan reflects that determination.

.549 For purposes of Sections 42-711.541 and .547, enrolled means that an individual has applied for and been accepted into the degree or certificate program, and continues to meet or fulfill all conditions, imposed by the institution offering the program, to maintain current enrollment status.

.55 Assessment

.551 Participants, except those excluded as provided in Sections 42-711.31, 42-711.557, and 42-711.558 and Section 42-719.111, shall be referred to assessment, if:

(a) They do not obtain unsubsidized employment with sufficient hours to meet the minimum hours of participation required under Sections 42-711.411 or .421;

(b) The CWD determines that participation in job search will not be required as the first activity because it would not be beneficial;

(c) The CWD decides to shorten job search because it is not likely to lead to employment, or;

(d) The CWD determines that participation in job search will not be required if the recipient is a noncitizen victim of human trafficking, domestic violence or other serious crimes as specified in Section 42-431.23 and does not have authorization to work from the United States Citizenship and Immigration Services.

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- (1) A recipient who does not have authorization to work should be assigned to welfare-to-work activities that will assist him or her to prepare for future employment, which may include, but is not limited to, adult basic education (English language training), vocational education and training, domestic violence, mental health, and substance abuse services.

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- .552 Participants who are employed in unsubsidized employment with sufficient hours to meet the minimum hours of participation required under Sections 42-711.411 or .421, shall be referred to assessment if they wish to participate in additional welfare-to-work activities listed in Section 42-716.31. If they do not wish to participate in additional welfare-to-work activities, they may opt out of an assessment and only receive necessary supportive services.
- (a) These individuals shall be informed that if they choose to go to assessment, they will be required to sign a welfare-to-work plan.
 - (b) They shall also be informed that if they do not go to assessment, they will only receive necessary supportive services from the CWD.
- .553 Upon referral to assessment, a participant shall work with the CWD to develop and agree on a welfare-to-work plan, on the basis of the assessment of the individual's skills and needs. The plan shall specify the activities to which the participant will be assigned and the supportive services to be provided.
- .554 The assessment shall include at least all of the following:
- (a) The participant's work history and an inventory of his or her employment skills, knowledge, and abilities.
 - (b) The participant's educational history and present educational competency level.
 - (c) The participant's needs including the need for supportive services in order to obtain the greatest benefit from the employment and training services offered under CalWORKs.
 - (d) An evaluation of the chances for employment given the current skills of the participant and the local labor market conditions.
 - (e) Local labor market information.
 - (f) Physical limitations or mental conditions that limit the participant's ability for employment or participation in welfare-to-work activities.
 - (g) Identification of available resources to complete the welfare-to-work plan.

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- .555 The CWD may contract with outside parties, including local educational agencies and service delivery areas, to provide the assessment.

 - .556 If the participant disagrees with the results of the assessment, the matter shall be referred by the CWD for an independent assessment by an impartial third party.
 - (a) The results of this assessment, which shall be binding upon the county and the participant, shall be used to develop the appropriate plan for the participant.
 - (1) No state hearing shall be granted regarding an assessment used to develop a welfare-to-work plan until an independent third-party assessment has been performed.
 - (b) No third party assessment shall be made by a party having any financial or other interest in the result of the assessment. The party making the assessment must be selected by the county according to an unbiased procedure.

 - .557 An assessment, described in Section 42-711.55, shall not be required to develop a welfare-to-work plan for participants in approved SIPs unless the CWD determines that an assessment is necessary to assign the participant to concurrent activities to meet the minimum 32-participation-hours per week, as specified in Section 42-711.544.

 - .558 An assessment, as described in Section 42-711.55, shall not be required for those welfare-to-work activities and services that are only provided as a component of a reunification plan as defined in Section 80-301(r)(5), subject to the temporary absence/family reunification provisions of Section 82-812.68.
 - (a) An assessment and a welfare-to-work plan as described in Sections 42-711.55 and .6 respectively, are necessary for any welfare-to-work activities and services that are provided separate and beyond those welfare-to-work activities and services that are specified in a reunification plan.

 - .56 Mental Health Assessment
- If there is a concern that a mental disability exists that will impair the ability of a recipient to obtain employment, he or she shall be referred to the county mental health department.

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- .561 Subject to appropriations in the Budget Act, the county mental health department shall evaluate the recipient and determine any treatment needs.
- .562 The evaluation shall include:
- (a) The extent to which the individual is capable of employment at the present time and under what working and treatment conditions the individual is capable of employment.
 - (b) Prior diagnoses, assessments, or evaluations that the recipient provides.
- .563 Each CWD shall develop individual welfare-to-work plans for participants with mental or emotional disorders based on the evaluation conducted by the county mental health department.
- (a) The recipient's welfare-to-work plan shall include appropriate employment accommodations or restrictions, supportive services, and treatment requirements. (See Section 42-716.5, mental health treatment services.)
 - (b) Any prior diagnosis, evaluation, or assessment provided by the recipient shall be considered in the development of his or her welfare-to-work plan.

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.57 Substance Abuse Assessment

If there is a concern that a substance abuse problem exists that will impair the ability of a recipient to obtain or retain employment, he or she shall be referred to the county alcohol and drug program for an evaluation and determination of any treatment necessary for the participant's transition from welfare to work. If the CWD determines that the county alcohol and drug program is unable to provide the needed services, the county department may contract directly with a nonprofit state-licensed narcotic treatment program, residential facility, or certified nonresidential substance abuse program to obtain substance abuse services for a participant.

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.571 If a participant is determined to have a substance abuse problem, based on an evaluation by the county alcohol and drug program or a state-licensed or certified nonprofit agency, the case manager shall develop the participant's welfare-to-work plan based on the results of that evaluation. In such a case, the participant's welfare-to-work plan may include appropriate treatment requirements, including assignment to a substance abuse program.

.58 Evaluation

A participant with a suspected learning or medical problem, as determined by information received during appraisal or assessment or by lack of satisfactory progress in an assigned activity component, shall be referred to an evaluation. This evaluation shall be performed by a professional whose training qualifies them to determine whether the participant is unable to successfully complete or benefit from a current or proposed activity assignment. As part of the evaluation, the CWD may require the participant to undergo the appropriate examinations to obtain information regarding the participant's learning and physical abilities.

.581 Based upon the results of the evaluation, the CWD may refer the participant, as appropriate, to any of the following:

- (a) Any of the welfare-to-work activities described in Section 42-716.31 including referrals to the participant's previous activities.
- (b) Existing special programs that meet specific needs of the participant.
- (c) Job search services if the CWD determines the participant has the skills needed to find a job in the local labor market.
- (d) Assessment or reappraisal in accordance with Sections 42-711.55 and .7, respectively.
- (e) Rehabilitation assessment and subsequent training.

.582 The participant shall be involved in the decisions made during the evaluation and will have the same right to appeal through the state hearing process, specified in Section 42-721.5, as other program participants.

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.6 Welfare-to-Work Plan and Universal Engagement

.61 After assessment, or a determination by the county child welfare services agency that CalWORKs services are necessary for family reunification, any recipient of aid or reunification parent pursuant to Section 82-812.68 who is required or who volunteers to participate in welfare-to-work activities shall enter into a written welfare-to-work plan with the CWD as soon as administratively feasible, but no later than the time frame specified in Section 42-711.62 for non-exempt individuals. However, the county may elect to utilize a reunification plan as defined in Section 80-301(r)(5) in lieu of the welfare-to-work plan when all of an individual's welfare-to-work activities and services are provided as a component of a reunification plan under the temporary absence/family reunification provisions of Section 82-812.68. If the county uses the family reunification (FR) plan in lieu of the welfare-to-work plan the county shall inform the individual, in writing, regarding his/her eligibility for CalWORKs family reunification services, and include a reference to the FR plan and the county child welfare service agency.

.611 The plan shall include the activities and services, to be provided pursuant to Section 42-716, that will move the participant into employment and toward self-sufficiency.

.612 A copy of the complete, signed plan shall be provided to the participant.

.62 Except as specified in Sections 42-711.621 and .622, a non-exempt individual shall enter into his or her welfare-to-work plan after assessment, but no more than 90 days after the date that the individual's eligibility for aid is initially determined or the date that the individual is required to participate in welfare-to-work activities pursuant to Sections 42-711.623(c) or (d), unless the individual meets an exemption criterion as specified in Section 42-712.4 or is otherwise not required to sign a welfare-to-work plan.

.621 The individual may enter into his or her welfare-to-work plan with the CWD as late as 90 days after the completion of job search if job search, as defined in Sections 42-701.2(j)(2) and (3), and as specified in Section 42-711.53, is initiated within 30 days after the individual's eligibility for aid is determined or the date the individual is required to participate pursuant to Section 42-711.623.

(a) Job search is considered to be "initiated" when an individual begins attending an allowable job search activity.

.622 The 90-day period specified in Section 42-711.62 and the 30-day period specified in Section 42-711.621 do not include the following:

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- (a) Time in good cause, compliance, and sanctioning processes pursuant to Section 42-721, including the participation time in activities to end a sanction.
 - (1) “Time in good cause” pursuant to Section 42-711.622(a) includes time when the individual notifies the county in advance that he or she cannot attend an assigned activity and the county determines that the individual has good cause.
 - (b) Time between the date a learning disability evaluation appointment is scheduled and the date the county receives the final report, up to a maximum of 90 days. After the final report from the learning disability evaluator is received by the county, or on the 91st day if the final report has not been received, the 30- and 90-day periods resume.
- .623 Except for Sections 42-711.621 and .622, the 90-day and 30-day time frames start as follows:
- (a) The date of the notice of action that informs a non-exempt individual of his or her initial eligibility for aid when he or she is eligible for aid on the date of application.
 - (b) The date a non-exempt individual begins receiving aid when the individual is initially ineligible for aid on the date of application and the county has determined that he or she will be eligible for aid within 60 days in accordance with Section 40-171.11.
 - (c) The date an individual is required to participate in welfare-to-work activities when he or she has been receiving aid but was not required to have a welfare-to-work plan developed and the county knows this date in advance.
 - (d) The date the county learned an individual is required to participate in welfare-to-work activities when he or she has been receiving aid but was not required to have a welfare-to-work plan and the county does not know this date in advance, but no longer than 30 days from the date the individual was required to participate.

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- .624 Example 1: An individual, upon receipt of aid, was granted a 6 month exemption from welfare-to-work participation due to the birth of a child; therefore, she will not be required to sign a welfare-to-work plan until after her exemption ends on June 15. The county must develop, and have the individual sign, a welfare-to-work plan no later than 90 days from June 16 pursuant to Section 42-711.623(c).
- .625 Example 2: An individual's 90-day period in which the county must develop her welfare-to-work plan begins on the date she is eligible for aid. Forty days into the 90-day period she is diagnosed with a medical condition and is exempted from participation for four months, until November 5. The county must develop, and have the individual sign, a welfare-to-work plan no later than 90 days from November 6 pursuant to Section 42-711.623(c).
- .626 Example 3: An individual's 90-day period in which the county must develop his welfare-to-work plan begins the date he is eligible for aid. Thirty days into the 90-day period, and prior to assessment, the individual finds a job and begins participating for a sufficient number of hours of unsubsidized employment to meet the work participation requirement and is not required to sign a welfare-to-work plan. Six months later the individual loses his job, through no fault of his own, and is required to sign a plan. The county has 90 days to develop, and have the individual sign, a welfare-to-work plan, pursuant to Section 42-711.623(c) or (d), depending on the date the county learns of the individual's job loss.
- .627 Example 4: An individual has been receiving aid for two years. Prior to assessment she was participating in sufficient hours of unsubsidized employment to meet her work participation requirement and not required to sign a welfare-to-work plan. During the county's monthly monitoring of the individual's participation, on June 8, the county discovered that she lost her job on May 27. Because the county learned of the individual's job loss within 30 days of occurrence, the county has up to 90 days from June 8, to develop, and have the individual sign, a welfare-to-work plan pursuant to Section 42-711.623(d).
- .628 Example 5: Identical circumstances as in Example 4, except that the individual lost her job on April 27. Because the county learned of the individual's job loss after the 30-day period, the county has up to 90 days from May 27 to develop, and have the individual sign, a welfare-to-work plan pursuant to Section 42-711.623(d).

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- .63 A participant shall take part in one or more welfare-to-work activities for the required minimum hours as specified in Section 42-716.2, and as provided in the welfare-to-work plan.

- .64 The plan shall be written in clear and understandable language and have a simple, easy-to-read format.
 - .641 The plan shall contain at least, but is not limited to, the information provided to the individual pursuant to Sections 42-711.522(b), (c)(1) and (2), and (d)(2).

 - .642 The plan shall specify, and shall be amended to reflect changes in, the participant's welfare-to-work activities, a description of needed supportive services to be provided, and specific requirements for successful completion of assigned activities including required hours of participation.
 - (a) The plan shall also address school attendance of all children in the assistance unit for whom school attendance is compulsory, as specified in Section 40-105.5, and identify any participation required of the parent by the school to ensure the child's attendance. Such participation hours by the parent shall count toward the required hours of participation specified in Sections 42-711.411 or .421, and as non-core hours as allowed under Section 42-716.22.

 - (b) The plan shall outline how hours of participation in core and/or non-core welfare-to-work activities satisfy the participation requirements pursuant to Section 42-716.2.

- .643 Participation in activities assigned under the welfare-to-work plan may be sequential or concurrent. The CWD may require concurrent participation in the assigned activities if it is appropriate to the participant's abilities, consistent with the participant's welfare-to-work plan, and the activities can be concurrently scheduled.

- .644 If the CWD determines it to be appropriate and necessary for the removal of the participant's barriers to employment, an individual who lacks basic literacy or mathematics skills, a high school diploma or general educational development certificate, or English language skills, shall be assigned to participate in adult basic education as defined in Section 42-716.31(k).

- .645 The participant shall maintain satisfactory progress in the activities to which the participant is assigned, and the CWD shall provide the necessary supportive services as set forth in the plan.

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- .646 The CWD shall allow the participant three (3) working days after the completion of the welfare-to-work plan or subsequent amendments to the plan in which to evaluate, and request changes to, the terms of the plan.

- .647 The participant has 30 days from the beginning of the initial welfare-to-work activity in which to request a change or reassignment to another activity or component of the activity.
 - (a) The CWD shall grant the participant's request for reassignment if another assignment is available and consistent with the individual's welfare-to-work plan and the CWD determines the other activity will readily lead to employment.

 - (b) This grace period will be available only once to each participant.

- .648 If an activity to be provided under the welfare-to-work plan is not immediately available to the participant, he or she shall be assigned to job search and/or job readiness activities until the education or training activity designated in the plan is available.
 - (a) Job search activities are subject to the limits described in Section 42-711.53.

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- (b) The number of weeks during which an individual's participation in job search and job readiness activities will count toward meeting the federal work participation rates is limited by federal law. See Section 42-714.3(f).

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- .65 A participant shall be provided written notice of the availability of paid child care, pursuant to Section 47-301.2, when he or she signs an original or amended welfare-to-work plan.

- .7 Reappraisal
 - .71 The CWD shall conduct a reappraisal of any participant who does not obtain unsubsidized employment upon completion of all activities in his or her welfare-to-work plan. The reappraisal shall evaluate whether there are extenuating circumstances, as defined by the CWD, that prevent the participant from obtaining employment within the local labor market area.
 - .711 If the CWD determines that extenuating circumstances exist, the participant shall be assigned to additional activities consistent with the appraisal.

 - .712 If extenuating circumstances do not exist, and until the CWD reverses this determination, the participant must participate in activities that are limited to the following:

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- (a) Unsubsidized employment.
- (b) Work experience as defined in Section 42-701.2(w)(3).
- (c) Self-employment.
- (d) Job skills training directly related to employment.
- (e) Mental health, substance abuse, and/or domestic abuse services in accordance with Sections 42-716.4, 42-716.5, and 42-716.31(q), respectively.

.8 Satisfactory Participation

.81 The criteria for satisfactory participation in an assigned education or training activity include regular attendance and satisfactory progress. A participant who fails or refuses to comply with program requirements for participation in the activities assigned pursuant to Section 42-711, and whose failure to make satisfactory progress is not due to a learning or medical problem, shall be subject to compliance and sanction requirements in accordance with Sections 42-721.2 and .4, respectively, unless the participant is exempt from the participation and compliance requirements pursuant to Section 42-721.13.

.811 The CWD or the service provider shall inform the participant of the standards for meeting the regular attendance and satisfactory progress requirements for the program to which they are assigned.

.9 Repealed by Manual Letter No. EAS-06-01, effective 4/3/06.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code; and SB 1569 (Chapter 672, Statutes of 2006). Reference: Sections 11203, 11253.5(b), 11320.1, 11320.1(c), 11320.15, 11320.3, 11322.6, 11322.8, 11324.8(a) and (b), 11325.2, 11325.21, 11325.22, 11325.23(a), (b), (c), (e), and (f), 11325.25, 11325.4, 11325.5, 11325.6, 11325.7, 11325.8, 11326, 11327.4 and .5, 11454, 13283, 15204.2 and .8, and 16501.1(d) and (f), and 18945(a), Welfare and Institutions Code; and 42 U.S.C. 607(c)(1)(A), (c)(1)(B)(ii), and (c)(2)(A)(i).

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42-712 **EXEMPTIONS FROM WELFARE-TO-WORK PARTICIPATION** **42-712**

- .1 Every individual is required to participate in welfare-to-work activities as a condition of eligibility for cash aid under CalWORKs, unless exempt in accordance with Sections 42-712.41 through .49 or excused from participation as specified in Section 42-712.11 or .12:
 - .11 An individual who is required to participate in, is participating in, or is exempt from, the Cal-Learn Program described in Sections 42-762 through 42-769. These individuals are subject to Cal-Learn Program requirements in lieu of the welfare-to-work requirements, while the Cal-Learn Program is operative.
 - .12 A second parent in a two-parent assistance unit, whose basis for aid is unemployment, who is not required to participate in welfare-to-work activities because the first parent is meeting the required participation hours described in Section 42-711.42.
- .2 Exemptions specified in Sections 42-712.41 through 42-712.48 shall not apply to individuals who are required to participate in, are participating in, or are exempt from, the Cal-Learn Program described in Sections 42-762 through 42-769.
- .3 Recipients are required to provide the documentation that is necessary to substantiate any claim to an exemption.
 - .31 CWDs shall advise recipients about the range of documents that is acceptable to verify exemption.
- .4 Individuals who meet any of the criteria specified in Sections 42-712.41 through 42-712.49 are exempt from participating in welfare-to-work activities as a condition of eligibility for cash aid under CalWORKs for so long as the condition(s) described in such sections exist.

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.41 Exemption Based on Age Under 16

.411 A child under 16 years of age is exempt from participating in welfare-to-work activities.

.42 Exemption Based on School Attendance

.421 An individual 16, 17, or 18 years of age is exempt from welfare-to-work participation when he/she is attending full-time, a school in grade twelve or below, or vocational or technical school. An individual who is 16 or 17 years old or a custodial parent who is under 20 years old described in Section 42-711.3 and whose required welfare-to-work activity is to attend school shall not requalify for the exemption in this section by attending school as a required welfare-to-work activity, in accordance with Section 42-719.

(a) A full-time program shall be as defined by the school.

.422 An individual 16 or 17 years of age who has obtained a high school diploma, or its equivalent, and is enrolled or planning to enroll in a postsecondary educational, vocational, or technical school training program is exempt from welfare-to-work participation.

(a) For purposes of Section 42-712.422, a person shall be deemed to be planning to enroll in a postsecondary educational, vocational, or technical school training program if he or she, or his or her parent, acting on his or her behalf, submits a written statement expressing his or her intent to enroll in such a program for the following term.

(1) Unless verification of enrollment is provided to or obtained by the county, the exemption from participation shall not continue beyond the beginning of the following term.

.43 Exemption Based on Age 60 or Older

.431 An individual who is 60 years of age or older is exempt from participating in welfare-to-work activities.

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.44 Exemption Based on Disability

.441 An individual who has a disability is exempt from welfare-to-work participation when the following conditions exist:

- (a) The disability is expected to last at least 30 calendar days; and
- (b) The disability significantly impairs the individual's ability to be regularly employed or participate in welfare-to-work activities.

.442 To qualify for this exemption, the individual shall do all of the following:

- (a) Provide verification from a doctor as defined in Section 42-701.2(d)(2) that includes the disability, the expected duration of the disability, and the extent to which the disability impairs employment and/or participation in the welfare-to-work activities; and
- (b) Actively seek appropriate medical treatment, as verified by a doctor as defined in Section 42-701.2(d)(2).

.443 The exemption may be reviewed at the time the condition is expected to end, or sooner if there is reason to believe that there has been a change in the condition.

.45 Exemption Based on an Aided Nonparent Relative Caring for a Child Who Is a Dependent or Ward of the Court, a Child Who is Receiving Kin-GAP Benefits, or a Child at Risk of Placement in Foster Care

.451 An aided nonparent caretaker relative who has primary responsibility for providing care for a child is exempt from welfare-to-work participation when he or she is caring for a child who:

- (a) Is a dependent or ward of the court,
- (b) Is receiving Kin-GAP benefits, or
- (c) The county has determined is at risk of placement in foster care.

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- .452 For an aided nonparent caretaker relative to qualify for this exemption, the CWD shall determine that his or her caretaking responsibilities:
- (a) Are beyond those considered normal day-to-day parenting responsibilities, and
 - (b) Impair the caretaker relative's ability to be regularly employed or to participate in welfare-to-work activities.
- .46 Exemption Based on the Care of an Ill or Incapacitated Member of the Household
- .461 An individual is exempt from participating in welfare-to-work activities when his/her presence in the home is required because of the illness or incapacity of another member of the household.
- (a) For an individual to qualify for this exemption, the CWD shall determine that the caretaking responsibilities impair the ability of the individual to be regularly employed or to participate in welfare-to-work activities.
- .47 Exemption Based on the Care of a Child
- .471 The parent or other relative who has primary responsibility for personally providing care to a child six months of age or under is exempt from welfare-to-work participation.
- (a) An individual shall be eligible for the exemption in Section 42-712.47 only one time under the CalWORKs Program.
 - (b) On a case-by-case basis, the CWD may reduce the period of exemption to the first 12 weeks, or increase it to the first 12 months, after the birth or adoption of the child.
 - (1) The CWD shall establish criteria by which the period of exemption in Section 42-712.471 is reduced or extended.
 - (A) In making the determination to extend the period of exemption after the birth or adoption of a child, the CWD may consider the availability of child care, local labor market conditions, and other factors the CWD determines are applicable.
 - (c) The exemption in Section 42-712.47 shall not apply to a 19-year old custodial parent described in Section 42-711.31.

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.472 An individual who has previously received the exemption in Section 42-712.471 shall be exempt for a period of 12 weeks upon the birth or adoption of any subsequent children.

(a) The CWD may extend the period for an exemption in Section 42-712.472 to six months on a case-by-case basis.

(1) The CWD shall establish criteria by which the period specified in Section 42-712.472 is extended.

(A) In making the determination to extend the period of exemption after the birth or adoption of a child, the CWD may consider the availability of child care, local labor market conditions, and other factors the CWD determines are applicable.

.473 In a family eligible for aid due to the unemployment of the principal wage earner, the exemption in Section 42-712.47 shall apply to only one parent.

.474 The parent or other relative who has primary responsibility for personally providing care to one child who is from 12 to 23 months of age, inclusive, or two or more children who are under six years of age is exempt from welfare-to-work participation. This paragraph is effective July 28, 2009 and shall become inoperative on July 1, 2012.

.48 Exemption Based on Pregnancy

.481 A woman who is pregnant is exempt from welfare-to-work participation if the pregnancy impairs her ability to be regularly employed or participate in welfare-to-work activities.

(a) The exemption based on pregnancy is supported by medical verification that the pregnancy impairs the woman's ability to be regularly employed or participate in welfare-to-work activities.

.482 An exemption based on a medically-verified pregnancy may also be granted when the CWD determines that participation will not readily lead to employment or that a training activity is not appropriate.

.49 An individual is exempt if he/she is a full-time volunteer in the Volunteers in Service to America (VISTA) Program, as provided by Title I of the Federal Domestic Volunteer Act of 1973.

.491 This exemption is supported by either of the following:

(a) a copy of a Domestic Volunteer Earnings Statement or

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- (b) a written verification from the VISTA sponsor or the Federal Region IX ACTION/VISTA Office.
- .5 Any individual who is not required to participate may volunteer to participate in welfare-to-work activities and may end that participation at any time without loss of eligibility for aid, provided his or her status has not changed in a way that requires participation.
 - .51 For purposes of Section 42-715.5, a volunteer participant is as follows:
 - .511 An individual who is exempt pursuant to Sections 42-712.41 through .49, but who volunteers to participate; or
 - .512 An individual who is not required to participate for reasons other than the exemptions described in Sections 42-712.41 through .49, but who volunteers to participate.

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- (a) For example, in a two-parent assistance unit, whose basis for aid is unemployment, the second parent is not required to participate when the first parent is meeting the required participation hours but may participate as a volunteer.

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- .6 Any month in which an individual is exempt from participation in welfare-to-work activities based on the following exemption criteria shall not be taken into consideration as a month of receipt of aid in computing the 48-month time limit described in Section 42-302. Other exemptions from the 48-month time limit are listed in Section 42-302.
 - .61 Being age 60 or older as described in Section 42-712.43;
 - .62 Having a disability as described in Section 42-712.44; or
 - .63 Having caretaking responsibilities that impair a recipient's ability to be regularly employed, as described in Sections 42-712.45 and .46.
 - .64 Being responsible for personally providing care to a child or children of a specific age, as described in Section 42-712.474. This paragraph is effective July 28, 2009 and shall become inoperative on July 1, 2012.
- .7 Renumbered to Section 42-712.6 by Manual Letter No. EAS-06-01, effective 4/3/06.

NOTE: Authority cited: Sections 10553, 10554, 10604, and 11369, Welfare and Institutions Code; SB 72 (Chapter 8, Statutes of 2011), Section 42. Reference: Sections 10553, 10554, 10063(b), 11253.5, 11320, 11320.3, 11331.5(a), (b), (c), and (d), 11454, 11454.2, and 11454.5, Welfare and Institutions Code; and 42 U.S.C. 5044(f)(2).

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- .1 A recipient shall be excused from participation in welfare-to-work activities for good cause in accordance with Section 42-713.2, when the CWD determines there is a condition or other circumstance that temporarily prevents, or significantly impairs, the individual's ability to be regularly employed or to participate in welfare-to-work activities.
 - .11 The CWD shall review the continuing validity of the good cause determination as necessary, but at least every three months.
 - .12 The individual shall cooperate with the CWD and provide information, including written documentation, as required to complete the review.
- .2 Conditions that may be considered good cause for not participating in welfare-to-work activities include, but are not limited to, any of the following:
 - .21 Lack of necessary supportive services.
 - .22 The applicant or recipient is a victim of domestic abuse.
 - .221 CalWORKs Program requirements, including the time limit on receipt of assistance described in Section 42-302, and welfare-to-work requirements described in Section 42-711 may be waived, except as specified in Section 42-715.511, for an individual who is a victim of domestic abuse (as defined in Section 42-701.2(d)(3)) on a case-by-case basis, but only for as long as domestic abuse prevents the individual from obtaining employment or participating in welfare-to-work activities, in accordance with Section 42-715.
 - (a) The criteria for granting waivers shall include provisions that ensure:
 - (1) Applicants and recipients who are past or present victims of abuse are not placed at further risk or unfairly penalized by CalWORKs requirements and procedures;
 - (2) Program requirements are not created or applied in such a way as to encourage a victim to remain with the abuser; and
 - (3) Participation by CalWORKs recipients in welfare-to-work activities is encouraged, to the full extent of their abilities, including participation in counseling and treatment programs, as appropriate, to enable the recipient to obtain unsubsidized employment and move toward self-sufficiency.

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- (b) Examples which may constitute good cause for waiving program requirements for victims of domestic abuse include, but are not limited to:
- (1) The participant is fleeing the abuser and is in temporary housing or is homeless;
 - (2) The participant has entered a shelter;
 - (3) The participant is concerned about the safety of his/her children;
 - (4) The participant is a party to a restraining order or divorce action against the abuser; or
 - (5) The participant and/or the children are undergoing counseling to cope with the effects of the abuse.

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- .23 Licensed or license-exempt child care is not reasonably available during the individual's hours of training or employment, including commuting time, or arrangements have broken down or have been interrupted for the following children:
- .231 A child 10 years of age or younger, or
 - .232 A child 11 years of age or older as described in Section 47-201.22 or .23, or
 - .233 A child who is in foster care or is an SSI recipient and who is not included in the assistance unit.
- .24 Good cause criteria in Section 42-713.23 includes the unavailability of suitable special needs child care for children with identified special needs including, but not limited to, disabilities or chronic illnesses.
- .25 For purposes of Sections 42-713.23 and 42-713.24, reasonably available means at least one appropriate, suitable, and affordable child care arrangement that is commonly available in the participant's community to a person who is not receiving aid, that is available to parents during the hours that they are required to participate in county-approved activities or employment, and is within a reasonable distance from the participant's home or work site.

42-713	GOOD CAUSE FOR NOT PARTICIPATING (Continued)	42-713
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- .251 Appropriate and suitable child care is child care that meets the needs of the child and the parent, and meets one of the following requirements:
 - (a) Child care that is licensed for the appropriate age group or special needs category.
 - (b) License exempt child care that meets Trustline clearance requirements, unless that child care is exempted from Trustline.
 - (c) Suitable child care provided by the parent, legal guardian, other member of the assistance unit, or an eligible provider as defined by Section 47-260.
 - (1) Informal child care is unsuitable where the individual(s) providing the care cannot be Trustline registered in accordance with Section 47-600 or who would otherwise be denied payment for child care services that are exempt from licensure, due to a violent felony conviction, in accordance with Section 47-620.2.

- .252 Affordable child care is child care where the unreimbursed cost to the family does not exceed the family fees established by the state in accordance with Sections 47-401.7 and .8.

- .253 Reasonable distance means the distance customarily traveled by working families in accessing child care services in the community.

- .3 An individual shall have good cause for not complying with program requirements if he or she meets the criteria described in Section 42-721.3.

- .4 An individual who is excused from welfare-to-work participation for good cause is subject to the 48-month time limit in Section 42-302.
 - .41 A CWD may waive the 48-month time limit for victims of domestic abuse as provided in Section 42-713.221(a).
 - .42 Repealed by Manual Letter No. EAS-06-01, effective 4/3/06.
 - .43 Effective July 28, 2009, any month in which an individual is excused from participation for good cause due to lack of supportive services, as specified in Section 42-713.21, shall not be counted toward the 48-month time limit. This paragraph shall become inoperative on July 1, 2012.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code; SB72 (Chapter 8, Statutes of 2011), Section 42. Reference: Sections 11320.3(b) and (f), 11323.2, 11325.23(c), 11454, 11454.2, 11454.5, 11495, and 11495.1, Welfare and Institutions Code; 42 U.S.C. 607(e)(2); and 45 CFR 261.15.

42-714 FEDERAL WORK PARTICIPATION REQUIREMENTS 42-714

If California does not meet federal work participation requirements, counties that fail to meet federal work participation requirements shall be required to share any penalty imposed on the state for failure to achieve the outcomes required by federal law.

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Welfare-to-Work Activities, Participation Requirements

.1 Rate requirements

.11 Minimum rate of participation in welfare-to-work activities for families receiving Temporary Assistance for Needy Families (TANF)/CalWORKs for a federal fiscal year - October 1 through September 30:

.111 For all families, including two-parent families

If the FFY is:	The minimum participation requirement is:
1997	25%
1998	30%
1999	35%
2000	40%
2001	45%
2002 and thereafter	50%

.112 For two-parent families only

If the FFY is:	The minimum participation requirement is:
1997	75%
1998	75%
1999 and thereafter	90%

.12 Calculation of participation rates

.121 For all families, including two-parent families, the participation rate for the federal fiscal year is the average of the participation rates for all families for each month in the federal fiscal year.

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- (a) To calculate the monthly participation rate for all families:
- (1) Divide the number of aided families engaged in work, as specified in Section 42-714.2 (those families must include either an aided adult or minor child head of household, who is engaged in work for the month) by:
 - (2) The total number of aided families (those families must include an aided adult or minor child head of household during the month) minus:
 - (A) The number of sanctioned families subject to sanction for not more than three months in the preceding 12-month period - whether or not the months were consecutive; plus
 - (B) The number of families exempted from engaging in work because they include an individual who is a single custodial parent caring for a child who has not attained 12 months of age; plus
 - (C) The number of families that include an individual participating in an Indian tribal work program funded by a federal grant regardless of whether the tribe operates its own TANF program.

.122 For two-parent families only, the participation rate for the federal fiscal year is the average of the participation rates for each month in the federal fiscal year.

A family that includes a disabled parent shall not be considered a two-parent family for purposes of the work participation rate.

- (a) To calculate the monthly participation rate for two-parent families:
- (1) Divide the number of two-parent families engaged in work for the number of hours specified in Section 42-714.23 by
 - (2) The total number of aided two-parent families, minus:
 - (A) The number of aided two-parent families that have been subject to sanction for not more than three months in the preceding 12-month period - whether or not the months were consecutive; and

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(B) The number of families that include an individual participating in an Indian tribal work program funded by a federal grant, regardless of whether the tribe operates its own TANF program.

.13 Reduction of Participation Rates Due to Caseload Reductions not Required by Federal Law

.131 The minimum participation rate required for a fiscal year shall be reduced by the same number of percentage points that the state's average monthly caseload has declined since 1995.

(a) The reduction shall not reflect any caseload changes that resulted from either federal requirements or state changes in eligibility between the previous and current assistance programs.

.2 Engaged in Work

.21 For all families

A recipient is considered to be engaged in work for a month in the federal fiscal year if he/she is participating in work activities for at least the minimum average number of hours per week as specified in the following table. At least 20 hours per week of the minimum average number of hours per week of participation shall be attributable to an activity specified in Handbook Sections 42-714.3(a) through (i).

If the month is in FFY:	The minimum average number of hours per week is:
1997	20
1998	20
1999	25
2000 or thereafter	30

.22 Single parent or relative with child under age six

A single parent or caretaker relative in the family of a child who has not attained six years of age, is deemed to be engaged in work if he/she participates in work activities at least 20 hours per week during the month.

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.23 For two-parent families

A family is considered to be engaged in work if the parents are participating as specified in either Section 42-714.231 or .232.

.231 For a total of at least 35 hours per week, with at least 30 hours spent in the activities specified in Handbook Sections 42-714.3(a) through (i).

.232 If the family receives federally-funded child care assistance and an adult in the family is not disabled or caring for a severely disabled child, then the parents must be participating for a total of at least 55 hours per week with at least 50 hours spent in the activities specified in Handbook Sections 42-714.3(a) through (i).

.3 Work Activities

(a) Unsubsidized employment;

(b) Subsidized private sector employment;

(c) Subsidized public sector employment;

(d) Work experience, if sufficient private sector employment is not available;

(e) On-the-job training;

(f) Job search and job readiness assistance;

(1) The amount of job search and job readiness assistance activities by any individual that counts toward meeting federal work participation requirements is limited to four consecutive weeks and six weeks total. (The six-week limit may be extended to 12 weeks if California's unemployment rate is at least 50 percent greater than the unemployment rate of the United States, or California is a "needy state" as defined in federal law.)

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- (2) The state is required to consider participation of an individual in these activities for less than a full week, i.e., for only three or four days during a week, as a full week of participation, but only one time per individual.
- (g) Community service;
- (h) Vocational education training (not to exceed 12 months for any individual);
- (1) For purposes of determining monthly participation rates, not more than 30 percent of the number of individuals in the all families rate and in the two-parent families rate, respectively, who are counted as engaged in work for the month, may consist of individuals considered to be engaged in work by reason of participation in vocational educational training activities.
 - (A) Beginning October 1, 1999, this limit will also include single heads of household or married individuals who are under 20 years of age and either:
 - 1. making satisfactory progress in secondary school or the equivalent, or
 - 2. participating in education directly related to employment for an average of at least 20 hours per week during the month.
- (i) Providing child care services to a participant in community service;
- (j) Job skills training directly related to employment;
- (k) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;
- (l) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate.

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NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Section 10544(b), Welfare and Institutions Code; and 42 U.S.C. 607(a), (b), (c), and (d).

42-715	DOMESTIC ABUSE PROTOCOLS AND TRAINING STANDARDS	42-715
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- .1 Identification of victims of domestic abuse
 - .11 All CalWORKs applicants and recipients shall be informed verbally and in writing, and to the extent required by law, in the language understood by the recipient, of the availability of services designed to assist individuals to identify, escape, or stop future domestic abuse as well as to deal with the effects of domestic abuse. (See Section 21-115.)
 - .12 Applicants and recipients shall be provided with opportunities to confidentially self-identify or disclose domestic abuse. Sworn statements by a victim of past or present abuse shall be sufficient to establish abuse unless the county documents in writing an independent and reasonable basis to find the applicant or recipient not credible.
 - .121 Evidence of domestic abuse includes, but is not limited to:
 - (a) Police, government agency or court records or files;
 - (b) Documentation from a domestic abuse program;
 - (c) Documentation from legal, clerical, medical, or other professionals from whom the applicant or recipient has sought assistance in dealing with domestic abuse;
 - (d) Physical evidence of abuse;
 - (e) A statement from another individual with knowledge of the circumstances that provide the basis for the claim of abuse; or
 - (f) Any other evidence that supports the statement.
 - .13 Information on domestic abuse, including resource material, shall be provided during the application process, when the individual enters the county's welfare-to-work program, and at annual redetermination. Information is to be provided in a safe and private physical space for disclosing abuse.

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- .131 Information and services may include:
- (a) Displaying poster and other materials regarding domestic abuse;
 - (b) Discussing confidentiality during informational sessions, including any legally required disclosures;
 - (c) Making telephones available to individuals who have self-disclosed to safely and privately call resources.

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- .132 The CWD shall maintain a comprehensive and current list of local domestic abuse resources.
- .133 Domestic abuse resource materials should include the following:
- (a) Domestic abuse resources available in the county;
 - (b) Information regarding confidentiality and any required limits on confidentiality;
 - (c) Information regarding any waivers of program requirements for victims of abuse available in the county;
 - (d) Information on domestic abuse which includes legal services, safety planning, and the effects on children witnessing domestic abuse;
 - (e) Information regarding county assistance in tailoring welfare-to-work plans to meet the needs of abuse victims; and
 - (f) Information regarding CalWORKs eligibility provisions for non citizen abuse victims, exceptions to alien sponsor deeming requirements, and applying for legal alien status for aliens who are victims of domestic abuse.

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.14 When, during any county-developed and implemented screening procedure, an individual is asked questions about behaviors indicating domestic abuse, he/she shall also be advised that answering such questions is optional and answers indicating abuse will not have a negative effect on his/her ability to participate in the welfare-to-work program. The county shall explain that this information is being requested to better assist the individual in becoming self-sufficient while promoting his or her safety.

.2 Individual case assessment

.21 Each applicant or recipient who has been identified as a victim of domestic abuse shall be referred to staff who are trained in serving recipients who are victims of domestic abuse. Each individual shall be assessed on an individual basis to develop a welfare-to-work plan which will not place the individual at further risk and to which the applicant or recipient can agree. The plan shall be designed with confidentiality and the health and safety of the individual and his or her children as the primary considerations.

.211 The welfare-to-work plan shall include consideration of the following:

- (a) The degree to which domestic abuse is a barrier to obtaining employment;

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- (1) Counties are encouraged to provide education and support to employers or work sites and job training programs to assist in situations where recipients have worksite problems.

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- (b) Flexibility to accommodate any prior or current legal obligations or other activities or issues related to the domestic abuse;

- (c) Special cultural or religious needs;

- (d) Other services for the victim and his or her children include, but are not limited to the following:

- (1) Community domestic abuse services;
- (2) Individual counseling of the participant and children;
- (3) Group counseling;
- (4) Substance abuse services;

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- (5) Medical and public health services;
- (6) Mental health counseling;
- (7) Immigration services;
- (8) Parenting skills training;
- (9) Independent living skills training;
- (10) Financial planning;
- (11) Relocation activities;
- (12) Legal services.

(e) The appropriate protection for individuals in immediate danger, which are to be integrated into the welfare-to-work plan; and

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- (1) For example, such things as keeping an individual's mailing address, place of residence, and/or workplace confidential should be clearly identified in his/her welfare-to-work plan, if this is necessary for the protection of the individual.

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(f) The need for a waiver from certain program requirements.

.212 Services provided in the welfare-to-work plan or to which the individual is otherwise referred must be available to him or her. If necessary services are not available, good cause to waive certain welfare-to-work requirements may be established as specified in Section 42-713.22.

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- (a) A memorandum of understanding (MOU) between a county and service providers assists in the prompt receipt of services to individuals. A MOU typically includes a discussion of confidentiality and the extent to which the provider will assist with removal of the individual's barriers to employment.

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- .22 If the participant and the CWD staff are unable to reach an agreement on the welfare-to-work plan, the matter shall be referred by the CWD for an independent assessment by an impartial third party. (See Section 42-711.556)
- .3 Confidentiality (See Division 19)
- .31 Information with respect to domestic abuse victims and their dependents shall not be released to any outside party or other governmental agencies or to any employee of the CWD who is not directly involved in the applicant's or recipient's case.
- .311 Exceptions:
- (a) The information is required to be disclosed by law; or
- (b) The release was authorized in writing by the applicant or recipient.
- .32 All efforts shall be made to preserve the confidentiality and integrity of the service provider and recipient relationship when reviewing an individual's participation in domestic abuse services which are part of his or her welfare to work plan.
- .33 Nothing in these protocols shall preclude the collection of aggregate data with respect to domestic abuse. However, information identifying individual applicants or recipients as domestic abuse victims shall not be disclosed.
- .4 Notice Requirements (See Section 22-071, Section 22-072, and Section 40-126.37)
- .41 County staff trained in serving recipients who are domestic abuse victims, shall discuss personal safety with individuals who have been identified as victims of domestic abuse. Individuals shall be provided the opportunity to make decisions about how he or she is to receive communications and correspondence from the county, subject to due process requirements. The safety of the individual shall be considered at all times.

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.411 Case files shall include documentation of any need for alternative notice requirements and the method chosen. Documentation should include a written statement, signed by the applicant or recipient, indicating the noticing method chosen.

(a) Alternative notice requirements include, but are not limited to:

- (1) Telephone calls;
- (2) Alternate mailing address; or
- (3) Hand delivery.

.5 Waiver of Program Requirements

.51 A county may waive any program requirement, except as specified in Section 42-715.511, for a recipient who has been identified as a past or present victim of domestic abuse when it has been determined that good cause exists, as specified in Section 42-713.22.

.511 Program requirements that cannot be waived:

- (a) Deprivation (See Section 41-400);
- (b) Assets (See Section 42-200);
- (c) Income (See Section 44-100) or
- (d) Homeless assistance (See Section 44-211.542)

.512 Program requirements that may be waived include, but are not limited to:

- (a) Time limit on receipt of assistance;
- (b) Work requirements;
- (c) Education requirements (based on the teen school requirement as specified in Section 42-719, Section 42-762, and Section 42-769);
- (d) Paternity establishment; and
- (e) Child support cooperation requirement as specified in Section 82-512.11.

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.52 A county shall develop criteria for waiving program requirements for victims of domestic abuse. In developing that criteria, a county can establish the duration of welfare-to-work and time limit waivers as long as the granting of such waivers complies with the state and federal regulations. However, waivers must be re-evaluated periodically based on the established criteria.

.6 Standards for Training Curricula

.61 Staff responsible for working with CalWORKs recipients shall receive training to assist them in working with domestic abuse victims. Counties shall have the flexibility to determine who is to be trained, and when and how often training shall occur.

.62 Training shall provide an awareness of the dynamics of domestic abuse and the impact of violence on the family. At a minimum, the training must be culturally competent and include the following:

(a) Dynamics of domestic abuse:

- (1) How to interview adults and children who are victims of domestic abuse;
- (2) How staff will learn to identify potential indicators of domestic abuse;
- (3) Develop an understanding of the impact of drug and alcohol abuse on family members;
- (4) Address additional mental health issues; and
- (5) Obtain information about the abusers and possible referrals.

(b) Implications of CalWORKs for victims of domestic abuse:

- (1) How abuse may interfere with a victim's ability to meet CalWORKs requirements; and
- (2) How the services provided through the CalWORKs program assist victims of domestic abuse in becoming self sufficient.

(c) Features of the CalWORKs program as implemented in the county, including:

- (1) Confidentiality;
- (2) A basic understanding of legal options/issues such as basic remedies, terminology, and an explanation of legal issues, probation and perpetrator treatment;

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- (3) Awareness of statutes pertaining to domestic abuse;
 - (4) Informing requirements;
 - (5) How to create a safe space for self-disclosure;
 - (6) Safety issues and how to tailor welfare-to-work plans to meet the needs of each individual;
 - (7) Monitoring progress of victims of domestic abuse and the individual's welfare-to-work plan; and
 - (8) The criteria for granting waivers in the county.
- (d) Impact of domestic abuse on children of all ages.
 - (e) Impact of domestic abuse on individuals.
 - (f) Awareness of resources that are available in the county to victims of domestic abuse.
 - (g) Eligibility requirements for noncitizens.
 - (h) Coordination on family support issues.
 - (i) Crisis management/risk assessment.
 - (j) Management of the county worker's own biases.

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- .63 Counties are encouraged to use domestic abuse advocates and experts, including those from the local community to provide an awareness of the availability of resources.
- .64 A statewide resource list of available domestic abuse trainers may be helpful in assisting the counties with the provision of this training.
- .65 An evaluation and assessment of the effectiveness of the domestic abuse training and services in the community may be helpful in determining if the county's goals are being met.

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(Continued)

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11454, 11495, 11495.1, 11495.15, 11495.25 and 11495.40, Welfare and Institutions Code.

42-716 **WELFARE-TO-WORK ACTIVITIES** **42-716**

- .1 Upon the completion of job search activities, or a determination that those activities are not required as an initial activity, the participant shall be assigned to one or more welfare-to-work activities pursuant to Section 42-716.31, as needed to obtain employment.

- .11 Individuals may participate in activities pursuant to Section 42-716.2 for up to the 48-month time limit in accordance with Section 42-302, as long as participation is consistent with their assessments under Section 42-711.55 and/or in accordance with their welfare-to-work plan under Section 42-711.6, or reappraisal under Section 42-711.7.

- .2 Except for exempt individuals, individuals who are enrolled in self-initiated programs in accordance with Section 42-711.54, individuals who have been granted domestic abuse waivers in accordance with Section 42-715.5, individuals receiving family reunification services in accordance with Section 42-711.61, or 19-year-old custodial parents without a high school diploma in accordance with Section 42-711.31, to fulfill participation requirements:
 - .21 An individual must participate for a minimum average of 20 hours per week in one or more core activities, as described in Sections 42-716.31(a) through (j), (m), and (n).
 - .211 Participation in vocational education and training programs pursuant to Section 42-716.31(m) may only count as a core activity for a cumulative total of 12 months during an individual's 48-month time limit on aid.
 - (a) This 12-month limit begins on the first day of the month in which an individual begins vocational education and training as part of a welfare-to-work plan signed on or after December 1, 2004.
 - (1) A month in which an individual participates in at least an average of 20 hours of core activities per week as described in Sections 42-716.31(a) through (j), and (n), shall not count toward the 12-month limit on counting vocational education and training as a core activity, when the individual is also assigned to vocational education and training as part of a welfare-to-work plan.

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- .22 The remaining hours, up to 12 hours for an adult in a one-parent assistance unit pursuant to Section 42-711.411, or up to 15 hours for an adult in a two-parent assistance unit pursuant to Section 42-711.421, may be comprised of any of the welfare-to-work activities described in Section 42-716.31.

- .23 Hours spent in specified non-core activities [mental health, substance abuse, and domestic abuse services, as described in Sections 42-716.31(q), and classroom, laboratory, and internships in adult basic education, job skills training directly related to employment, satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, and education directly related to employment, as described in Sections 42-716.31(k), (l), (o), and/or (p) respectively] in excess of those that can be accomplished within the non-core hours shall count as core hours if:
 - .231 The county has determined that the assigned participation, if any, in mental health, substance abuse, and domestic abuse services is necessary for the individual to participate in core activities; and

 - .232 The assigned participation hours, if any, in classroom, laboratory, and internship activities in adult basic education, job skills training directly related to employment, satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, and education directly related to employment programs meet the criteria listed below:
 - (a) The program leads to a self-supporting job.
 - (b) The individual is making satisfactory progress.
 - (c) The individual does not possess a baccalaureate degree unless he or she is pursuing a California regular classroom teaching credential.
 - (d) The program is on the county list of programs that the county and local agencies agree will lead to employment in accordance with Section 42-711.543(b).
 - (1) If the program is not on the county-approved list, the county must continue to provide the individual with the opportunity to demonstrate, in accordance with Section 42-711.543(b)(1)(A), that completion of the program will lead to self-supporting employment.

- .24 Additional conditions on counting hours spent in non-core activities as core hours.

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- .241 Non-core hours spent in other activities necessary to assist an individual in obtaining unsubsidized employment, and participation required of the parent by the school to ensure the child's attendance, as specified in Sections 42-716.31(r) and (s), shall not prevent an individual from counting hours spent in those non-core activities described in Section 42-716.23 as core hours.

- .242 Hours spent in vocational education and training, as a non-core activity, as specified in Section 42-716.31(m), shall prohibit an individual from counting non-core hours as described in 42-716.23 as core hours.

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- .25 Example 1: An adult in a one-parent AU does not meet welfare-to-work exemption criteria. She must participate in at least 20 hours of core welfare-to-work activities per week with the balance of her 32-hour participation requirement spent in either core or non-core welfare-to-work activities. A combined 18 hours of substance abuse and mental health treatment (8 and 10 hours, respectively) are necessary for her to participate in her core welfare-to-work activity. Because only 12 of the necessary 18 hours of treatment can be accomplished as non-core participation hours, the remaining six hours of substance abuse services are counted toward her core requirement. The individual must then participate for 14 hours in a core activity to fulfill her 32-hour participation requirement.

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Core WTW Activity	14			14
Substance Abuse		6	2	8
Mental Health			10	10
Total Hours of Participation				32

- Example 2: An adult in a two-parent AU must participate in at least 20 hours of core welfare-to-work activities per week with the balance of his 35-hour participation requirement spent in either core or non-core activities. The individual needs 20 hours of classroom, laboratory, or internship activities in a job skills training program (computer training) to assist him to obtain a self-supporting job as an office clerk, and the training meets the necessary criteria to qualify as a core welfare-to-work activity. Because only 15 of the necessary 20 hours of job skills training can be accomplished as non-core participation hours, the remaining five hours of training are counted toward his core requirement. He must then participate for 15 hours in a core activity to fulfill his 35-hour participation requirement.

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	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Core WTW Activity	15			15
Job Skills Training		5	15	20
Total Hours of Participation				35

Example 3: An adult in a one-parent AU must participate in at least 20 hours of core welfare-to-work activities per week with the balance of her 32-hour participation requirement spent in either core or non-core activities. The individual needs 20 hours of classroom, laboratory, or internship activities in a job skills training program (mechanical drawing program that meets all specified criteria) to obtain a self-supporting job as a draftsman. Eight hours of substance abuse treatment is also necessary for the individual to participate in her core activity. Because only 12 of the necessary 28 hours of educational activities and substance abuse treatment can be accomplished as non-core participation hours, the remaining 16 hours in these activities are counted toward her core requirement. She must then participate for four hours in another core activity to fulfill her 32-hour participation requirement.

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Core WTW Activity	4			4
Job Skills Training		16	4	20
Substance Abuse Treatment			8	8
Total Hours of Participation				32

Example 4: A non-exempt individual needs 32 hours of short-term substance abuse treatment services per week and is registered in a residential treatment facility as part of his welfare-to-work plan. Since all 32 hours of the substance abuse treatment services cannot be accomplished as non-core participation hours, 20 hours of the substance abuse treatment are counted as a core activity. The individual, therefore, is fully meeting his 32-hour participation requirement.

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	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Total Hours of Participation
Substance Abuse		20	12	32

Example 5: An adult in a one-parent AU does not meet welfare-to-work exemption criteria and must participate in at least 20 hours of core welfare-to-work activities per week. The balance of her 32-hour participation requirement must be spent in either core or non-core activities. She needs eight hours of substance abuse treatment services in order to participate in core activities. The individual is currently in her 12th month in a vocational education program which she attends for 24 hours per week. Since participation in a post 12-month vocational education program cannot be counted as a core activity, the individual's welfare-to-work plan is amended to include 20 hours of work experience, which is consistent with her assessment and continues moving her toward self-sufficiency, to meet her core requirement. Due to the continued need of eight hours of substance abuse treatment, the county can only count four hours of the post 12-month vocational education program as a non-core activity to satisfy the 32-hour welfare-to-work requirement. If the individual wishes to maintain her hours in the vocational education program, any hours beyond the 32-hour participation requirement must be on a voluntary basis.

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Work Experience	20			20
Vocational Education (after counting as core for 12 months), the additional 20 hours must be on a voluntary basis.			4	4
Substance Abuse			8	8
Total Hours of Participation				32

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Example 6: An adult in a two-parent AU must participate in at least 20 hours of core welfare-to-work activities per week with the balance of her 35-hour participation requirement spent in either core or non-core activities. The individual needs 20 hours of education directly related to employment. The family also needs four hours per week of family maintenance activities. Because only 11 of the necessary 20 hours of education directly related to employment can be accomplished as non-core participation hours, the remaining nine hours in this activity are counted toward her core requirement. She must then participate for 11 hours in a core activity to fulfill her 35-hour participation requirement.

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Core WTW Activity	11			11
Education Directly Related to Employment		9	11	20
Family Maintenance			4	4
Total Hours of Participation				35

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- .26 For purposes of complying with the requirements in Section 42-716.232, study time hours shall be treated in the following manner:
 - .261 Study time hours shall count as a core welfare-to-work activity if the individual receives educational credits or units for those hours, the credits and/or units count toward the completion of an individual’s degree or certificate program, and the program for which study time is credited also meets the other criteria that allow participation in that activity to count as core hours.
 - .262 At the county’s option, and when specified in the county’s CalWORKs plan, non-credit study time hours, whether supervised or unsupervised, can be counted as hours of participation, but only as non-core welfare-to-work activities.

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.263 Example: An adult in a one-parent AU must participate in at least 20 hours of core welfare-to-work activities per week with the balance of her 32-hour participation requirement spent in either core or non-core activities. The individual needs 16 hours of classroom, laboratory, or internship activities of which four hours is credited study time, in an “education directly related to employment” certificate program (that meets all specified criteria) to obtain a self-supporting job as an accounting technician. Because study time is credited and counts toward the certificate program, it is considered education directly related to employment. Since only 12 of the necessary 16 hours of educational activities can be accomplished as non-core participation hours, the remaining four hours are counted toward her core requirement. She is also participating in 16 hours of work-study, which is a core activity, to fulfill her 32-hour participation requirement.

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Work-study	16			16
Education Directly Related to Employment		4	12	16
Total Hours of Participation				32

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.3 The welfare-to-work plan described at Section 42-711.6 shall include welfare-to-work activities.

.31 Welfare-to-work activities may include, but are not limited to, any of the following:

- (a) Unsubsidized employment.
- (b) Subsidized private sector employment.
- (c) Subsidized public sector employment.

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- (d) Work experience, as defined in Section 42-701.2(w)(3).
 - (1) Unpaid work experience shall be limited to 12 months, unless the CWD and the welfare-to-work participant agree to extend this period by an amendment to the welfare-to-work plan. The CWD shall review the work experience as appropriate.
 - (A) At the time of the assignment to the work experience activity, the CWD shall identify the job skill(s) to be developed or enhanced. The CWD shall review the work experience activity as necessary to determine the participant's progress toward reaching the training goal.
 - (B) Revisions to the welfare-to-work plan shall be made as necessary to ensure that the work experience assignment continues to be consistent with the participant's plan and is effective in preparing the participant to obtain employment.
 - (2) The maximum hours of participation in unpaid work experience shall be limited as follows:
 - (A) Participants in work experience activities whose assistance units include food stamp recipients shall participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant plus the assistance unit's portion of the food stamp allotment divided by the higher of the state or federal minimum wage.
 - (B) Participants in work experience activities whose assistance units do not include food stamp recipients shall participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant divided by the higher of the state or federal minimum wage.

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- (3) The monthly limit in Sections 42-716.31(d)(2)(A) and (B) shall be considered to have been met by participation in an average weekly number of hours determined by dividing the monthly amount by 4.33 (average number of weeks per month).
- (e) On-the-job training (OJT).
- (f) Grant-based OJT, as defined in Section 42-701.2(g)(2) and pursuant to Section 42-716.7.
- (g) Supported work or transitional employment as defined in Section 42-701.2(s)(3), and pursuant to Section 42-716.7, except that only the grant or the grant savings can be diverted to the employer.
- (h) Work study.
- (i) Self-employment.
- (j) Community service as defined in Section 42-701.2(c)(3).
 - (1) At the time of the assignment to the community service activity, the CWD shall identify the job skill(s) to be developed or enhanced. The CWD shall review the community service activity as necessary to determine the participant's progress toward reaching the training goal.
 - (A) Revisions to the welfare-to work plan shall be made as necessary to ensure that the community service assignment continues to be consistent with the participant's plan and is effective in preparing the participant to obtain employment.
 - (2) Hours of participation in unpaid community service shall be limited as follows:
 - (A) A participant in unpaid community service activities whose assistance unit includes food stamp recipients may participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant plus the assistance unit's portion of the food stamp allotment divided by the higher of the state or federal minimum wage. If all or a portion of the CalWORKs assistance unit's grant has been diverted to an employer pursuant to Sections 42-701.2(g)(2) and 42-716.31(f), only that portion, if any, received as a grant and the assistance unit's portion of the food stamp allotment shall be used in this calculation.

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- (B) A participant in unpaid community service activities whose assistance unit does not include food stamp recipients may participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant divided by the higher of the state or federal minimum wage. If all or a portion of the CalWORKs assistance unit's grant has been diverted to an employer pursuant to Sections 42-701.2(g)(2) and 42-716.31(f), only that portion, if any, received as a grant shall be used in this calculation.
- (3) The monthly limit in Sections 42-716.31(j)(2)(A) and (B) shall be considered to have been met by participation in an average weekly number of hours determined by dividing the monthly amount by 4.33 (average number of weeks per month).
- (4) Community service activities shall comply with the non-displacement provisions specified in Section 42-720.
- (k) Adult basic education as defined in Section 42-701.2(a)(1).
 - (1) Participants shall be referred to appropriate service providers that include, but are not limited to, educational programs operated by school districts or county offices of education that have contracted with the superintendent of public instruction to provide services to the participant, pursuant to Section 33117.5 of the Education Code.
- (l) Job skills training directly related to employment.
- (m) Vocational education and training including, but not limited to, college and community college education, adult education, regional occupational centers, and regional occupational programs.
 - (1) Any child care provider job training that is funded by either the State Department of Education or the California Department of Social Services shall include information on becoming a licensed child care provider.

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- (n) Job search and job readiness assistance as defined in Sections 42-701.2(j)(2) and (3).
- (o) Education directly related to employment.
- (p) Satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, in the case of a recipient who has not completed secondary school or received such a certificate.
- (q) Mental health (see Section 42-716.4), substance abuse (see Section 42-716.5), and domestic abuse services (see Section 42-713.221) that are necessary to obtain and retain employment.
- (r) Other activities necessary to assist an individual in obtaining unsubsidized employment.
- (s) Participation required of the parent by the school to ensure the child's attendance, in accordance with Section 42-711.642(a).

.32 Assignment to an educational activity identified under Sections 42-716.31(k), (m), (o), and (p) is limited to those situations in which the education is needed to become employed.

.33 Every CWD shall provide an adequate range of the activities described in Section 42-716.31 to ensure each participant's access to needed activities and services to assist him or her in seeking employment, to provide education and training the participant needs to find self-supporting work, and to arrange for placement in paid or unpaid work settings that will enhance a participant's ability to obtain unsubsidized employment.

.4 Mental Health Treatment Services

The CWD shall make mental health treatment services available, when necessary, to enable participants to make the transition from welfare-to-work pursuant to the mental health assessment conducted under Section 42-711.56.

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- .41 Subject to specific expenditure authority, mental health services available shall include all of the following elements:
 - .411 An assessment for the purpose of identifying the level of the individual's mental health needs and the appropriate level of treatment and rehabilitation for the participant.
 - .412 Case management, as appropriate, as determined by the CWD.
 - .413 Treatment and rehabilitation services that shall include counseling, as necessary to overcome mental health barriers to employment and mental health barriers to retaining employment, in coordination with an individual's welfare-to-work plan.
 - .414 In cases where a secondary diagnosis of substance abuse is made in a person referred for mental or emotional disorders, the welfare-to-work plan shall also address the substance abuse treatment needs of the participant. [See Section 42-716.5.]
 - .415 A process by which the CWD can identify those individuals with severe mental disabilities that may qualify them for aid under Chapter 3 (commencing with Section 12000). [The State Supplementary Program for Aged, Blind, and Disabled]

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- .5 Substance Abuse Treatment Services
 - .51 The CWD shall provide, in conjunction with the county alcohol and drug program or a state-licensed or certified nonprofit agency under contract with the county alcohol and drug program, substance abuse treatment services which shall include evaluation, treatment, employment counseling, provision of community service jobs, or other appropriate services.
 - .511 If, based on the evaluation required in Section 42-711.57, a participant is determined to have a substance abuse problem, the CWD shall offer the individual two opportunities to receive substance abuse treatment. At its option, the CWD may offer the individual additional treatment opportunities.

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- | .512 When an individual is determined to have a substance abuse problem, based on an evaluation by the county alcohol and drug program or a state-licensed or certified nonprofit agency, the case manager shall develop the participant's welfare-to-work plan based on the results of that evaluation. In such a case, the individual's welfare-to-work plan may include appropriate treatment requirements, including assignment to a substance abuse program.
- | .513 When a participant's welfare-to-work plan includes assignment to a treatment program, the case manager may determine that the participant is out of compliance with the welfare-to-work plan if, at any time in consultation with the substance abuse treatment provider, the county determines that the participant has failed or refused to participate in a treatment program without good cause. The assigned treatment program shall be reasonably accessible within the county of residence or a nearby county.
- | .514 When a case manager determines that a participant in a treatment program as specified in his or her welfare-to-work plan is out of compliance with a program requirement other than participation in a required treatment program, the determination of whether the participant has good cause to be out of compliance shall include consideration of whether the participant's substance abuse problem caused or substantially contributed to the failure to comply with the program requirements. In this determination, the county must consult the substance abuse treatment provider as appropriate.
- | .515 No recipient may participate in a substance abuse treatment program for longer than six months without concurrently participating in a welfare-to-work activity, to be determined by the county and the recipient, in consultation with the treatment provider.
 - (a) If the recipient is in a state-licensed residential facility or a certified nonresidential substance abuse program that requires him or her to stay at the program site for a minimum of three hours a day, three days per week, or otherwise not to participate in nonprogram activities, the requirements of the treatment program shall fulfill the recipient's welfare-to-work activity requirement.
- | .52 Each county shall report annually to the state the number of CalWORKs Program recipients who receive substance abuse treatment and the extent to which the allocation is sufficient to meet the need for substance abuse services as determined by the county.

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| .6 Job Openings

| .61 The employer or sponsor of an employment or training position specified in Section 42-716.31 shall assist and encourage qualified participants to apply for job openings in the sponsor's organization.

| .62 Participants assigned to public agencies shall be allowed to compete in classified service examinations equivalent to the positions they occupy, and all open and promotional examinations for which experience in the job or other relevant experience qualifies under merit system rules.

| .63 A participant's time worked in a position shall apply toward seniority in a merit public agency position, only to the extent permitted under federal or state law, local ordinance, or collective bargaining agreement.

| .7 Grant-based OJT

| .71 The CWD shall assign a recipient to a grant-based OJT funded position only if the individual voluntarily consents in writing to the diversion of her/his grant to an employer as a wage subsidy following a one-on-one meeting in which the consent form and assignment are reviewed and discussed with the individual. The written consent shall include, but is not limited to, the following:

| .711 A statement that the recipient's assignment to grant-based OJT is voluntary and the CWD shall take no action against the individual for refusing to agree to be assigned to a grant-based OJT funded position.

| .712 Notification that the participant is subject to sanction pursuant to Section 42-721, if she/he fails to comply with the requirements of the grant-based OJT assignment without good cause.

| .713 A statement that the participant's net income from grant-based OJT may be less than the participant's current grant payment.

| .714 The worksite(s) and job duties, the duration of the grant-based OJT assignment, hours of employment, hourly wage, and any available benefits.

| .715 The good cause criteria specified in Sections 42-713 and 42-721.3.

| .716 An agreement by the participant acknowledging the participant's obligation to return to the CWD any recovered wages up to the amount of the corrective underpayment paid pursuant to Section 42-716.742.

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- .72 The CWD shall provide grant-based OJT funded community service positions only if the community service component of the county CalWORKs plan specifies the process by which the CWD will comply with the voluntary consent requirement and lists the languages, other than English, in which written consent will be obtained.
- .73 The participant's diverted cash grant and grant savings shall be used by the employer for the sole purpose of subsidizing the participant's wages.
 - .731 Any portion of a participant's wage that is funded by the diversion of the recipient's cash grant and/or grant savings to the employer shall not be entitled to the income disregards specified in Section 44-111.23.
 - .732 Any portion of the grant-based OJT participant's wages that are not derived from the participant's diverted grant and/or grant savings shall be subject to the income disregards specified in Section 44-111.23, however, the resulting grant and grant savings may be diverted to the employer.
 - .733 Nothing in this Section 42-716.73 shall preclude an employer from using its own funds to pay a portion of the participant's wages.
- .74 The CWD shall administer grant-based-OJT funded positions in a manner that minimizes any break in income received by the participant as a grant, or as a wage subsidized by the diverted grant and/or grant savings upon entry into, during, or upon exit from the assignment.
 - .741 Section 42-716.741(QR) shall become inoperative and Section 42-716.741(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
 - (QR) A grant-based OJT placement may begin mid-quarter.
 - (SAR) A grant-based OJT placement may begin mid-period.

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- .742 When there is any break in income for a grant-based OJT participant caused by an employer's conduct or the participant's inability or failure to work her/his scheduled hours with or without cause, the CWD shall ensure that a recipient receives 100 percent of the maximum aid grant payment for which she/he is otherwise eligible, less the gross amount of the grant-based wages and any other non-exempt income received by the participant. The payment shall be made as a corrective underpayment within five calendar days of the participant notifying the CWD, or within two calendar days of CWD notification if the participant has an eviction Notice or a Notice to Pay Rent or Quit.
 - (a) If the participant's total gross wages paid in a month are less than the total amount of the diverted grant for that month, a corrective underpayment shall be issued in accordance with Section 44-340. This corrective underpayment shall be equal to the difference between the amount of the gross wages paid to the recipient and the amount of the grant diverted for the month.
 - (1) The participant shall return to the CWD the amount of unpaid wages that are recovered from the employer and for which the CWD issued a corrective underpayment. Any such recovered wages not returned by the participant to the CWD shall be treated as an overpayment.
 - (b) The CWD shall collect from the employer any amount of the grant and/or grant savings diverted to the employer that was not paid as wages to the recipient.

- .75 Wages derived from the diverted grant and/or grant savings and paid to a participant pursuant to this section shall not be considered as income in any determination of financial eligibility for the CalWORKs program.

- .76 The CWD shall not place grant-based OJT participants with an employer unless the employer agrees, at a minimum, to all of the following:
 - .761 To use the diverted grant solely for subsidizing the participant's wage and to return to the CWD any of the grant and/or grant savings received that are not paid as wages to the participant.
 - .762 Not to displace current employees with grant-based OJT participants pursuant to Section 42-720.1.
 - .763 To comply with the labor union and employee notification requirements specified in Section 42-720.3.

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- .764 To comply with all applicable federal and state labor laws and regulations.
- .765 That the employer's participation in grant-based-OJT funded job placements may be cancelled pursuant to Section 42-716.771.
- .77 The CWD shall monitor the retention of participants as employees by employers participating in grant-based OJT.
 - .771 The CWD shall cancel participation of employers who demonstrate, over a period of time, either of the following:
 - (a) An unwillingness to hire recipients who participated in grant-based OJT with such employers.
 - (b) An inability to provide the participant with the job skills to obtain unsubsidized employment with other employers.
 - .772 The CWD shall collect and maintain such records as are necessary to verify participating employer's retention of participants or subsequent unsubsidized employment with other employers.
- .78 Any participant in a grant-based OJT-funded position, who fails or refuses to comply with program requirements without good cause shall be sanctioned in accordance with Section 42-721.4.
- .8 Assembly Bill (AB) 98 Subsidized Employment
 - .81 Eligibility for entry into AB 98 subsidized employment under this section shall be limited to individuals who are not otherwise employed at the time of entry into the subsidized employment, and who meet one of the following criteria:
 - .811 Aided CalWORKs recipients participating in the welfare-to-work Program.
 - (a) These individuals may continue to participate in a county's AB 98 subsidized employment program if the family becomes ineligible for CalWORKs aid due to AB 98 subsidized employment income.
 - .812 Individuals in welfare-to-work sanction status as described in Section 42-721 who will cure their sanctions through AB 98 subsidized employment participation.
 - (a) AB 98 participants who cure their sanctions through AB 98 subsidized employment must maintain compliance with welfare-to-work requirements to continue in an AB 98 subsidized employment position.

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- .813 Individuals who have exceeded CalWORKs time limits and are receiving Safety Net benefits for their eligible children as defined in Section 42-302.1.
 - (a) These individuals may continue to participate in a county's AB 98 subsidized employment program if the family becomes ineligible for CalWORKs Safety Net benefits due to AB 98 subsidized employment income.

- .82 AB 98 wage subsidies are limited to a maximum of six months for each participant.
 - .821 Upon entry into AB 98 subsidized employment, a Welfare-to-Work client shall participate in an AB 98 subsidized employment placement for no longer than six months.
 - (a) In order to mutually benefit the employer and the participant, AB 98 subsidized employment placements can be extended up to six additional months for up to a total of 12 months.

- .83 If provided for in a county plan, the county may provide welfare-to-work services to former recipients whose families become ineligible for CalWORKs due to AB 98 subsidized employment income.
 - .831 The county may provide these services for up to the first 12 months of employment, to the extent they are not available from other sources and are needed for the individual to retain the subsidized employment.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11253.5(b), 11265.1, 11265.2, 11320.3(b)(2), 11322.6, 11322.61, 11322.63, 11322.7, 11322.8, 11322.9, 11323.25, 11324.4, 11324.6(a), 11325.21(a) and (d)(1), 11325.22(b)(1), 11325.7(a), (c), (d), 11325.8(a), (c), (d), and (f), 11326, 11327.5, 11450.5, 11451.5, 11454, and 11454.2, Welfare and Institutions Code; and Section 8358(c)(2), Education Code; 7 U.S.C. 2029(a)(1); 7 U.S.C. 2035; U.S. Department of Labor guidance on FLSA, with attached U.S.D.A., Food and Nutrition Service (FNS) guidance on an SFSP, dated May 22, 1997; Simplified Food Stamp Program approval letters from FNS to implement the provisions of an SFSP, dated May 5, 2000 and August 3, 2000.

42-717	JOB RETENTION SERVICES	42-717
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- .1 If provided in the county plan, the CWD may provide job retention services to employed former CalWORKs recipients for a period of up to 12 months. The purpose of job retention services is to assist former recipients to retain employment or to obtain a better job.
 - .11 The period of up to 12 months begins on the earlier of the following dates, but in no event later than one year after the former recipient's aid is discontinued.
 - .111 The date that the former recipient's aid is discontinued, if the former recipient is employed at that time.

42-717 **JOB RETENTION SERVICES (Continued)** **42-717**

- .112 The date that the former recipient becomes employed.

- .12 Job retention services may include but are not limited to case management, mental health and/or substance abuse services, domestic abuse services, parenting classes, vocational training, and supportive services (transportation, ancillary).

- .13 A former recipient who does not become employed during the 12 month period after being discontinued from aid is not eligible to receive services under Section 42-717.

- .2 The CWD may provide job retention services to the extent that the services are:
 - .21 not provided by the employer or the entity that arranged the job placement, if other than the county;
 - .22 not available from other sources;
 - .23 needed for the individual to retain employment, or needed to advance to new employment that may provide greater income or better benefits.

- .3 The CWD may provide services to employed former recipients under Section 42-717 whether or not the former recipients have exhausted their CalWORKs 48-month time limits.

- .4 If the CWD decides to offer services to former recipients under Section 42-717, the CWD:
 - .41 May establish eligibility criteria for those services in addition to the eligibility criteria contained in Sections 42-717.1 and .2. If additional criteria are established, they must be reflected in the County Plan (see Section 42-780).
 - .42 Shall adopt written policies determining the duration and types of, and, when applicable, the reimbursement rate for, those services.

- .5 In accordance with Section 47-230.14, child care shall be available to former recipients for up to two years from the date the recipient leaves cash aid.

- .6 There is no community service requirement for services provided under Section 42-717, unless the CWD adopts a policy requiring community service.

- .7 If the county provides services to the recipient after the 48-month limit has been reached, the recipient shall participate in community service or subsidized employment as described in Section 42-716.8.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; SB 72 (Chapter 8, Statutes of 2011), Section 42. Reference: Sections 11320.15, 11323.2(b), 11454, 11454.2, and 11500, Welfare and Institutions Code.

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42-718 **OTHER PROVIDERS OF ACTIVITIES AND SERVICES** **42-718**

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.1 Contracting Services

A public agency shall, in implementing CalWORKs and the CalWORKs Welfare-to-Work Program, perform program functions exclusively through the use of merit civil service employees of the public agency, except to the extent permitted by provisions of state and federal law that were in effect on August 21, 1996. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 did not become effective until August 22, 1996.

.11 Discrimination Prohibition

Employers, sponsors of training activities, and contractors shall not discriminate against participants on the basis of race, sex, national origin, age, or disability.

HANDBOOK ENDS HERE

.2 Contracts/Agreements for Job Search, Training, and Education Services

.21 Except as specified in Sections 42-718.212 and .213, any contract/agreement which provides for payment for training and education services shall be competitively selected using applicable state and federal regulations. Payment for services which are part of an individual's welfare-to-work plan may be made based upon fixed-unit-price performance-based criteria.

.211 Under these contracts, full payment shall not be considered earned by the contractor for training and education services as defined in Sections 42-716.31(a) through (r) until either of the following has occurred:

- (a) The participant has successfully completed the education program.
 - (1) A prorata share of the payment shall be paid to the education provider if the participant does not complete the education program.
- (b) The participant has successfully completed the training program and has been retained in unsubsidized employment for at least 180 days.
 - (1) Up to 70 percent of the fixed-unit price for training services may be paid upon placement in unsubsidized employment.

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(Continued)

- (A) At least 30 percent of the fixed-unit-price for training services shall be withheld for the follow-up during the 180-day retention period in unsubsidized employment.
 - 1. Progress payments shall be made from the 30 percent withholding portion upon evidence of participant job retention at 30, 90 and 180 days.

- (2) A prorata share of the 70 percent fixed-unit-price payment in Section 42-718.211(b)(1) shall be paid to the training service provider if the participant does not complete the training either through failure to cooperate, as determined by the CWD, or the participant obtains unsubsidized employment.
 - (A) If the participant in Section 42-718.211(b)(2) obtains unsubsidized employment related to the training, as determined by the CWD, and is retained for at least 180 days, the difference between the pro rata payment in Section 42-718.211(b)(2), and 70 percent of the fixed-unit price for training services shall be paid.

- .212 Training and education services funded by sources other than CalWORKs Welfare-to-Work shall be subject to the criteria and requirements of those sources and not to the requirements of Section 42-718.211.

- .213 The CWD shall be permitted to enter into contracts for educational services without having to adhere to the contracting requirements of Section 42-718.211, when the CWD is unable to obtain educational services due to the absence of an available adult education program or the small number of welfare-to-work referrals. Utilization of this exemption shall require prior review and approval by CDSS.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10619, 11320, 11322.62, and 11328.8, Welfare and Institutions Code.

42-719 **SCHOOL ATTENDANCE** **42-719**

- .1 All children in an assistance unit (AU) for whom school is compulsory, but who are not subject to Cal-Learn requirements as described in Sections 42-762 through 42-769, shall be required to regularly attend school, as specified in Section 40-105.5.

- .11 Teens ages 16 and 17, who are not regularly attending elementary, secondary, vocational, or technical school on a full-time basis, shall be referred to the CWD to have a welfare-to-work plan developed in accordance with Section 42-711.
 - .111 The welfare-to-work plan for teens ages 16 and 17, who have not completed high school or its equivalent, shall be for the purpose of completing high school or its equivalent only.
 - (a) These teens may, on a voluntary basis, participate in additional welfare-to-work activities, including job search activities, job readiness activities, and assessment, to the extent that these activities do not interfere with their school attendance.

 - (b) The hours of participation under Section 42-711.4 shall not apply to these teens.

- .2 Except as exempted in accordance with Section 42-712.422, teens ages 16 and 17 who have completed high school or its equivalent are required to participate in welfare-to-work activities and are subject to all Welfare-to-Work Program requirements specified in Section 42-711.
 - .21 Repealed by Manual Letter No. EAS-06-01, effective 4/3/06.

- .3 Failure by teens ages 16 and 17 to comply with the mandatory activities in their welfare-to-work plan, developed in accordance with Section 42-719.11, shall result in a reduction in the grant amount to the AU in accordance with Section 40-105.5.

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- .31 Example 1: A 16- or 17-year old teen fails to attend school regularly. His needs are taken out of the family's grant and, at the same time, he loses the exemption from the CalWORKs Welfare-to-Work Program. If he begins attending school regularly before participation in any specific welfare-to-work activity is required, his needs will be reinstated for complying with the school attendance requirement. Once notified of specific welfare-to-work requirements, the teen must also comply with those requirements. Aid will continue as long as he stays in school and complies with welfare-to-work requirements.
- .32 Example 2: A 16- or 17-year old teen fails to attend school regularly. Her needs are taken out of the family's grant and, at the same time, she loses the exemption from the CalWORKs Welfare-to-Work Program. She begins attending school regularly before participation in any specific welfare-to-work activity is required, and her needs are reinstated for complying with the school attendance requirement. She subsequently fails to comply with a welfare-to-work requirement, and is penalized for that reason. To reinstate her needs, the teen must comply with the Welfare-to-Work Program.
- .33 Example 3: A 16- or 17-year old teen fails to attend school regularly. His needs are not considered in determining the family's grant and, at the same time, he loses the exemption from the CalWORKs Welfare-to-Work Program. He does not resume regular school attendance and also fails to comply with welfare-to-work requirements. His needs will not be reinstated until he complies with both the school attendance and welfare-to-work requirements.

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- .34 Aid shall be restored in accordance with Section 40-105.5(g).

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11253.5, 11320.3(a) and (b)(2), 11322.8(a), 11325.21, 11331.5, and 11454, Welfare and Institutions Code; and Section 48200, Education Code.

42-720 **NONDISPLACEMENT PROTECTION IN WORK ACTIVITIES** **42-720**

.1 Displacement Provisions

Except as specified in Section 42-720.3, an education, employment, or training program position specified in Sections 42-716.31(a) through (l), or under any county pilot project, may not be created as a result of, or may not result in, any of the following:

- .11 Displacement or partial displacement of current employees including, but not limited to, a reduction in hours of nonovertime and overtime work, wages, or employment benefits.
- .12 The filling of positions that would be promotional opportunities for current employees, unless such promotions are routinely filled through an open process in which recipients are provided an opportunity to compete for the job.
- .13 The filling of a position prior to compliance with applicable personnel procedures or provisions of collective bargaining agreements.
- .14 The filling of established unfilled public agency positions, unless the positions are unfunded in a public agency budget.
- .15 The filling of a position created by termination, layoff, or reduction in work force, caused by the employer's intent to fill the position with a subsidized position.
- .16 A strike, lockout, or other bona fide labor dispute, or violation of any existing collective bargaining agreement between employees and employers.
- .17 The filling of a work assignment customarily performed by a worker in a job classification covered by a collective bargaining agreement in that specific worksite, or the filling of a work assignment in any bargaining unit in which funded positions are vacant or in which regular employees are on layoff.
- .18 The termination of a contract for services, before its expiration date, that displaces or partially displaces workers performing contracted services and which is caused by the employer's intent to fill the vacancy with a subsidized welfare-to-work participant.
- .19 The denial to a participant or employee of protections provided other workers on the worksite under state and federal workplace health, safety, and representation laws.

.2 Sections 42-720.12, 42-720.14, and 42-720.17 shall not apply to unsubsidized employment placements.

42-720	NONDISPLACEMENT PROTECTION IN WORK ACTIVITIES	42-720
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(Continued)

.3 Notification of labor unions and non-union employees of the use of CalWORKs recipients.

.31 The CWD shall notify or ensure that an employment or training provider notifies:

.311 The appropriate labor union of the use of a CalWORKs recipient assigned to a welfare-to-work employment or training activity described in Section 42-716.31 or any position created under a county pilot project, in any location or work activity controlled by an employer and covered by a collective bargaining agreement between the employer and a union; or

.312 Non-union employees of the use of CalWORKs welfare-to-work participants and the availability of the grievance process described in Section 42-720.4.

(a) Display of a poster shall satisfy this requirement.

(1) The poster required by Section 42-720.312(a) shall not identify any welfare-to-work participant.

.4 Employee Displacement Grievance Process

The following grievance process shall be used to resolve the complaints of regular employees or their representatives who believe assignment of a welfare-to-work participant to community service, work experience, on-the-job training (OJT), or any activity funded by grant-based OJT training violates any of the displacement provisions contained in Section 42-720.1, as applicable. All displacement complaints shall be in written form and shall include the full name, address (if any), and telephone number (if any) of the alleged displaced employee, the full name and address of the employer against whom the complaint is being filed, a clear and concise statement of the facts concerning the alleged displacement, including pertinent dates, and a statement that the complaint has been signed under penalty of perjury.

.41 Informal Resolution

.411 Upon receipt of a written complaint by the employee or employee's representative, the CWD shall contact both the complainant and affected employer and attempt to informally resolve the complaint.

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(Continued)

.412 The period for informal resolution shall begin on the date the complaint is received by the CWD and shall not exceed ten calendar days.

(a) Nothing in this section shall prohibit informal resolution of the complaint at any time during the displacement grievance process.

.413 Following its efforts to informally resolve the complaint, the CWD shall send a letter informing the complainant of the following:

(a) The employer's response to the complaint, including any actions the employer is willing to take toward informal resolution.

(b) The right to request a formal hearing as specified in Section 42-720.421 if the complainant is dissatisfied with the employer's informal response.

(c) The procedures for filing a formal hearing including the address to which a request for hearing should be sent.

(d) The time limit for filing a request for formal hearing as specified in Section 42-720.421(a).

.414 The CWD shall send the letter required by Section 42-720.413 no later than the twentieth calendar day from the date the complaint was received by the CWD.

(a) Copies of the letter shall be sent to the affected employer.

.42 Formal Hearing

.421 If the complaint cannot be informally resolved, the complainant may request a formal hearing.

(a) A written request for formal hearing must be filed no later than ten calendar days following the employee's receipt of the letter required by Section 42-720.413.

(1) The date postmarked on the hearing request shall be considered the date of its filing.

42-720	NONDISPLACEMENT PROTECTION IN WORK ACTIVITIES	42-720
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(Continued)

- .422 Formal hearings shall be conducted by the California Department of Social Services (CDSS), State Hearings Division.

- .423 The CDSS, State Hearings Division shall inform the complainant, the CWD, and affected employer in writing of the date, time and location of the hearing and of the opportunity to present evidence, bring witnesses, cross-examine witnesses, and bring or send an authorized representative.
 - (a) An authorized representative is defined as an individual or organization that has been authorized by the complainant or affected employer to act on behalf of the complainant or affected employer in any and all aspects of the formal hearing. An authorized representative may include legal counsel, a relative, friend, or other spokesperson.

 - (b) Upon the request of any party to the complaint, a hearing may be postponed prior to the hearing or at the hearing, if such request or postponement is for good cause. The Department shall have the authority to request verification to support the request for postponement. Notwithstanding the provisions of this section the time limits contained in Section 42-720.425 shall apply. The criteria for good cause includes, but is not limited to, the following:
 - (1) Death in the family.
 - (2) Personal illness or injury.
 - (3) Sudden and unexpected emergencies which prevent the complainant or the employer or their respective authorized representatives from appearing.
 - (4) A conflicting court appearance which can not be postponed.

 - (c) A party who wishes to submit a document into evidence must provide a copy of it, free of charge, to the other party.

 - (d) The Administrative Law Judge may not discuss the merits of a pending state hearing with one party outside the presence of the other party.

42-720 NONDISPLACEMENT PROTECTION IN WORK ACTIVITIES **42-720**
(Continued)

.424 Except as specified in this section, the following provisions of MPP, Division 22 shall apply to formal hearings:

(a) Except as specified below, Section 22-049 relating to general rules and procedures at the hearing.

(1) Notwithstanding the provisions of Section 22-049.1, both the complainant and affected employer may bring or send an authorized representative.

(2) To the extent that Section 22-049.11 refers to rehearings, it shall not apply.

(3) Sections 22-049.52 and 22-049.532, and any references to Section 22-049.532, shall not apply.

(4) Sections 22-049.8 and 22-049.9 shall not apply.

(5) To the extent the provisions of Section 22-049 apply to formal hearings, all references to "claimant" and "county" shall be deemed to refer to "complainant" and "affected employer," respectively.

(b) Section 22-050 relating to evidence.

(1) Requirements at Section 22-050.21 shall not apply.

(c) Section 22-053.2 relating to postponements and continuances for additional evidence.

(1) Notwithstanding the time parameters identified in Section 22-053.2, the time limit set forth in Section 42-720.425 shall apply.

(d) Sections 22-061.1, .3, and .4 relating to submission and adoption of proposed decisions.

(e) Section 22-062 relating to action by the Director.

42-720	NONDISPLACEMENT PROTECTION IN WORK ACTIVITIES	42-720
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(Continued)

(1) Notwithstanding the time limits for director action specified in Section 22-062.2, requirements for issuance of a hearing decision at Section 42-720.425 shall apply.

.425 A written hearing decision shall be issued within 90 calendar days of the date the complaint was received by the CDSS State Hearings Division.

.426 Copies of the written decision shall be sent to all affected parties. The decision shall include:

(a) A statement identifying the right to federal appeal of the hearing decision as specified in Section 42-720.5.

.427 When a hearing decision upholds the displacement complaint, the decision shall:

(a) Require termination of the assignment which brought about the complaint and any other assignments which have caused the displacement of regular employees.

(b) Identify those actions which shall be taken to remedy the displacement in accordance with Section 42-720.6.

| .5 Remedies

| .51 Remedies for displaced employees shall include reinstatement, back pay, and/or back benefits from the affected employer.

42-720 NONDISPLACEMENT PROTECTION IN WORK ACTIVITIES **42-720**
(Continued)

.6 Union Grievance

- .61 Any grievance procedure that is part of a collective bargaining agreement between the employer and labor union representing the dissatisfied employee shall be used in lieu of the process described in Section 42-720.42.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11324.5, 11324.6, and 11324.7, Welfare and Institutions Code.

42-721 NONCOMPLIANCE WITH PROGRAM REQUIREMENTS **42-721**

.1 The provisions of Sections 42-721.2, .3, and .4 shall not apply to:

- .11 Teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769.
- .12 Any person who is not required, but who volunteers, to participate in the Welfare-to-Work Program and who fails to appear for a scheduled appointment prior to entering into the welfare-to-work plan.
- .13 A reunification parent as defined in Section 80-301(r)(3) whose welfare-to-work activities and services are only included in a reunification plan.
 - .131 A noncompliant individual shall remain eligible for CalWORKs activities and services until the expiration or termination of a voluntary placement agreement or the court terminates the reunification plan.

.2 Compliance Process

- .21 An individual who is required to participate in program activities as a condition of receipt of aid shall be subject to sanctions specified in Section 42-721.4, whenever:
 - .211 He or she fails or refuses without good cause to comply with program requirements; and
 - .212 He or she subsequently fails or refuses without good cause to:
 - (a) agree to a compliance plan; or
 - (b) comply with a compliance plan agreed to by the CWD and the participant.

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

- .22 Failing or refusing to comply with program requirements means failing or refusing to:
 - .221 sign a welfare-to-work plan; participate in any assigned program activity, including a self-initiated program; provide required proof of satisfactory progress in any assigned program activity, including a self-initiated program; or accept employment;
 - .222 continue employment; or
 - .223 continue employment at the same level of earnings.
- .23 Upon determination that an individual has failed or refused to comply with program requirements, the CWD shall send the individual a notice of action effective no earlier than 30 calendar days from the date of issuance.
 - .231 The notice of action shall inform the individual that a sanction will be imposed if the individual fails to either attend an appointment scheduled by the CWD within 20 calendar days of the notice or contact the CWD by telephone within 20 calendar days of the notice, and fails to do one of the following:
 - (a) Provide information to the CWD that leads to a finding of good cause for refusing or failing to comply with program requirements, or
 - (b) Agree to a compliance plan to correct the failure or refusal to comply.
 - .232 The written notice of action shall contain the following additional information:
 - (a) The date, time, and location of the scheduled appointment.
 - (b) A description of the specific act or acts that have caused the individual to be out of compliance with participation requirements.
 - (c) A statement that the individual has the right to explain why he or she failed or refused to comply with program requirements and to demonstrate that he or she had good cause for his or her refusal or failure to comply.
 - (d) A general definition of good cause and examples of reasons that constitute good cause for not participating in the program.

42-721	NONCOMPLIANCE WITH PROGRAM REQUIREMENTS (Continued)	42-721
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- (e) The right of the individual to establish good cause over the telephone instead of attending the scheduled appointment.
 - (1) The notice shall include the telephone number.
- (f) The right of the individual to reschedule the appointment once within a period of 20 calendar days.
- (g) A description of the transportation and child care services available to the individual in order to attend the appointment.
- (h) A statement that if good cause is not found, a compliance plan will be developed and the individual will be expected to agree to the plan or face a sanction.
- (i) The name, telephone number, and address of state and local legal aid and welfare rights organizations that may assist the individual with the good cause and compliance plan process.
- (j) The steps the individual must take to have aid restored.

.24 Cause Determination

- .241 The CWD shall schedule a cause determination appointment time within 20 calendar days of the notice of action during which each individual who has failed or refused to comply with program requirements has an opportunity to demonstrate that he or she has good cause for the refusal or failure.
- .242 The individual shall be allowed to reschedule the cause determination appointment once within the 20-calendar-day period.

.25 If the individual fails to attend the appointment, the CWD shall attempt to contact the individual by telephone at the time of, or after, the appointment to establish a finding of good cause or no good cause. If a finding of no good cause is made, the CWD shall develop a compliance plan to correct the instance of nonparticipation.

.26 If the CWD is not able to contact the individual as described in Section 42-721.25, and the individual fails to contact the CWD within the 20-calendar-day period, the CWD shall impose a sanction.

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

- .27 The CWD shall rescind the notice of action if the individual attends the appointment or contacts the CWD by telephone within the 20-calendar-day period and the CWD makes either of the following two determinations:
 - .271 The individual had good cause for refusing or failing to comply, or
 - .272 The individual agrees to a compliance plan to correct the noncompliance.
 - (a) If the individual agrees to a compliance plan at the appointment, the individual shall be provided a copy of the plan. If the individual agrees to a compliance plan over the telephone, a copy of the plan shall be mailed to the client.
 - .28 An instance of noncompliance shall not be considered to have occurred if either of the following occurs:
 - .281 The CWD determines that the individual had good cause for failing or refusing to comply.
 - .282 The individual did not have good cause for failing or refusing to comply, but agrees to a compliance plan and subsequently fulfills the terms of the compliance plan.
 - .29 If the individual does not fulfill the terms of a written compliance plan agreed upon with the CWD and the CWD determines, based on available information, that the individual did not have good cause for failure to meet the terms of the plan, the CWD shall send a notice of action to impose a sanction. If a sanction is imposed under the terms of this paragraph, no further compliance procedures are applicable.
- .3 Good Cause for Failure or Refusal to Comply with Program Requirements
- .31 No sanctions shall be applied for failure or refusal to comply with program requirements for reasons related to employment, an offer of employment, an activity, or other training for employment including, but not limited to, the following reasons:
 - .311 The employment, offer of employment, activity, or other training for employment discriminates in terms of age, sex, race, religion, national origin, or physical or mental disability.
 - .312 The employment or offer of employment exceeds the daily or weekly hours of work customary to the occupation.

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

.313 The employment, offer of employment, activity, or other training for employment is remote from the individual's home because either:

- (a) The round-trip travel time required exceeds a total of two hours, exclusive of the time necessary to transport family members to a school or place providing care, or
- (b) Walking is the only available means of transportation and the round-trip is more than two miles, exclusive of the mileage necessary to accompany family members to a school or a place providing care.

An individual who fails or refuses to comply with the program requirements based on the remoteness of the employment, offer of employment, activity, or other training for employment shall be required to participate in community service activities as defined in Section 42-701.2(c)(3), and in accordance with Section 42-716.31(j)(2).

.314 The employment, offer of employment, activity, or other training for employment involves conditions that are in violation of applicable health and safety standards.

.315 The employment, offer of employment, or work activity does not provide for worker's compensation insurance.

.316 Accepting the employment or work activity would cause an interruption to an approved education or job training program in progress. For purposes of this section, an education or job training program includes all welfare-to-work activities described in Section 42-716, except work experience or community service assignment.

- (a) The approved education or job training program in progress must lead to employment and sufficient income to be self-supporting.
- (b) If the hours of participation in the approved education or job training program in progress are less than the hours required as a condition of eligibility for aid, the CWD may require the individual to engage in welfare-to-work activities to the extent necessary to meet the required hours of participation.

.317 Accepting the employment, offer of employment, or work activity would cause the individual to violate the terms of his or her union membership.

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

- .32 In determining whether good cause exists for a refusal or failure to comply with program requirements, the CWD shall take into consideration whether the participant has a mental disability that caused or substantially contributed to the refusal or failure to comply with program requirements. This determination shall be made, where appropriate, in consultation with the county mental health department.
- .33 An individual shall have good cause for not participating in welfare-to-work activities if he or she meets the criteria described in Section 42-713.

.4 Sanctions

- .41 Financial sanctions shall be applied when a non-exempt welfare-to-work participant has failed or refused to comply with program requirements without good cause and compliance efforts have failed.

- .411 Any month in which an individual is under sanction and removed from the assistance unit shall not be counted as a month of receipt of aid in determining the 48-month time limit in accordance with Section 42-302.115.

- .412 Section 42-721.412(QR) shall become inoperative and Section 42-721.412 (SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

- (QR) A financial sanction is a county-initiated mid-quarter change pursuant to Section 44-316.331(b)(QR).

- (SAR) A financial sanction is a county-initiated mid-period change pursuant to Section 44-316.331(b)(SAR).

- .42 The sanctions shall not apply to an individual who is exempt from the welfare-to-work requirements and is voluntarily participating in the Welfare-to-Work Program. If an exempt volunteer engages in conduct that would bring about the sanction procedures described below but for his or her status as a volunteer, the individual shall not be given priority over other participants actively seeking to participate.

42-721 NONCOMPLIANCE WITH PROGRAM REQUIREMENTS 42-721
(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.

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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

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(Continued)

- .482 If the sanction is rescinded as a result of the outcome of a state hearing or the formal grievance procedure established in accordance with Section 42-721.5.
- .483 Section 42-721.483(QR) shall become inoperative and Section 42-721.483 (SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
- (QR) Restoration of aid due to the noncomplying participant performing the activities he or she previously refused to perform, in accordance with Sections 42-721.43 and 44-318.13(QR), is a county-initiated mid quarter change pursuant to Section 44-316.331(c)(QR).
- (SAR) Restoration of aid due to the noncomplying participant performing the activities he or she previously refused to perform, in accordance with Sections 42-721.43 and 44-318.13(SAR), is a county-initiated mid-period change pursuant to Section 44-316.331(c)(SAR).

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- (a) Example: An individual who was sanctioned for failing to attend orientation contacts the CWD on July 14 and indicates he wishes to end his sanction. The individual signs his curing plan on July 17, attends orientation on July 23 as required by his curing plan, and cures his sanction. On August 1, if the individual is otherwise eligible, his cash aid is restored.
- (b) Example: An individual contacts the CWD on July 14 and indicates she wishes to end her sanction. The individual signs her curing plan on July 17, which specifies that she must participate in two weeks of job search/job club beginning on July 23. She successfully completes job search/job club on August 5, and ends her sanction. If the individual is otherwise eligible, her cash aid is restored back to August 1.

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(Continued)

49 The CWD shall grant aid:

491 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, once the activities in accordance with Section 42-721.43 have been successfully completed, if the individual applies for aid, is determined to be in compliance with program requirements, and is otherwise eligible.

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Handbook Section 42-721.491(a)(QR) shall become inoperative and Handbook Section 42-721.491(a)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) (a) Example: An individual who was sanctioned and left aid with his family after failing to participate in vocational education contacts the CWD on July 1 to reapply for aid. His family is determined eligible for aid on July 5 and aid is granted to the family as of July 5; before aid can be granted for the sanctioned individual he must cure his sanction. The individual signs his curing plan on July 5, participates in a vocational education program for 30 days, and successfully cures his sanction on August 3. If the individual is otherwise eligible, his cash aid is granted back to August 1 as a county-initiated mid-quarter change pursuant to Section 44-316.331(c)(QR).

(SAR)(a) Example: An individual who was sanctioned and left aid with his family after failing to participate in vocational education contacts the CWD on July 1 to reapply for aid. His family is determined eligible for aid on July 5 and aid is granted to the family as of July 5; before aid can be granted for the sanctioned individual he must cure his sanction. The individual signs his curing plan on July 5, participates in a vocational education program for 30 days, and successfully cures his sanction on August 3. If the individual is otherwise eligible, his cash aid is granted back to August 1 as a county-initiated mid-period change pursuant to Section 44-316.331(c)(SAR).

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.5 State Hearing and Formal Grievance

.51 Except as specified in Section 42-721.512(b), .512(c), or .512(d), when a participant believes that any program requirement or assignment is in violation of, or inconsistent with, state law and regulations governing the Welfare-to-Work Program, the CWD shall inform him/her of the right either to request a state hearing or to file a formal grievance based on the procedures established by the county board of supervisors.

.511 State Hearing

- (a) The CWD shall inform the individual of his/her right to file an appeal through the state hearing process as an alternative to the formal grievance procedures.
- (b) Procedures for a state hearing are specified in MPP Division 22.
- (c) With the exception of welfare-to-work supportive services (see Section 42-750.213), aid will continue if the individual appeals through the state hearing process within the period of timely notification (see Section 42-721.441).
- (d) If a welfare-to-work participant or other affected party is dissatisfied with a state hearing decision involving on-the-job working conditions or workers' compensation coverage, the party may appeal the decision to the appropriate state regulating agency.
 - (1) A copy of the written decision shall be issued to all affected parties and shall identify the right to appeal. The decision shall also provide the address and instructions for filing an appeal.
 - (A) The instructions shall include the requirement that the appeal be filed within 20 calendar days following receipt of the written decision.
- (e) The participant shall be permitted to request a state hearing to appeal the outcome of a formal grievance.

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.512 Formal Grievance Procedures

- (a) The procedures for a formal grievance established by the county board of supervisors and the duration of these procedures shall be specified in the county plan.
- (b) The sole issue for resolution through a formal grievance shall be whether a program requirement or assignment is in violation of the welfare-to-work plan or inconsistent with Chapter 42-700.
- (c) The participant shall not be permitted to use the formal grievance to appeal the outcome of a state hearing or the results of an assessment made according to Section 42-711.55.
- (d) The formal grievance shall not be available to a noncomplying individual who has already failed to successfully conciliate in accordance with Section 42-721.2. Under those circumstances, the applicant or recipient may request a state hearing to appeal a program requirement or assignment.
- (e) The individual shall be subject to sanction pending the outcome of the formal grievance or any subsequent appeal only if he/she fails to participate during the period the grievance procedure
 - (1) This information shall be provided to an individual when he or she requests information about the procedure for filing a formal grievance.

.513 The CWD shall address any complaints of discrimination based on race, color, national origin, religion, political affiliation, marital status, sex, age, or handicap which may arise through an applicant's/recipient's participation in Welfare-to-Work in accordance with the provisions of MPP Division 21 - Nondiscrimination in State and Federally Assisted Programs.

| NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11203, 11265.2, 11320, 11320.31, 11322.9, 11324.8(d), 11327.4, 11327.5(a) through (e), 11327.6, 11327.8, 11327.9, 11328.2, 11333.7, 11454, 11454.2, and 16501.1(d), (e), (f), and (g), Welfare and Institutions Code

42-722 LEARNING DISABILITIES PROTOCOLS AND STANDARDS 42-722

- .1 CalWORKs Welfare-to-Work Learning Disabilities Screening Requirements
 - .11 Counties must offer CalWORKs welfare-to-work participants a screening for learning disabilities at the first welfare-to-work contact (i.e., orientation or appraisal) or by no later than the assessment as described in Section 42-711.55.
 - .111 The offer of the screening and evaluation must be both verbal and in writing.
 - .12 Counties are required to provide information about the screening, both verbally and in writing at the first welfare-to-work contact, including a description, of the purpose and benefits of the screening and evaluation.

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- .121 Information that counties provide participants must include, but is not limited to, the following:
 - (a) Most people with learning disabilities are intelligent and many are gifted;
 - (b) Individuals with a learning disability may have difficulty reading, listening, understanding directions, writing, spelling, doing math, organizing things, getting along with others, expressing ideas out loud, paying attention;
 - (c) Individuals with a learning disability can be taught to use their strengths and find ways to make it easier to learn and be more successful at school and on the job;
 - (d) The county can help individuals get the appropriate welfare-to-work activity, including accommodations once a learning disability is identified;
 - (e) The learning disabilities screening is a very simple and short test;
 - (f) The screening will help the individual decide if they want a referral to a learning disability specialist for an evaluation to find out if a learning disability exists;
 - (g) The areas that will be tested at evaluation are natural talents and abilities, ability to follow verbal and written information, achievement, and job and career interests. The specialist can help identify strengths and weaknesses so that the county can make referrals to the appropriate services and accommodations; and
 - (h) Individuals have the right to file for a fair hearing pursuant to Section 42-721.5 if they disagree with a county action.
 - (i) Limited-English proficient CalWORKs welfare-to-work participants have the right to request a referral to a learning disabilities evaluation, pursuant to Section 42-722.414, when there is no screening tool in their primary language.

- .13 Counties that choose to offer a screening for learning disabilities later than the first welfare-to-work contact are still required to provide information about the screening and evaluation, as specified in Section 42-722.12, at the first welfare-to-work contact.

- .14 Participants who request or agree to a learning disabilities screening at any time during their welfare-to-work participation must be screened by the county before they are assigned to another welfare-to-work activity.
 - .141 This provision applies only to participants who have not been previously screened.
 - .142 Participants in welfare-to-work activities shall have good cause for not participating if their assigned activities, when their screening appointment conflicts with their activity.

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- .15 For limited-English proficient CalWORKs welfare-to-work participants for whom no recognized and validated learning disabilities screening tools exist, as required by Section 42-722.32, the county must determine whether a potential learning disability exists.

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- .151 Counties may use discussions with, and observation of, the participant to determine the existence of a potential learning disability.
- (a) Discussions with the limited-English proficient participant may include, but are not limited to:
- (1) The participant's ability to follow instructions both verbally and in writing;
- (2) Learning difficulty in his/her native language while growing up as compared to other children; and
- (3) Subject areas that were easy for the participant to learn and conversely, subject areas that were difficult to learn.
- (b) Observation of the participant could include comparison of the participant's work habits and/or classroom ability to their peer group.

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- .152 For the purposes of Section 42-722.15, the county shall determine whether limited-English proficient CalWORKs welfare-to-work participants may have a learning disability within the time frames cited in Section 42-722.11.
- .153 If the county determines that a limited-English proficient CalWORKs welfare-to-work participants may have a potential learning disability, the county must refer the participant to a learning disabilities evaluation in accordance with Section 42-722.4.
- .16 If during the learning disabilities screening and evaluation process, the county suspects that the participant has health, behavioral health, and learning disabilities problems, counties should address the health-related issues first.
- .161 Participants referred to health-related evaluations prior to a learning disabilities screening and/or evaluation shall not be required to sign a waiver, in accordance with Section 42-722.213, until the health-related issues are identified and addressed and the participant subsequently declines the screening and/or evaluation.

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- .2 Participants who decline the learning disabilities screening/evaluation
 - .21 When the participant declines the learning disabilities screening referenced in Section 42-722.1 and/or the evaluation referenced in Section 42-722.4, the county must:
 - .211 Inform the participant that his/her welfare-to-work activities will not include any accommodations for a learning disability; and
 - .212 Inform the participant that he/she may receive a learning disabilities screening and/or evaluation upon request at any later time; and
 - .213 Read and discuss the waiver of the learning disabilities screening and/or evaluation with the participant and have the participant sign the waiver.
 - (a) A participants' refusal to sign the waiver is equivalent to a signed waiver when documented by the county in the case file.
 - .22 The county must not sanction a participant because of his/her refusal to be screened and/or evaluated for learning disabilities.
 - .221 Should a participant decline to be screened or evaluated, and subsequently refuse or fail to comply with program requirements, or to make satisfactory progress in his/her assigned activity, the participant shall not have good cause on the basis of being learning disabled for failing to comply with program requirements or make satisfactory progress, and shall be subject to the compliance and sanction requirements in accordance with Sections 42-721.2 and .4, respectively, unless determined to have a learning disability.
 - .23 Should the participant decline the learning disabilities screening and/or evaluation as described in Section 42-722.21, and request a learning disabilities screening and/or evaluation at a later time, the county must provide the screening and evaluation as soon as administratively possible.
 - .231 If the evaluation identifies the existence of a learning disability, the welfare-to-work assignment and/or welfare-to-work plan, as necessary, will be modified to provide appropriate services and accommodations to address the learning disability on a prospective basis only.
 - .24 Should the participant provide previous evaluation results that were conducted outside of the CalWORKs Welfare-to-Work program, the county has the option to:
 - .241 Accept all or part of the evaluation and provide the individual with any needed reasonable accommodations that are identified in the evaluation; or
 - .242 Not accept the evaluation and obtain a second opinion by referring the participant to another learning disabilities evaluation.

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- .243 In cases when previous evaluations do not provide sufficient information, refer the participant to additional testing.
- .25 If the participant's previous evaluation is determined acceptable by the county, the participant shall not be required to sign the learning disability screening and evaluation waiver.
- .26 A county must, at a minimum, verbally inform participants that it is accepting or rejecting all or part of a previous learning disabilities evaluation.
- .27 If the participant meets the criteria in Sections 42-722.412 and .414, and is directly referred to an evaluation without going through the screening process, the participant shall not be required to sign a waiver.
- .3 Providing Learning Disabilities Screening
 - .31 The county may choose who will administer the learning disabilities screening tool.
 - .311 Counties must select screeners for potential learning disabilities who have:
 - (a) The training to appropriately administer the screening tool; and
 - (b) To the degree possible, a working relationship with the participant (e.g., county employment case managers, social workers, and eligibility workers; and contracted service providers, etc.).
 - .312 Counties may contract with trained, qualified learning disabilities professionals to administer the screening tool.
 - .32 Counties must use only recognized and validated learning disabilities screening tools, if a validated tool exists in the participant's primary language.
 - .33 Counties must use bilingual and bicultural staff when determining whether a limited-English proficient individual has a potential learning disability.
- .4 Referral Process for Disabilities Evaluation
 - .41 In accordance with Section 42-711.58, counties must refer CalWORKs participants who are suspected of having a learning disability for a learning disabilities evaluation. These participants include, but are not limited to, individuals who:
 - .411 Have been identified as potentially having a learning disability, based on the learning disabilities screening tool score;
 - .412 Were previously identified as having learning problems (e.g., in Special Education classes in grades kindergarten through 12); or

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- .413 Are suspected of having a learning disability, even though the results from the learning disabilities screening did not indicate a potential learning disability.
- .414 Are limited-English proficient and request a referral to a learning disabilities evaluation if no validated screening tool exists in their primary language.
- .42 If a participant declines the learning disabilities evaluation, the county must inform the participant of how his/her welfare-to-work assignment will be affected as provided in Section 42-722.21.
- .43 If a participant agrees to an evaluation, the county must refer him/her to the evaluation as soon as administratively possible.
- .44 Participants who are screened at the assessment, described in Section 42-711.55, and are found to have a potential learning disability and have agreed to an evaluation, must be evaluated prior to the completion of the assessment and the welfare-to-work plan.
- .441 If the individual initially agrees to an evaluation but fails to attend evaluation without good cause, he/she will be deemed to have declined the evaluation and the assessment process will resume without benefit of the evaluation. The individual shall not be sanctioned as described in Section 42-722.22 for failure to attend the evaluation and shall be able to request a screening and/or evaluation at a later time as described in Section 42-722.23.
- .45 Participants in welfare-to-work activities shall have good cause for not participating if their assigned activities, when their evaluation appointment conflicts with their activity.
- .46 Counties must use trained, qualified learning disabilities evaluation professionals who use recognized and validated learning disabilities evaluation tools to identify learning disabilities and to determine the appropriate accommodations for individuals with learning disabilities.
- .461 Learning disabilities evaluation professionals may include county staff who have the necessary training as learning disabilities specialists to administer and interpret validated test instruments.
- .462 The county may contract with qualified learning disabilities evaluation professionals to perform the evaluations.

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- .463 Learning disabilities evaluation professionals with whom the county may contract include, but are not limited to, qualified individuals from the following sources:
 - (a) Professional private/corporate contractors or providers;

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- (b) Trained and qualified staff at community/state colleges or universities;
 - (c) Trained and qualified staff from community-based organizations that serve individuals with learning disabilities;
 - (d) Trained and qualified staff from adult educational facilities, or
 - (e) Staff from the Department of Rehabilitation.
- .464 Basic evaluation test instruments that learning disabilities evaluators may use but are not limited to the following areas:
- (a) Aptitudes/information processing, e.g., Wechsler Adult Intelligence Scale (WAIS), Woodcock-Johnson;
 - (b) Achievement, e.g., Wide Range Achievement Test (WRAT 3), Test of Adult Basic Education (TABE), Nelson-Denny (reading); and
 - (c) Vocational interest, as needed, to assist in the development of the welfare-to-work plan.

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- .465 If no recognized and validated evaluation tools exist in the participant's primary language, the learning disabilities evaluation professional, utilizing appropriate bilingual and/or bicultural staff, as necessary, must to the best of staff ability determine if a learning disability exists through:
- (a) The use of other evaluation tools that may provide pertinent information.
 - (b) Discussions appropriately tailored to the individual's cultural background with, and/or observations of, the participant; and/or
- .466 If a county staff person, service provider, learning disabilities professional, or the participant suspects that the participant suffers from another impairment that may be a barrier to participation (i.e., a health or behavioral health problem), in addition to or instead of a learning disability, the county also shall refer the participant to a professional who is licensed to diagnose that impairment in accordance with Section 42-722.16.
- .5 Learning Disabilities Evaluation Report
- .51 The learning disabilities evaluation report, at a minimum, shall include the following core information:

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- .511 Relevant vocational/educational background and history;
- .512 General aptitude/cognitive level;
- .513 Other issues, such as, physical/mental problems;
- .514 Areas of strength;
- .515 Areas of deficiency; and
- .516 A summary of the participant's condition and service needs including:
 - (a) severity of disability;
 - (b) areas of potential impact, including employment and participation in welfare-to-work activities;
 - (c) rationale for learning disabilities determination/diagnosis;
 - (d) recommendations for additional services, as appropriate;
 - (e) if identified, any suspected conditions other than a learning disability so that the county can make the appropriate referral; and
 - (f) Range of recommended accommodations/assistive technology to be included in the participant's welfare-to-work plan.

- .52 The learning disabilities evaluation report may include, but is not limited to, the following optional information:
 - .521 Identification of local resources to assist recipients;
 - .522 Documentation of accommodation/assistive technology needs for other purposes (e.g., driver's license exam, GED exam); and
 - .523 Discussion of participant's short/long-term employment goals and general/specific vocational recommendations to the extent that the evaluator is qualified to address these issues.
 - (a) If the learning disabilities evaluation report does not include a written discussion of the participant's short/long-term employment goals and general/specific vocational recommendations, the county will need to ensure that these issues are addressed in the assessment process as described in Section 42-711.55 in consultation with the learning disabilities evaluator, as necessary.

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- .53 County Response to the Learning Disabilities Evaluation Report
 - .531 If the learning disabilities evaluation report establishes that the participant does not have a learning disability or other disability that interferes with obtaining or retaining employment or participating in the CalWORKs program:
 - (a) The county must provide a copy of the report and an explanation of the evaluation results to the participant;
 - (b) The participant must begin/resume his/her welfare-to-work assignment;
 - (c) The county must inform the participant that he/she will not be provided special accommodations while participating in his/her welfare-to-work assignment, since it was determined that he/she did not have a learning disability; and
 - (d) Inform the participant of the right to file for a state hearing if the participant disagrees with the county actions based on the evaluation, in accordance with Section 42-721.51.
 - .532 If the learning disabilities evaluation report establishes that the participant has a learning disability that interferes with obtaining or retaining employment or participating in a CalWORKs program, the county must:
 - (a) Provide a copy and an explanation of the evaluation report results to the participant, including any recommendations for reasonable accommodations identified in the evaluation;
 - (b) Discuss the appropriate welfare-to-work activities and reasonable accommodations needed to help the participant be successful in completing his/her welfare-to-work activities; and
 - (c) As necessary, develop or modify the welfare-to-work activities and/or welfare-to-work plan in accordance with Section 42-711.63 to reflect appropriate welfare-to-work activities and necessary reasonable accommodations based on the results of the assessment, the learning disabilities evaluation, and discussions between the county and the participant.
 - (d) Inform the participant of the right to file for a state hearing if the participant disagrees with the county actions based on the evaluation, in accordance with Section 42-721.51.
- .54 Counties must treat participants' medical records and written learning disabilities evaluations as confidential documents that should only be shared with other counties, other learning disabilities evaluators, outside agencies, and welfare-to-work partner agencies on a "need-to-know" basis.

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.541 Counties must obtain the participant's written consent to share this information with individuals or organizations outside of the county welfare department.

.6 Learning Disabilities Participation Requirements

.61 Unless exempt pursuant to Section 42-712, an individual with a learning disability must participate for the required number of hours as specified in Sections 42-711.411 or .421.

.611 For the purposes of Section 42-722.61, required hours may include participation in supplemental activities that are supportive of the participant's employment goals and consistent with the learning disabilities evaluation and welfare-to-work plan.

(a) These activities may include, but are not limited to, adult basic education, literacy tutoring, and, if allowable under the county's CalWORKs plan or as a reasonable accommodation, study time for participants who are in educational programs that are not self-initiated.

.7 Identifying Participants With Learning Disabilities During Good Cause Determination, Compliance Process and/ or Stopping of a Welfare-to-Work Sanction

.71 If a learning disability is confirmed through an evaluation during a participant's good cause determination or compliance process, the county must determine if the disability contributed to the participant's failure to participate.

.72 If it is determined that the learning disability diminished the participant's ability to participate:

.721 The participant shall be considered to have good cause for his/her failure to participate in accordance with Section 42-713 or, if appropriate, be exempt from welfare-to-work requirements in accordance with Section 42-712;

.722 The participant shall not be considered to have an instance of noncompliance in accordance with Section 42-721.43; and

.723 As necessary, the county shall also review the welfare-to-work activity and/or welfare-to-work plan and modify it in accordance with Section 42-722.532(c).

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.73 If a learning disability is confirmed through an evaluation for an individual who is attempting to stop his/her welfare-to-work sanction, the county will determine whether the learning disability was a contributing factor to his/her noncompliance.

.731 If the learning disability was a contributing factor to the individual's noncompliance:

- (a) The county will rescind the sanction and the participant shall not be considered to have an instance of noncompliance in accordance with Section 42-721.43; and
- (b) The county will give the individual the choice of:
 - (1) receiving retroactive cash aid payments for the months the individual was improperly sanctioned; or
 - (2) prospectively resuming receipt of cash aid and welfare-to-work services, effective the date the participant is determined to be no longer sanctioned.
- (c) If the individual chooses to receive aid for the rescinded sanction period, in accordance with Section 42-722.731(b)(1), all months in that period will be counted against the 60-month time limit.
- (d) As necessary, the county will review the welfare-to-work activity and/or welfare-to-work plan and modify it in accordance with Sections 42-722.532(c).

.74 If the county cannot determine from the evaluation report if the disability contributed to the participant's failure to participate, the county must consult with the learning disabilities evaluator or another learning disabilities specialist to make the determination.

.75 If the learning disability was not a contributing factor to noncompliance, the county shall continue the sanctioning process in accordance with Section 42-721.4.

| .8 Inter-County Transfers of Individuals With Learning Disabilities

Regulations	NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY WELFARE-TO-WORK	42-731
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- .81 If a welfare-to-work participant with an identified learning disability moves from one county to another:
 - .811 The first county must, with the participant's written permission, forward a copy of the written learning disabilities evaluation to the second county.
 - .812 The second county must develop a new, or modify the existing, welfare-to-work plan, as necessary, to reflect appropriate welfare-to-work activities and necessary reasonable accommodations based on the review of documents received, reevaluation of the original assessment, discussions between the county and the participant, and availability of resources.
 - .813 The participant shall not have good cause for failure to participate in the second county, based on the second county's failure to provide services and accommodations that are identified in the learning disabilities evaluation report as being necessary for the participant, when the participant refuses permission for the first county to forward the report.

Note: Authority Cited: Section 10553, Welfare and Institutions Code. Reference: Sections 10850, 11320.3(f), 11322.8, 11325.2(a), 11325.25, 11325.4, 11325.5, 11327.4, 11327.5, 11454, and 11454(a) and (b), Welfare and Institutions Code.

42-730	GAIN JOB SEARCH, TRAINING, AND EDUCATION SERVICES	42-730
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Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

42-731	EMPLOYEE DISPLACEMENT GRIEVANCE PROCESS	42-731
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Renumbered to Sections 42-720.4, .5, .6, and .7 by Manual Letter No. EAS-98-03, effective 7/1/98.

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42-740	CONTRACTS/AGREEMENTS FOR GAIN JOB SEARCH, TRAINING AND EDUCATION SERVICES	42-740
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Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

42-741	AGREEMENTS FOR PREP AND AWEX	42-741
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Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

42-742	CONTRACTS/AGREEMENTS FOR ON-THE-JOB TRAINING (OJT), SUPPORTED WORK, AND TRANSITIONAL EMPLOYMENT FUNDED BY GRANT DIVERSION	42-742
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Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

42-750	SUPPORTIVE SERVICES	42-750
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.1 Supportive Services

.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. If necessary supportive services are not available, the individual shall have good cause for not participating under Section 42-713.21. Supportive services shall include all of the following:

.111 Child care as described in Chapter 47-100.

.112 Transportation. Transportation costs shall be governed by regional market rates as determined below:

(a) The least costly form of public transportation, including CWD provided transportation, that would not preclude participation in welfare-to-work activities pursuant to Section 42-721.313.

(b) If there is no public transportation available which meets these requirements, participants may use their own vehicles. Participants shall be reimbursed at one of the following rates:

(1) The county shall select an existing reimbursement rate used in the county, or

42-750 **SUPPORTIVE SERVICES** (Continued) **42-750**

- (2) The county shall develop a rate that covers necessary costs.
 - (3) The reimbursement rate may not include a "cap," or maximum monthly reimbursement amount, beyond which additional miles driven are not reimbursed.
 - (c) Parking for welfare-to-work participants shall be reimbursed at actual cost. Participants shall submit receipts for this purpose, except in cases where parking meters are used.
 - (d) Participants who choose to use their own vehicles when public transportation is available will be reimbursed at the least expensive reimbursement rate of available transportation pursuant to Sections 42-750.112(a) and (b).
- .113 Ancillary expenses shall include the cost of books, tools, clothing specifically required for the job, fees, and other necessary costs.
- (a) Tuition (and school fees in the nature of tuition) are not ancillary expenses. The county is not obligated to pay these costs when a person or entity, other than the county or county authorized entity, contracts for the training.
- .114 A participant who has personal or family problems that would affect the outcome of the welfare-to-work plan shall, to the extent available, receive necessary counseling or therapy to help him or her and his or her family adjust to his or her job or training assignment.
- (a) "To the extent available" means these services are available at no cost to the recipient or the county develops a written policy authorizing payment for personal counseling.
- .2 Supportive Services Payments
- .21 Payments for supportive services, except child care as described in Chapter 47-100, shall be advanced to the participant when necessary and desired by the participant so that the participant need not use personal funds to pay for these services.
- .211 Notwithstanding any other provision of Chapter 42-700, any participant in on-the-job training who becomes ineligible for CalWORKs due to earned income, hours worked, or loss of income disregards, shall remain a participant in the program under welfare-to-work activities for the duration of the on-the-job training assignment. The participant shall be eligible for supportive services for the duration of the on-the-job training, provided this duration does not exceed the time limits otherwise applicable to the recipient.

42-750 SUPPORTIVE SERVICES (Continued) 42-750

- .212 Notwithstanding any other provision of Chapter 42-700, any participant in on-the-job training, grant-based on-the-job training, supported work, or transitional employment who remains eligible for aid shall be eligible for transportation and ancillary expenses as specified in this section.

 - .213 When a participant requests a hearing within the period of timely notification (see Section 22-072.5) to appeal a suspension, reduction, or termination of CalWORKs welfare-to-work supportive services or a change in the method of providing such services, the participant shall not be entitled to a continuation of CalWORKs welfare-to-work supportive services in the same amount or form pending the hearing decision. The participant shall be entitled to supportive services only at the level and in the form authorized by the county action under appeal.
- .3 Coordination of Supportive Services and Financial Aid
- .31 The CWD shall encourage participants to apply for financial aid, including educational grants, scholarships, and awards.

 - .32 Reimbursement for SIPs (see Section 42-711.54) shall be provided if no other source of funding for those costs is available. Any offset to supportive services payments will be made in accordance with financial aid provisions as specified in Section 42-750.33.

 - .33 Treatment of Financial Aid
 - .331 The CWD shall consider the availability of financial aid received by the participant in the form of educational grants, scholarships and awards when determining the need for welfare-to-work supportive services payments.

 - .332 The CWD shall not deny or reduce welfare-to-work supportive services if the participant indicates that the financial aid is not available to meet supportive services needs.

 - .333 The CWD shall document all determinations regarding consideration of a participant's educational grants, scholarships and awards in the case file.

 - .334 The CWD shall attempt to enter into written agreements with the financial aid office at appropriate educational institutions providing welfare-to-work services in order to avoid duplication of supportive services payments to welfare-to-work participants.

 - .335 Any agreement between the CWD and the institution shall include, but not be limited to the following:
 - (a) A description of the supportive services to be provided by each party.

42-750	SUPPORTIVE SERVICES (Continued)	42-750
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- (b) A provision for amendment and modification as necessary.
 - (c) A provision that supportive services needs will be evaluated on a case-by-case basis.
- .34 Educational loans or work study program awards shall be excluded from consideration when determining supportive services needs.
- .4 Notice Requirements for Transportation and Ancillary Support Services
- .41 Participants shall be notified of specific arrangements for authorized transportation and ancillary supportive services through an appropriate Notice of Action (NOA) which shall be issued pursuant to the procedures specified in MPP Division 22.
- .411 NOAs shall be issued to CalWORKs participants for the following types of supportive services actions and changes:
- (a) Approval of supportive services and the level and method of payment;
 - (1) The CWD shall inform participants who receive an advance payment that the unused portion of the advance will be collected as specified in Section 42-751.
 - (2) The CWD shall inform participants who receive advance payments that receipt of subsequent advance payments is contingent upon CWD receipt of proof of costs incurred no later than the 10th day of the month following the month for which the advance payment was made.
 - (b) Denial of requests by CalWORKs participants for CalWORKs supportive services arrangements or payments;
 - (c) Changes to existing supportive services payments and arrangements;
 - (d) Collection of supportive services overpayments from CalWORKs participants pursuant to Section 42-751;
 - (e) Termination of supportive services arrangements or payments.
- .414 NOAs are not required for the following types of supportive services actions:
- (a) Approval of supportive services for one-time, short-term activities. Short-term activities include orientation/appraisal and school field trips. If the amount requested is not approved, a NOA is required.

42-750 **SUPPORTIVE SERVICES** (Continued) **42-750**

- (b) Approval of payments which are equal to the amount claimed by the CalWORKs participant or the service provider.

- .42 The CWD shall inform participants of the requirement to provide prior notification to the CWD of changes in transportation and ancillary supportive services arrangements at least ten calendar days before an anticipated change, except in emergency or exceptional situations.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11320, 11320.3(f)(1), 11320.31(c), 11323.2, 11323.4, and 11325.23(d), Welfare and Institutions Code.

42-751 **UNDERPAYMENTS AND OVERPAYMENTS FOR TRANSPORTATION** **42-751**
AND ANCILLARY SUPPORT SERVICES

- .1 General Criteria
 - .11 The CWD shall take all reasonable steps necessary to promptly correct any overpayment or underpayment of transportation and ancillary supportive services payments to a recipient or a service provider including, but not limited to, all cases involving fraud and abuse, consistent with these regulations.

- .2 Overpayment Identification
 - .21 When the county has determined that an overpayment exists, the county shall calculate the amount of the overpayment and determine the appropriate method of recovery.

 - .22 Counties shall be allowed to use recovery methods as specified in Section 42-751.4(e) concurrently.
 - .221 The methods that result in the maximum recovery without interfering with program participation shall be used.

- .3 Adjustment Amounts
 - .31 When an underpayment or denial of supportive services occurs and as a result the applicant or recipient does not receive the amount to which he or she should have received, the CWD shall pay the applicant/recipient the balance or provide supportive services equal to the full amount of the underpayment.

- .4 Collection of Overpayments
 - (a) If the individual is no longer receiving aid under CalWORKs, recovery of overpayments will not be attempted where the outstanding overpayments are less than thirty-five dollars (\$35). Reasonable cost-effective efforts at collection shall be implemented where the overpayment amounts owed are thirty-five dollars (\$35) or more.

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42-751 UNDERPAYMENTS AND OVERPAYMENTS FOR TRANSPORTATION AND ANCILLARY SUPPORT SERVICES (Continued) 42-751

- (b) If the overpayment is the result of fraud, the CWD shall attempt to recover the overpayment regardless of the amount.

- (c) Initial Recovery Procedures and Establishing Repayment Agreements
 - (1) The county shall initiate recovery within 30 calendar days of the date the overpayment is first discovered by notifying the individual in writing that he/she has an overpayment and that he/she must contact the county within ten calendar days of the date the notice is mailed to arrange repayment.
 - (A) If the participant does not respond to the overpayment notice within ten calendar days of the date of the initial notice is mailed or the participant does respond to the initial notice, but fails or refuses to enter into a repayment agreement, the county shall use the payment adjustment method of recovery as specified in Section 42-751.4(g) unless:
 - 1. The county determines that the deferred repayment provisions of Section 42-751.4(d) apply.
 - (B) The overpayment notice shall include:
 - 1. The name of the overpaid person;
 - 2. The amount owed;
 - 3. The reason for the claim;
 - 4. The period of time that the claim covers;
 - 5. A statement regarding the right of the participant to a State hearing if the participant disagrees with any aspect of the claim;
 - 6. The reasons repayment may be deferred as specified in Section 42-751.4(d);
 - 7. A statement that recovery will occur as specified in Section 42-751.4(c)(1)(A) if the individual fails to respond within ten calendar days.
 - (C) The county shall attempt to obtain a signed repayment agreement from the overpaid individual subject to the recovery methods specified in Section 42-751.4(e) and provide a copy of the agreement to the overpaid individual.

42-751	UNDERPAYMENTS AND OVERPAYMENTS FOR TRANSPORTATION AND ANCILLARY SUPPORT SERVICES (Continued)	42-751
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- (d) Overpayment Collection Deferrals
 - (1) The collection and recovery of any overpayment shall be deferred if it is not cost effective to pursue the collection. The CWD shall defer collection and recovery of any overpayment if the collection would result in disruption of child care arrangements, preclude participation in welfare-to-work activities, or prevent employment.
 - (2) The CWD shall: (1) notify the participant of the deferral and when a decision to defer overpayment collection is made; (2) reevaluate the need for deferring repayment when necessary; (3) document the expected ending date of the deferred repayment status.
- (e) Reasonable efforts shall include written notification of the amount of the overpayment and that repayment is required. The following are reasonable cost-effective collection methods:
 - (1) Balancing.

When an individual has both an overpayment and an underpayment, the CWD may offset one against the other, subject to the provisions specified in Section 42-751.4(g).
 - (2) Voluntary Cash Recovery.

The CWD shall accept any voluntary cash payment from an individual to pay any portion of an existing overpayment.
 - (3) Grant Adjustment.

The individual shall be permitted to have supportive services overpayments adjusted from the CalWORKs grant when the individual is receiving CalWORKs, provided:

 - (A) The individual chooses this method of recovery; and
 - (B) The individual agrees with the amount of the CalWORKs grant adjustment.
 - (4) Section 42-751.4(e)(4)(QR) shall become inoperative and Section 42-751.4(e)(4)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
 - (QR) Recoupment by grant adjustment shall be conducted in accordance with Section 44-352.41(QR).
 - (SAR) Recoupment by grant adjustment shall be conducted in accordance with Section 44-352.41(SAR).
- (f) Individuals shall be allowed to revoke a repayment agreement incorporating grant adjustment at any time and enter into a new repayment agreement with the CWD.

42-751	UNDERPAYMENTS AND OVERPAYMENTS FOR TRANSPORTATION AND ANCILLARY SUPPORT SERVICES (Continued)	42-751
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- (i) Where an overpayment has been made to an assistance unit which is no longer receiving CalWORKs, recovery will be made by appropriate action under state law against the income or resources of the individual responsible for the overpayment or against the members of the former assistance unit.

- (j) Recovery of Overpayments.
 - (1) Any suits to recover overpayments from CalWORKs applicants, recipients and payees will be brought on behalf of the county by the county counsel unless the board of supervisors delegates such duty to the district attorney by ordinance or resolution.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10063, 11004(g), (h), (i), (k), and (l), 11265.2, and 11323.4(b), Welfare and Institutions Code.

42-760	GAIN REGISTRATION	42-760
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Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

42-761	GAIN REGISTRANT APPRAISAL	42-761
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Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

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.1 Background

Social science research has established a strong connection between teenage parenting and long-term welfare dependency. Health research also indicates a strong relationship between early childbearing and increased maternal and infant morbidity and mortality. Senate Bill (SB) 35, Chapter 69, Statutes of 1993, and SB 1078, Chapter 1252, Statutes of 1993, established the Cal-Learn Program to address the unique educational, vocational, training, health, and other social service needs of Aid to Families with Dependent Children (AFDC) dependent pregnant teens and teenage parents to help them achieve self-sufficiency. As part of the California Work Pays Demonstration Project (CWPPD), the Cal-Learn Program serves welfare recipients under 19 years old who are custodial parents or pregnant. To encourage these teen parents to stay in or return to high school or an equivalent program and earn a diploma or its equivalent, the Cal-Learn Program provides fiscal incentives and disincentives as well as needed supportive services and intensive case management.

The federal welfare reform law, which was enacted in August 1996, ended the federal AFDC Program and replaced it with the Temporary Assistance for Needy Families (TANF) Program. California's welfare reform bill Assembly Bill (AB) 1542, (Chapter 270, Statutes of 1997) ended the California AFDC Program and replaced it with the California Work Opportunity and Responsibility to Kids (CalWORKs) Program. Effective January 1, 1998, AB 1542 amended the Cal-Learn Program to allow an otherwise eligible custodial parent or pregnant woman who is 19 years of age to continue to voluntarily participate in the Cal-Learn Program.

.2 Outline of the Major Program Requirements

The major program requirements of the Cal-Learn Program are as follows:

- .21 Each teen parent will be required to attend full-time school programs that will lead to a high school diploma or equivalent until he or she earns a high school diploma or its equivalent or turns 19 years old.
 - .211 Effective January 1, 1998, an otherwise eligible teen who is 19 years of age may continue to participate in the Cal-Learn Program on a voluntary basis until he or she earns a high school diploma or its equivalent or turns 20 years old.
- .22 An assistance unit (AU) with a teen parent or parents will receive up to four \$100 bonuses in a 12-month period for each teen parent that makes satisfactory progress in his or her school program.

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- .23 Each teen parent receiving a high school diploma or its equivalent within the month he or she turns 19 years old, or turns 20 years old for a voluntary 19-year-old participant, will receive a \$500 bonus.

- .24 An AU with a teen parent or parents will receive a \$100 sanction up to four times in a 12-month period for each teen parent who fails to make adequate progress in his or her school program without demonstrating good cause.

- .25 Child care, transportation and ancillary expense payments will be provided to enable a teen parent to continue in or enroll in school.

- .26 Intensive case management services will be provided in accordance with Adolescent Family Life Program (AFLP) Standards which will include linking each teen parent to needed health and social services available in the teen parent's community.

- .261 The services provided under the AFLP case management model are a process which assists the teen parent to receive needed services within a multi- and transdisciplinary network in an efficient, supportive and effective manner. Case management is teen parent-centered, culturally appropriate and goal-oriented. It is interactive, involving the teen parent and the teen parent's family, significant others and support persons as equal partners with the case manager in identifying needs and defining ways to meet those needs. Building interpersonal relationships among teen parents, case managers and others is both a method and goal of case management.

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42-762 INTRODUCTION TO THE CAL-LEARN PROGRAM **42-762**
(Continued)

.3 Definition for Terms Used in The Cal-Learn Program

- a. (1) "Adequate progress" means making a "D" (no less than a 1.0 and less than a 2.0) grade point average on a report card or meeting the school's regular assessment of periodic progress when the school uses an alternative grading method.
- (2) "Ancillary expenses" means expenses a teen parent needs to attend and/or graduate from high school or its equivalent. This includes, but is not limited to, school books, GED testing costs, laboratory fees, etc.
- (3) "AFLP" means the Adolescent Family Life Program.
- (4) "AU" means assistance unit.
- b. (1) "Bonus" means a payment of money that is made as part of the AU's cash aid for a teen parent making satisfactory progress in the teen parent's educational program.
- c. (1) "CalWORKs" means the California Work Opportunity and Responsibility to Kids Program, which replaced the AFDC Program in California. Reference to the CalWORKs Program shall include reference to the AFDC Program, as appropriate.
- (2) "CDHS" means the California Department of Health Services.
- (3) "CDSS" means the California Department of Social Services.
- (4) "Control group" means an evaluation group of teen parents who shall not participate in Cal-Learn.
- (5) "CWD" means the county welfare department.
- (6) "CWDP" means the California Work Pays Demonstration Project.
- d. (1) "Deferred" means a teen parent who is not required to participate in the Cal-Learn Program in accordance with the deferral criteria. A deferred teen parent receives case management services, if available, but is not subject to sanctions, eligible for bonuses or supportive services.

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- e. (1) "Exempt" means an individual who is not required to participate in accordance with the Cal-Learn exemption criteria. An exempt individual receives no services and is not subject to sanctions or eligible for bonuses.

- f. Reserved

- g. (1) "GAIN" means the Greater Avenues for Independence program, a comprehensive statewide employment program for AFDC applicants and recipients, which was in effect in California prior to the welfare-to-work activities in the CalWORKs Program.

(2) "GED" means a General Education Development examination.

- h. (1) "Head of the AU" is the caretaker relative in the AU.

- i. (1) "Independent living" means a person no longer receiving public aid.

- j. Reserved

- k. Reserved

- l. Reserved

- m. Reserved

- n. Reserved

- o. Reserved

- p. Reserved

- q. Reserved

- r. (1) "Report card" means a periodic report on a teen parent's academic achievement routinely issued by a school.

- s. (1) "Sanction" means the reduction in the cash aid payment for the AU based on the Cal-Learn sanction criteria.

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(Continued)

- (2) "Satisfactory progress" means making at least a "C" (2.0) grade point average on a report card or meeting the school's regular assessment of periodic progress when the school uses an alternative grading method.
- (3) "Special need" under this section means an event or condition which clearly and directly prevents a teen parent from making adequate progress in school or earning a diploma.
- (4) "Supportive services" means transportation, child care and ancillary expenses needed by a teen parent to attend their educational program.
- t. (1) "Teen parent" means an individual participating in the Cal-Learn Program. To be a participant, an individual must:
 - (A) Be a CalWORKs recipient under the age of 19 or 19 years of age and continuing Cal-Learn participation on a voluntary basis; and
 - (B) Not have obtained a high school diploma or its equivalent; and
 - (C) Reside with his/her child in the same AU; or
 - (D) Be pregnant; and
 - (E) Have been notified of the Cal-Learn Program under Section 42-764.1; and
 - (F) Not be exempt from participation.
- (2) "Trustline Registry" means a computer based registry of child care providers whose backgrounds have been checked to ensure that providers have no disqualifying criminal convictions or substantiated reports of child abuse.
- u. Reserved
- v. Reserved
- w. (1) "Welfare-to-work activities" means the work or work-related activity requirements in the CalWORKs Program. Welfare-to-work activities replaced the GAIN Program in California. Reference to welfare-to-work activities shall include reference to the GAIN Program, as appropriate.

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- x. Reserved
- y. Reserved
- z. Reserved

.4 Federal Demonstration Project

.41 The United States Department of Health and Human Services (USDHHS) chose four counties to participate in the CWPDP. These four CWDs shall comply with the Cal-Learn Program research procedures throughout the duration of the demonstration project.

.42 The CWD shall provide adequate notification to teen parents who have been assigned to the Cal-Learn evaluation control group.

.43 The designation and treatment of the control group shall be accomplished pursuant to the project's mandated parameters outlined in the Federal Terms and Conditions as approved by the USDHHS.

.431 Designation and treatment of the control groups members shall be limited to control group members residing within the four research counties.

.432 A break-in-aid shall not affect a teen parent's status in the research project as long as the member continues to reside in one of the research counties.

.5 Data Collection

The CWD shall ensure data is collected and submitted in accordance with CDSS statistical reporting requirements. The data shall include, but not be limited to, the following:

- (a) Number of individuals subject to the Cal-Learn Program.
- (b) Number of teen parents entering the Cal-Learn Program.
- (c) Number of teen parents transferring from other counties.

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- (d) Number of teen parents receiving a high school diploma or equivalent.
- (e) Number of teen parents who are deferred or exempted from the Cal-Learn Program and the reason for deferrals or exemptions.
- (f) Number of teen parents' children receiving child care services by type of provider.
- (g) Number of teen parents receiving transportation payments.
- (h) Number of teen parents receiving ancillary expense payments.
- (i) Number of teen parents receiving a bonus, separated by \$100 and \$500 bonuses.
- (j) Number of teen parents receiving a sanction.

.6 CWD Responsibilities

It is the CWD's responsibility to perform all of the following duties, none of which shall be contracted, delegated, or otherwise transferred in whole or part:

- .61 Good cause determination under Section 42-768;
- .62 Exemption determination under Section 42-763.2;
- .63 Deferral determination under Section 42-763.3;
- .64 Sanction determination under Section 42-769;
- .65 Bonus determination under Section 42-769;
- .66 Issuance of bonuses under Section 42-769; or
- .67 Reduction of a grant under Section 42-769 due to a sanction determination.

| .7 CalWORKs Eligibility

| A pregnant teen with no other children (AU of one) who has entered the Cal-Learn Program under Section 42-764.1 shall be eligible for CalWORKs and the pregnancy special need payment under Section 44-211.6 during her first and second trimesters of pregnancy.

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NOTE: Authority cited: Sections 10553, 10554, and 11320 et. seq., Welfare and Institutions Code. Reference: Sections 10063, 10852, 10853, 11320, 11331.5(a) and (c), 11332, and 11333.7(a), (b) and (c), Welfare and Institutions Code; SB 35, Chapter 69, Statutes of 1993, as amended by SB 1078, Chapter 1252, Statutes of 1993; 45 CFR 250.10(c); 45 CFR 250.40(a); 45 CFR 255; 42 U.S.C. Section 602; 42 U.S.C. Section 1315; Federal Waiver Terms and Conditions for the California Work Pays Demonstration Project, March 1994; Assembly Bill 2560, (Chapter 1268, Statutes of 1994) and Senate Bill 1984, (Chapter 1267, Statutes of 1994).

42-763	CAL-LEARN PROGRAM ELIGIBILITY AND PROGRAM PARTICIPATION REQUIREMENTS	42-763
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.1 Eligibility

.11 Individuals who meet the following conditions shall be required to participate in the Cal-Learn Program unless exempt under Section 42-763.2. An individual required to participate in the Cal-Learn Program is a person who:

- .111 Is a CalWORKs recipient under the age of 19; and
- .112 Has not obtained a high school diploma or its equivalent; and
- .113 Resides with his or her child in the same AU; or
- .114 Is pregnant and the pregnancy is verified under Section 80-301(m)(2).

.12 Individuals who meet the following conditions may participate in the Cal-Learn Program on a voluntary basis.

- .121 Is a CalWORKs recipient 19 years of age;
- .122 Was participating in the Cal-Learn Program prior to becoming 19 years of age;
- .123 Has not obtained a high school diploma or its equivalent.
- .124 Is attending high school or an equivalent program on a full-time basis, as defined by the school, unless the CWD determines that the teen has good cause for not complying with this requirement; and

42-763 CAL-LEARN PROGRAM ELIGIBILITY AND PROGRAM PARTICIPATION REQUIREMENTS (Continued) 42-763

- .125 Resides with his or her child in the same AU or is pregnant and the pregnancy is verified under Section 80-301(m)(2).

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Examples:

- (a) At 15 years of age, Mary was a Cal-Learn participant. At 17 years of age, she went off cash aid and was no longer eligible for Cal-Learn participation. At 19 years of age, Mary is back on cash aid, has not received a high school diploma or equivalent and wants to voluntarily participate in Cal-Learn. Mary is eligible to voluntarily participate in Cal-Learn.
- (b) At 19 years of age, Susan is pregnant and receiving cash aid for the first time. She has not received a high school diploma or equivalent and she wants to voluntarily participate in Cal-Learn. Susan is not eligible to voluntarily participate in Cal-Learn.

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- .13 An individual who is participating in the Cal-Learn Program on a voluntary basis is eligible for the same benefits as an individual who is required to participate in the Cal-Learn Program.
- .14 An individual who chooses not to voluntarily participate in the Cal-Learn Program shall be subject to welfare-to-work activities as specified in Section 42-711.3 and time limits as specified in Section 42-302.213.
- .15 An individual assigned to a control group under Section 42-762.4 shall not be eligible for the Cal-Learn Program for the duration of the research period unless he or she moves to a county that is not participating in the research project under Section 42-762.4.

.2 Exemption

Individuals meeting the following requirements shall be exempt from the Cal-Learn Program. An exemption shall be granted by the CWD if the individual:

- .21 Has a serious illness, injury, or incapacity that prevents the teen parent from meeting the Cal-Learn Program requirements of enrolling in school and attending full-time under Section 42-763.71 for a period of more than three months.

42-763	CAL-LEARN PROGRAM ELIGIBILITY AND PROGRAM PARTICIPATION REQUIREMENTS (Continued)	42-763
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- .211 The exemption based on illness, injury or incapacity shall be supported by a written statement from a physician or a licensed or certified psychologist and includes the following:
 - (a) A description of the individual's condition;
 - (b) An explanation of why the individual's condition prevents him or her from meeting program requirements;
 - (c) The expected duration of the condition;
 - (d) The date of the next scheduled examination or appointment; and
 - (e) The doctor's name, address and phone number.

- .212 When a written statement cannot be obtained timely for reasons beyond the control of the individual, an oral statement from the physician or the licensed or certified psychologist with the information required in this section shall be accepted pending written verification up to a maximum of 60 days.
 - (a) The oral statement shall be documented and shall include:
 - (1) The date the oral statement was obtained;
 - (2) The name of the person who supplied the oral statement;
 - (3) The person who obtained the oral statement; and
 - (4) A description of the statement.

- .22 Is expelled from school and enrollment in any alternative school cannot be arranged.
 - .221 The individual or the head of the AU shall provide written verification from the school district in which the individual is a resident that no school in the individual's district will permit the individual to enroll.

- .23 Needs Cal-Learn Program paid child care and/or transportation in order to meet Cal-Learn Program requirements and the service is not available for a period of three or more months.

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- .24 Cannot receive payment for child care or transportation expenses due to lack of program funding.
- .25 Is eligible for AFDC-FC and payment is being made on behalf of the individual.
- .3 Deferral

Teen parents who are unable to meet Cal-Learn Program requirements due to the following deferral criteria shall be deferred from the Cal-Learn participation until the CWD determines that the situation requiring deferral no longer exists. Deferral shall be granted by the CWD if the teen parent:

 - .31 Needs supportive services under Section 42-765 which are temporarily not available.
 - .32 Cannot be provided case management services.
 - .33 Has a special need that substantially deprives the teen parent's ability to meet program requirements or be successful in earning a high school diploma or its equivalent, and the special need cannot be addressed.
 - .331 To qualify for a special need deferral, the teen parent must be severely restricted by factors beyond the teen parent's control to attend school and no home study or other special arrangements can be made with the school.
 - (a) Beyond the control of the teen parent shall include, but not be limited to, acts of nature such as fire, earthquake, flood, death of a child or parent, child is hospitalized, child or teen parent is seriously ill or injured.

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(b) EXAMPLE:

Sara suffered an injury in a car accident for which her physician stated she would be unable to attend school for six weeks. However, the physician stated that Sara would be able to continue her school work at home in two weeks. Sara's case manager contacted Sara's school and was able to arrange a home study program which gave Sara the ability to make adequate progress for the report card period. Sara does not qualify for a deferral.

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42-763 CAL-LEARN PROGRAM ELIGIBILITY AND PROGRAM PARTICIPATION REQUIREMENTS (Continued) **42-763**

- .332 Documentation under Sections 42-763.211 or .212 shall be required for a special needs deferral which is an illness, injury or incapacity.
 - (a) Documentation shall be accepted from a physician, licensed or certified psychologist, licensed Marriage Family and Child Counselor or a Licensed Clinical Social Worker.
- .34 Has been prescribed a period of time for postpartum recovery after the birth of a child by a physician.
- .341 Documentation under Section 42-763.332 shall be required for the postpartum recovery deferral.

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- .4 Individuals exempt or deferred from the Cal-Learn Program are not exempt or deferred from attending school. The California Education Code (CEC), Section 48200 provides that each person between the ages of 6 and 18 years, not exempted under Chapters 2 or 3 of the CEC, is subject to compulsory full-time education.

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.5 Documentation, Review and Notification

CWDs or case managers shall:

- .51 Document the estimated duration of the exemption or deferral status.
 - .511 The CWD or case manager shall verify submitted documentation if authenticity is in doubt or when the information is inconsistent with information that is known.
- .52 Review exemption status at the end of the projected length of time of the exemption, or upon the request of the individual or head of the AU, but no less often than every six months.
- .53 Review deferral status at the end of the projected length of the deferral, or upon the request of the teen parent or head of the AU, but no less often than every three months.

42-763 CAL-LEARN PROGRAM ELIGIBILITY AND PROGRAM PARTICIPATION REQUIREMENTS (Continued) 42-763

- .54 Notify a teen parent and the head of the AU of a teen parent's exemption or deferral from the Cal-Learn Program and of the right to have the exemption or deferral reviewed.

- .6 Service Provisions
 - .61 Exempt individuals shall not be eligible to receive Cal-Learn supportive services under Section 42-765, case management services under Section 42-766, or bonuses or sanctions under Section 42-769.

 - .62 Deferred teen parents shall not be eligible to receive Cal-Learn supportive services under Section 42-765 and sanctions and bonuses under Section 42-769. Deferred teen parents shall receive case management under Section 42-766 except for teen parents who are deferred due to case management not being available.

- .7 Participation Requirements

Teen parents shall:

 - .71 Enroll and attend full-time (as defined by the school) in a school program which shall lead to a high school diploma or its equivalent.
 - .711 For the purposes of the Cal-Learn Program, high school equivalency programs shall include, but not be limited to, preparation classes for the GED examination and the California high school certificate of proficiency examination.

 - .712 Vocational training programs which are not part of a high school or its equivalent curriculum shall not meet the Cal-Learn participation requirements.

 - .713 Except as provided in Section 42-763.714, teen parents who are enrolled in a program which has no "full-time" definition shall participate in a minimum of 10 hours of school activity per week during each week that participation is required.

 - .714 When a teen parent is enrolled in a school program which cannot provide a minimum of 10 hours per week of school activity, the AU shall provide written verification from the school in which the teen parent is enrolled confirming this limitation.

42-763 CAL-LEARN PROGRAM ELIGIBILITY AND PROGRAM PARTICIPATION REQUIREMENTS (Continued) 42-763

- .72 Participate in the Cal-Learn Program until the end of the month in which the teen parent turns age 19 or until either a high school diploma or its equivalent is earned.
- .73 Assist in the development of the case plan including a report card submittal schedule as part of the case plan under Section 42-766.33.
- .74 Submit report cards to the case manager.
 - .741 A teen parent shall be responsible for submitting the report card to the teen parent's case manager within 10 working days from the date the report card is issued.
- .8 Break In Program Participation

When a teen parent has a break-in-aid or is exempted from the program for 90 days or more or when a 19-year-old teen parent voluntarily discontinues from Cal-Learn for 90 days or more, the following conditions shall be met.

- .81 The teen parent shall be rescheduled for orientation and shall be provided program requirements under Section 42-764.2; and
- .82 The teen parent shall participate in the Cal-Learn Program for 90 calendar days under Section 42-766.334 before being eligible for bonuses or subject to sanctions under Section 42-769.

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- .83 Example: Bill is discontinued effective February 28. He remains in school and is reinstated effective June 2. His report card for the school term ending June 30 indicates satisfactory progress. Bill is not eligible for a bonus because his break-in-aid was for more than 90 days and he has not participated for 90 days after his CalWORKs was reinstated.

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10063, 11331.5, 11331.7, 11332, 11332.5(a)(3), 11333.7(a), (b)(1) and (d), 11334.2, and 11450, Welfare and Institutions Code; 45 CFR 250.40(a); and 42 U.S.C. Section 1315.

42-764 **NOTIFICATION AND ORIENTATION** **42-764**

.1 Notification

When a CWD determines that an individual is required to participate in the Cal-Learn Program, a Cal-Learn Program notice shall be sent to both the individual and the head of the AU with an appointment date for the Cal-Learn eligible individual to attend orientation under Section 42-764.2.

.11 The notice shall include:

- .111 A general description of the Cal-Learn Program;
- .112 A description of the supportive services and case management services provided to teen parents;
- .113 A statement that the notice is not notification of program requirements and that Cal-Learn Program requirements shall be provided during the teen parent's orientation; and
- .114 The date the individual has been scheduled for orientation.

.2 Orientation

A Cal-Learn orientation shall be scheduled and provided to teen parents.

.21 In addition to written and oral descriptions of the program under Sections 42-764.111 and .112, orientation shall also provide the teen parent written and oral descriptions of the following:

- .211 Cal-Learn Program participation requirements under Section 42-763.7;
- .212 A description of the Cal-Learn Program exemption and deferral criteria and an explanation that a Cal-Learn Program exemption or deferral does not provide an exemption from attending school under the California Education Code.
- .213 The Cal-Learn bonuses and sanctions, and the consequences of failing to make adequate progress; and
- .214 The right to show good cause for failing to demonstrate adequate progress.
- .215 The consequences of a break-in-aid.

42-764	NOTIFICATION AND ORIENTATION (Continued)	42-764
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- .22 No later than 30 days after the teen parent attends orientation, the head of the AU shall be sent a notice containing a Cal-Learn Program description and the program requirements under Section 42-764.21.

- .23 When a teen parent fails to attend the scheduled orientation, the teen parent and the head of the AU shall be sent a notice containing a Cal-Learn Program description and the program requirements under Section 42-764.21 no later than 5 working days after the scheduled orientation.

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- .231 Teen parents who do not attend orientation, or otherwise do not cooperate, will continue to receive their CalWORKs grants for which they are eligible. Under Sections 42-763.741 and 42-766.33, these teen parents will be subject to sanctions if they do not submit their report cards.

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10063, 11332.5(a)(5), and 11334.2, Welfare and Institutions Code, and 45 CFR 255.4(j).

42-765	SUPPORTIVE SERVICES	42-765
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.1 Supportive Services Provisions

Teen parents shall receive child care, transportation and ancillary expenses under Section 42-750. The procedures under Section 42-750 shall be used for the payment of supportive services and the collection of an unused portion of an advance supportive service payment.

.11 Supportive services shall be limited to those services teen parents need to attend their school programs regularly.

.2 Overpayments and Underpayments

The procedures under Section 42-751 shall be used for the issuance of underpayments and the collection of overpayments.

.3 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

NOTE: Authority cited: Sections 10553, 10554, and 11320 et seq., Welfare and Institutions Code.
Reference: Sections 11320, 11323.4, and 11331.7(a), Welfare and Institutions Code; 42 U.S.C. Section 602; and 45 CFR 255.4(j); AB 2560 (Chapter 1268, Statutes of 1994); and SB 1984, (Chapter 1267, Statutes of 1994).

42-766	CAL-LEARN CASE MANAGEMENT SERVICES	42-766
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.1 Case Management

.11 Case management services shall be provided to each teen parent in the Cal-Learn Program.

.111 Case management services shall provide assistance to teen parents to obtain:

(a) The educational services necessary to earn a high school diploma or its equivalent.

(b) Health and social services, including, but not limited to those designed to:

(1) Reduce the incidence of maternal and child morbidity and mortality, including the incidence of low birth weight infants;

(2) Enhance the teen parent's parenting skills;

(3) Facilitate an effective ongoing relationship between the teen parent, the noncustodial parent and the child where it is in the best interest of the child and the teen parent; and

(4) Assess the suitability of the teen parent's living situation including, but not limited to, the physical and emotional health and safety of the teen parent and child.

.12 Standards for Case Managers

.121 Case managers shall possess an expertise in the education, training and other social and health service needs of teen parents, as well as the local programs that provide these services.

(a) Training shall be provided to case managers to develop and update the required expertise.

.122 Case managers shall have sufficient time consistent with the AFLP Standards incorporated under Section 42-766.133(a) to provide the needed case management services to teen parents.

42-766 CAL-LEARN CASE MANAGEMENT SERVICES **42-766**
(Continued)

.13 Provision of Case Management Services

.131 Adolescent Family Life Program (AFLP) Contracting Requirement

Except as provided in Section 42-766.132, the CWD shall contract with an existing AFLP provider for case management services.

.132 Exceptions to Contracting With AFLP

The CWD may contract with other public or nonprofit agencies or school districts for all or part of case management services or may provide all or part of case management services directly only when one of the following conditions exist:

- (a) AFLP services are not available; or
- (b) AFLP services are not cost-effective; or
- (c) The CWD has an existing teen parent program operating under an approved CalWORKs County Plan.

.133 Requirements When Not Contracting With AFLP

When case management services are provided by the CWD or by an agency which is not administering an AFLP, the following conditions shall be met:

- (a) The services shall conform as determined by CDHS to the standards of the "California Department of Health Services, Maternal and Child Health, Adolescent Family Life Program Standards, March 1, 1993, and Cal-Learn Addendum, January 26, 1994," which are hereby incorporated by reference; and
- (b) The Cal-Learn County Plan as specified in Section 42-767 shall include justification for not contracting with the AFLP under Section 42-767.121(a); and
- (c) The services shall be designed with the cooperation of the local county health agency.

42-766	CAL-LEARN CASE MANAGEMENT SERVICES (Continued)	42-766
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.2 Case Manager

General responsibilities for the case manager shall include the following:

- .21 Provide referrals to appropriate community services needed to assist the teen parent to continue in or return to school.
- .22 Monitor each teen parent through monthly contacts with the teen parent, collateral and/or service providers to determine the effectiveness of service provision. Assess progress toward case plan goals and make the necessary changes to improve the teen parent's program.
- .23 Act as a counselor, colleague, and role model so that each teen parent has someone to trust and to turn to for advice, guidance and ideas.
- .24 Ensure that each teen parent understands the program requirements and consequences of not making adequate or satisfactory progress.
- .25 Identify the need for and method of providing supportive services under Section 42-765.
- .26 Develop a case plan under Section 42-766.3 to assist the teen parent to graduate from high school or its equivalent.
- .27 Provide program exemption, program deferral, good cause, bonus and sanction determinations or recommendations.
 - .271 Case managers who are not CWD employees shall provide the CWD with a recommendation and supporting documentation.
 - .272 CWDs shall make the appropriate determination.
- .28 Make reasonable efforts to reach teen parents who are not making adequate progress.

.3 Case Plan

The case manager shall develop a case plan. The case plan shall include, but not be limited to, the following:

42-766 CAL-LEARN CASE MANAGEMENT SERVICES 42-766
(Continued)

- .31 Planned intervals of contacts and visits between the case manager and the teen parent, and the head of the AU, as appropriate.
 - .311 At a minimum, the intervals shall include monthly contacts and quarterly case plan reviews with the teen parent.
- .32 A description of the teen parent's school program.
 - .322 For a teen parent not enrolled in and/or attending school, the date the teen parent shall be expected to be enrolled in and attending school shall be documented.
- .33 A report card submittal schedule containing no more than four calendar dates per 12-month period on which the teen parent shall be required to submit a report card to the case manager.
 - .331 Teen parents in school programs which routinely issue 4 or less report cards in a 12-month period shall be required to submit the number of report cards issued.
 - .332 When a teen parent fails to participate in the development of the case plan, the case manager shall establish a report card submittal schedule containing four dates within the 12-month period.
 - .333 The date for submission of report cards shall be 10 working days from the date the report card is issued by the school.
 - .334 For purposes of bonuses and sanctions under Section 42-769, the requirement to submit a report card shall not begin until the teen parent has been required to participate in the Cal-Learn Program for 90 calendar days.
 - (a) The 90-day period begins the first day of the month after one of the following conditions are met.
 - (1) The date the teen parent attended orientation.
 - (2) The date the teen parent and head of the AU were sent program notification under Section 42-764.23.

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- (b) Example: Sara was notified of the requirements to participate in the Cal-Learn Program during orientation in September. She receives a report card in January. She is required to submit this report card to her case manager.
- (c) Example: Maryanne did not attend orientation and was subsequently sent a notice of the Cal-Learn Program requirements in March. She receives a report card in May. She is not required to turn in this report card. She subsequently received a report card in November, which she is required to submit.

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- (d) When a break in participation of less than 90 days occurs during the 90-day participation period, the days of the break shall not be counted as part of the 90-day participation period.
- (1) A break in participation shall be a break-in-aid or a Cal-Learn exemption.
- .34 Supportive services to be provided to the teen parent.
- .35 Documentation of referrals to or provision of services to the teen parent including those in Section 42-766.111.
- .351 The documentation shall include whether the referred service was provided to the teen and the outcome of service provision.
- .4 Report Card Submittal Schedule Notification and Case Plan Update
- .41 The teen parent's report card submittal schedule under Section 42-766.33 shall be sent to the teen parent and the head of the AU within 30 days from either the date the teen parent attended orientation or the date the teen parent and the head of the AU were sent program notification under Section 42-764.23.

42-766 CAL-LEARN CASE MANAGEMENT SERVICES 42-766
(Continued)

- .42 Following a teen parent's deferral or break in participation of less than 90 days, the case manager shall review and update the teen parent's report card submittal schedule.
 - .421 The schedule shall be sent to the teen parent and the head of the AU within 10 working days from the date the case manager was informed by the CWD that the teen parent's break or deferral ended.
- .43 The case manager shall review and update the case plan as necessary, but no less than every three months.
- .5 Exemption and Deferral Determination
 - .51 If it has not been determined prior to the development of the case plan or if the teen parent's circumstances change, the case manager shall determine if the teen parent shall be exempt under Section 42-763.2 or deferred under Section 42-763.3 from the Cal-Learn Program.
 - .52 When a case manager who is not a CWD employee finds that a teen parent should be exempt or deferred, the case manager shall make a recommendation to the CWD and provide substantiating documentation.
 - .521 The CWD shall review the case manager's documentation and recommendation to determine if the teen parent shall be exempt or deferred.
- .6 Determination of School Progress

Case managers shall determine if report cards are submitted as required in the teen parent's report card submittal schedule under Section 42-766.33 and shall review report cards to determine school progress for the purposes of a bonus or sanction.

 - .61 Case Manager Is Not A CWD Employee

To initiate a bonus or sanction, the case manager shall provide the CWD with the recommendation and the documentation, including the report card, which substantiates the recommended action.

42-766	CAL-LEARN CASE MANAGEMENT SERVICES (Continued)	42-766
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.62 Report Card Determination of Adequate and Satisfactory Progress

For the purpose of determining adequate and satisfactory progress for report cards under Section 42-766.33, adequate progress shall mean maintaining a grade point average of at least 1.0 and satisfactory progress shall mean maintaining a grade point average of 2.0 and above on a scale where A equals 4.0 points and F equals 0 points.

.621 Report Cards Containing Letter Grades

When a report card containing letter grades is provided without that report's grade point average or individual letter grade point values, the report card's grade point average shall be computed by giving each grade a point value as specified below:

- (a) A+, A, A- equal 4.0
- B+, B, B- equal 3.0
- C+, C, C- equal 2.0
- D+, D, D- equal 1.0
- F, Incomplete equal 0

.622 Report Cards Without Letter Grades

When report cards do not contain letter grades, or the school providing letter grades has an alternative method of determining adequate and satisfactory progress, satisfactory and adequate progress shall be determined by the school's regular assessment of periodic progress.

.623 For the purposes of this section, only grades contained on the submitted report card shall be used for grade point average determination. Cumulative grade point averages shall not be used.

.63 Report Cards Submitted as Required

When the teen parent submits the report card as required, the case manager shall take the following action:

42-766 CAL-LEARN CASE MANAGEMENT SERVICES 42-766
(Continued)

.631 Satisfactory Progress

Initiate the \$100 bonus for the AU when the report card reflects satisfactory progress under Section 42-766.62.

(a) The case manager shall initiate a bonus as soon as administratively possible, but no later than 5 working days from the date:

(1) The report card was submitted as required on the report card submittal schedule; or

(2) It has been determined that the teen parent had good cause for late report card submittal under Section 42-766.641; or

(3) The case manager received a completed grade or at the end of the time period identified under Section 42-766.65.

(b) The \$100 bonus shall not be initiated when the teen parent will receive the \$500 bonus under Section 42-766.8 for the same report card period.

.632 Adequate Progress

Notify the head of the teen parent's AU that the report card reflects adequate progress and that no grant adjustment shall be made when the report card reflects adequate progress under Section 42-766.62.

.633 Failure to Demonstrate Adequate Progress

Make reasonable efforts as specified in Section 42-766.7 when the report card does not reflect that the teen parent is demonstrating adequate progress under Section 42-766.62.

(a) If a good cause determination is not requested within the 10-day reasonable efforts period, the case manager shall initiate the \$100 sanction.

42-766	CAL-LEARN CASE MANAGEMENT SERVICES (Continued)	42-766
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- (b) If a good cause determination is requested within the 10-day reasonable effort period, the case manager shall make a good cause determination.
 - (1) If good cause is found, the case manager shall not initiate the \$100 sanction.
 - (2) If good cause is not found, the case manager shall initiate the \$100 sanction.

.64 Report Cards Not Submitted as Required

When a teen parent fails to submit a report card as required, the case manager shall make reasonable efforts under Section 42-766.7.

.641 Good Cause Found for Late Submittal

If the teen parent submits the report card within the 10-day reasonable effort period, and it is determined that there was good cause for late submittal, the case manager shall treat the report card as having been submitted as required under Section 42-766.63.

.642 Good Cause Not Found for Late Submittal

If the report card is submitted within the 10-day reasonable effort period, as provided in Section 42-766.7, but good cause for late submittal is not found, the sanction shall be reduced to \$50 when:

- (a) The report card reflects adequate progress or better, or
- (b) The teen parent showed good cause for a report card which did not reflect adequate progress.

42-766 CAL-LEARN CASE MANAGEMENT SERVICES **42-766**
(Continued)

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- (1) Example: A teen parent submits a report card within the ten-day reasonable effort period. The case manager determines that the teen parent did not have good cause for the late submittal. If the report card reflects satisfactory progress or if the teen parent can demonstrate good cause for a report card that does not reflect satisfactory progress, the sanction is reduced to \$50.

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.643 Report Card Not Submitted

The case manager shall initiate the \$100 sanction under Section 42-769.2 when the teen parent does not turn in the required report card by the end of the 10-day reasonable effort period.

.65 Report Cards Containing Incomplete Grades

When a teen parent submits a report card containing an incomplete grade(s) which could affect the eligibility of a bonus or sanction, the CWD shall follow the procedure under either Sections 42-766.651 or .652. The option chosen shall be established countywide.

.651 A bonus or sanction shall not be initiated until after 45 calendar days from the date the incomplete report card was received by the case manager. A completed grade(s) may be submitted during the time period established by the teen parent's school for completing grades.

- (a) Adequate and satisfactory progress shall be determined using the grades received by the end of the 45-day period beginning on the date the case manager received the report card containing the incomplete grade(s).
- (b) The teen parent's eligibility of a bonus or sanction shall be determined again when a completed grade is submitted after this 45-day period, but within the time period established by the teen parent's school for completing grades.

42-766	CAL-LEARN CASE MANAGEMENT SERVICES (Continued)	42-766
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- (c) The case manager shall treat the report card as having been submitted as required under Section 42-766.63.
- .652 A bonus or sanction shall not be initiated until after the time period established by the school the teen parent is attending for completing grades.
 - (a) Adequate and satisfactory progress shall be determined using the grades received by the end of the school's allowable time period and the case manager shall treat the report card as having been submitted as required under Section 42-766.63.
- .653 Within 5 working days from the date the case manager received the incomplete report card under Sections 42-766.651 or .652, the case manager shall send a notice to the teen parent and the head of the AU explaining the CWD's procedure for submitting a completed grade and the consequences of not submitting a completed grade.
- .66 Notification of Failure to Participate

If good cause is not found for failure or refusal to comply with program requirements on the part of the teen parent, the case manager shall inform the teen parent and the head of the AU of the consequences of not participating and provide the teen parent with the telephone number and address of the local welfare rights organization or legal aid society should the teen parent need further assistance.
- .67 Conclusion of Cal-Learn Participation
 - .671 A teen parent shall not participate in the Cal-Learn Program after the end of the month in which the teen parent turns 19 years old or, if a voluntary participant, turns 20 years old.
 - (a) When the teen parent qualifies for a \$100 or \$500 bonus or a sanction before the end of the month in which the teen parent turns 19 years old or, if a voluntary participant, turns 20 years old and the action was not initiated before the end of that month, the case manager shall initiate the bonus or sanction after the end of that month.
 - (b) The case manager shall not initiate a bonus or sanction for a report card period that ends after the month the teen parent turns 19 years old or, if a voluntary participant, turns 20 years old.

42-766 CAL-LEARN CASE MANAGEMENT SERVICES 42-766
(Continued)

(c) When a teen parent ends participation due to turning 19 years old or, if a voluntary participant, turns 20 years old, or when the teen parent earns a high school diploma or its equivalent, the case manager shall notify the teen parent that the teen parent is no longer in the Cal-Learn Program.

.672 When it is known to the case manager that a teen parent is approaching the end of participation in the Cal-Learn Program, the case manager shall assist the teen parent in transitioning to independent living or to participation in CalWORKs welfare-to-work activities.

.7 Reasonable Efforts

When a teen parent fails to make adequate progress, either by submitting a report card reflecting less than adequate progress or by not submitting a report card as required, within 10 working days from the date the teen parent failed to make adequate progress the case manager shall:

.71 Send a notice to the teen parent of the consequences of not making adequate progress.

.72 Make reasonable efforts to reach the teen parent (and the head of the AU, if appropriate) who is in danger of continuing to fail in school or to not attend school.

.73 Make reasonable efforts to secure a face-to-face meeting with the teen parent.

.74 For the purposes of this section, performance of any one of the following shall constitute reasonable efforts:

.741 A telephone call to the teen parent;

.742 Personal contact with the teen parent;

.743 Written notification with an appointment date shall constitute reasonable efforts if the case manager does not have contact with the teen parent by telephone or by an attempt to have personal contact.

.75 Begin a good cause determination as specified under Sections 42-768.2 and .3 when a teen parent requests a good cause determination.

42-766	CAL-LEARN CASE MANAGEMENT SERVICES (Continued)	42-766
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.76 Document in the case file all efforts made to reach the teen parent and arrange a face-to-face meeting under Sections 42-766.72 and .73.

.8 Teen Parent Graduates from High School

The case manager shall receive documentation submitted indicating graduation from high school or its equivalent.

.81 When graduation is verified with the school the case manager shall initiate the \$500 bonus under Section 42-769.1.

.811 The case manager shall initiate the bonus as soon as administratively possible, but not more than five working days from the date the case manager received the graduation documentation from the teen parent.

NOTE: Authority cited: Sections 10533 and 10544, Welfare and Institutions Code. Reference: Sections 11320, 11331.5(a), (b) and (c); 11331.7; 11332; 11332.5(a), (a)(1), (a)(3) and (a)(4), (b) and (c); 11333(a), (b) and (b)(1); 11333.7, (a), (b)(1), (c), (d), (e), (f) and (g); 11334 and 11334.2, Welfare and Institutions Code; 45 CFR 250.10(c); and 45 CFR 250.40(a).

42-767	CAL-LEARN COUNTY PLAN	42-767
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.1 County Plan

CWDs shall submit a Cal-Learn County Plan as part of the CWDs' CalWORKs County Plan. The Cal-Learn County Plan shall include the following:

.11 Networking

A description of services in the county currently available to teens, including:

.111 Identification of education and supportive services available to pregnant and custodial teen parents.

.112 The extent to which the programs providing these services are currently serving CalWORKs recipients.

42-767 CAL-LEARN COUNTY PLAN (Continued) 42-767

- .113 The resources that these programs may make available to Cal-Learn teen parents.
- .114 The linkages that the CWD has established and/or plans to establish with these programs.
- .12 Case Management Provision

A description of the method of providing the case management services as described in Section 42-766 and the agency or organization that shall administer these services.
- .121 When all or part of the case management services are to be provided by the CWD or by an agency which is not administering AFLP, the plan shall contain the following:
 - (a) Justification that one of the conditions specified in Section 42-766.132 is met;
 - (b) Verification that the services have been designed in conjunction with the local county health agency;
 - (c) Case management protocols which describe the delivery of services to meet the AFLP Program Standards;
 - (d) A listing of network service providers for which linkage agreements have been established; and
 - (e) A description of agencies organizing and participating in the network, network meeting plans, and meeting purpose.
- .13 A Cal-Learn budget proposal consistent with CDSS' allowable expenditure level shall be submitted to CDSS.
- .14 Caseload Description
 - .141 An estimate of the annual Cal-Learn caseload.
 - .142 A description of the method by which the caseload shall be identified and participants notified of the Cal-Learn requirements. This shall include:
 - (a) The schedule by which recipients of CalWORKs who shall be required to participate in Cal-Learn shall be phased into the CWD's program.

42-767 CAL-LEARN COUNTY PLAN (Continued) 42-767

- (b) The initial CWD plan implementing Cal-Learn shall describe the process by which the CWD shall bring existing recipients of CalWORKs into Cal-Learn.

.2 Coordination With AFLP

A CWD shall coordinate with the AFLP provider in the county as part of the CWD's planning process.

.21 If there are no AFLPs in the county, the CWD may either:

.211 Coordinate with the local county health agency; or

.212 Coordinate with an AFLP provider in an adjoining county.

.22 The plan shall contain a description of the CWD's coordination with AFLP.

.3 Plan Submittal

CWDs shall submit the initial Cal-Learn County Plan for CDSS review and approval no later than November 30, 1994.

.4 Plan Review

CDSS shall approve or deny the Cal-Learn County Plan no more than 60 days from the time the plan is submitted to CDSS.

.41 Any Cal-Learn County Plan which proposes to contract case management services with an agency other than an AFLP, or which proposes to offer case management services through the CWD, shall have the case management services section described in Section 42-767.11 and Sections 42-767.121(c), (d) and (e), reviewed and approved by the California Department of Health Services (CDHS). CDSS shall submit the plan to CDHS for review.

.5 Effective Date

The Cal-Learn Program shall become operative in a county on the date the plan is approved by CDSS or the date specified in the Cal-Learn County Plan, whichever is later.

42-767 CAL-LEARN COUNTY PLAN (Continued) 42-767

.6 Inclusion in the CalWORKs County Plan

The Cal-Learn County Plan which was approved by CDSS as part of a CWD's GAIN County Plan shall be considered to be part of the CalWORKs County Plan when the CalWORKs County Plan is approved by CDSS.

NOTE: Authority cited: Sections 10533 and 10544, Welfare and Institutions Code. Reference: Sections 10063, 11320, 11333(b) and (b)(1), 11333.5 and (c), and 11334.2, Welfare and Institutions Code.

42-768 CAL-LEARN GOOD CAUSE DETERMINATION 42-768

.1 Good Cause Request

Teen parents may make a request to the case manager for a good cause determination regarding failure to demonstrate adequate progress.

.11 A teen parent may request this determination prior to the turning in of a report card or during the 10-day reasonable effort period under Section 42-766.7.

.2 Good Cause Review

The case manager shall make a good cause determination when a teen parent requests such a review under Section 42-768.1.

.21 When a teen parent had a break in participation under Section 42-766.334(d)(1) during the report card period, the good cause review shall include the impact the break had on the teen parent's ability to make adequate progress.

.22 The case manager shall issue a notice containing the good cause determination to the teen parent and the head of the AU no later than 15 working days after a good cause determination was requested.

.23 When the case manager is not a CWD employee, the case manager shall review the events on which the teen parent based the request and provide a recommendation with substantiating documentation to the CWD.

42-768	CAL-LEARN GOOD CAUSE DETERMINATION (Continued)	42-768
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- .231 The CWD shall review the case manager's documentation and recommendation to determine if the teen parent does or does not have good cause.
- .232 The case manager shall issue a notice to the teen parent and the head of the AU containing the good cause determination after the CWD has made a determination.

.3 Good Cause Criteria

The following shall be reasons for good cause only when the event is beyond the teen parent's control and substantially deprived the teen parent of the ability to make adequate progress in school and no home study or other special arrangements could be made with the school.

- (a) The teen parent is temporarily ill or incapacitated.
- (b) The teen parent is required to appear in a court proceeding or is incarcerated.
- (c) Inclement weather or other act of nature precludes the teen parent and other persons similarly situated from traveling to an activity.
- (d) There is a breakdown in transportation arrangements with no ready access to alternate transportation.
- (e) The teen parent refuses to accept major medical services even if the refusal precludes participation in the program.
- (f) Licensed or exempt child care is not reasonably available during the teen parent's hours of school, including commuting time; or child care is needed for a child who is not eligible for Cal-Learn paid child care as specified under Section 47-201.
 - (1) "Reasonably available" child care includes having at least two choices of child care arrangements which do not require either of the following:
 - (A) Adding more than one-half hour one-way to the participant's commuting time; or
 - (B) The child to transfer to a different school.
 - (2) The choices of child care shall meet the requirements specified in Section 47-101.

42-768 CAL-LEARN GOOD CAUSE DETERMINATION 42-768
(Continued)

- (g) A breakdown or interruption of child care arrangements occurs.
- (h) Suitable special needs child care is not reasonably available for children with disabilities, chronic illnesses, or other special needs.
- (i) The teen parent meets any of the exemption criteria as specified in Section 42-763.2 or deferral criteria as specified in Section 42-763.3.
- (j) The teen parent is experiencing a family crisis or change of individual or family circumstances, such as any of the following:
 - (1) Death of a spouse, parent, or child.
 - (2) Illness of a spouse or child which requires the teen parent's immediate attention.
- (k) At the discretion of the CWD, any substantial and compelling reasons other than those specified in this section.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11320 and 11333.7(b)(2), Welfare and Institutions Code and 45 CFR 250.40(a).

42-769 APPLICATION OF BONUSES AND SANCTIONS 42-769

.1 Issuing the Bonus

When the CWD receives the appropriate documentation and determines that a bonus is due, the CWD shall issue the bonus as a supplement to the aid payment that was made to the AU in the month in which the bonus was earned by the eligible teen parent.

- .11 A bonus is considered to be earned as of the last day of the report card period even though the report card or certificate of graduation is not issued until a later date.

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- .111 Example: A report card period ends on June 30. The case manager notifies the CWD on July 10 that a bonus is due. The CWD issues a \$100 supplement to the June CalWORKs payment in August even if the teen parent was discontinued after June 30.

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42-769 APPLICATION OF BONUSES AND SANCTIONS **42-769**
(Continued)

- .12 Upon receipt of documentation and determination that a bonus is due, the CWD shall issue the bonus:
 - .121 No later than the month following receipt of the documentation when the documentation is received by the eleventh calendar day of the month;
 - .122 No later than the second month following receipt of the documentation when the documentation is received after the eleventh calendar day of the month;
 - .123 In the name of the caretaker relative when the bonus is for satisfactory school progress;
 - .124 In the name of the teen parent when the bonus is for graduation from high school or its equivalent;
 - (a) The CWD shall not issue the \$100 bonus for satisfactory school progress when the teen parent will receive a \$500 graduation bonus for the same report card period.
 - .125 Even when the AU has an existing CalWORKs overpayment. A Cal-Learn bonus shall not be offset by an existing overpayment adjustment.

.2 Applying the Sanction

When the CWD receives the appropriate documentation and determines that a sanction is applicable, the CWD shall process the sanction as soon as administratively practicable as follows:

- .21 Send a timely notice of action to the caretaker relative prior to applying the sanction.
- .22 Apportion the sanction equally over the two consecutive months following the timely notice except where the AU receives a grant of less than \$10 in which case no sanction is applied.

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- .221 Example: A teen parent fails to achieve adequate grades and her case manager notifies the CWD on July 10 that a sanction is due. In August the teen parent's AU is eligible for a grant of \$8. No sanction can be applied in August. In September the AU is eligible for a grant of \$58. The CWD applies the apportioned \$50 sanction amount and the AU receives a grant of \$8.

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42-769 APPLICATION OF BONUSES AND SANCTIONS **42-769**
(Continued)

- .23 When the grant amount, prior to application of the sanction, is less than the amount of the apportioned sanction, the grant amount shall be zero. No remainder of the apportioned sanction shall be applied to subsequent months. In these cases, the family shall be considered CalWORKs recipients for all other purposes including eligibility for Medi-Cal.

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- .231 Example: In February an AU is eligible for a grant of \$35. The teen parent's apportioned sanction amount is \$50. Since the grant amount is less than the apportioned sanction amount, the grant will be zero. In March the AU is eligible for a grant of \$75. The CWD will apply the second apportioned sanction amount (\$50) and issue a grant of \$25. No remainder of the first month's apportioned sanction is applied to the second month's aid payment.

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- .24 Adjust the grant for an underpayment or an overpayment prior to applying the apportioned sanction amount.
- .25 Apply one apportioned sanctioned amount for each teen parent per month when there are multiple sanctioned teen parents in the AU.

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- .251 Example: An AU contains two teen parents. They both fail to achieve adequate grades for the report card period ending in June. The case manager notifies the CWD on July 10 that each is due a sanction. The CWD will apply a \$100 sanction in August (\$50 for each teen parent) and a \$100 sanction in September (\$50 for each teen parent).

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- .26 Apply overlapping sanctions for individual teen parents consecutively.

42-769 APPLICATION OF BONUSES AND SANCTIONS **42-769**
(Continued)

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- .261 Example: A teen parent fails to achieve adequate grades for the report card period ending in June. The case manager is not appraised of this situation until October 1 and notifies the CWD that a sanction is due on October 5. On October 10 the case manager notifies the CWD that the same teen parent is due a sanction for the report card period ending in September. The CWD applies a \$50 sanction in November, December, January, and February.

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.3 Change in AU

The sanction shall follow the teen parent and be applied to the AU in which the teen parent is a member at the time the sanction is applied.

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- .31 Example: A teen parent moves out of his/her mother's home and establishes an AU of his/her own. The teen parent is discontinued from the mother's AU at the end of June and is eligible in the new AU effective July 1. On July 10 the CWD determines that a sanction is due for the report card period ending June 30. The CWD applies the sanction to the new AU in the months of August and September.

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42-769 APPLICATION OF BONUSES AND SANCTIONS **42-769**
(Continued)

.4 Treatment of Bonuses and Sanctions in Other Calculations

The county shall not include a Cal-Learn bonus or sanction in the calculation of an overpayment adjustment or a homeless assistance payment.

.5 Section 42-769.5(QR) shall become inoperative and Section 42-769.5(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Treatment of Bonuses and Sanctions as County-Initiated Mid-Quarter Actions

(QR) Cal-Learn bonuses and sanctions are considered county-initiated mid-quarter actions as described in Section 44-316.33(QR).

(SAR) Treatment of Bonuses and Sanctions as County-Initiated Mid-Period Actions

(SAR) Cal-Learn bonuses and sanctions are considered county-initiated mid-period actions as described in Section 44-316.33(SAR).

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10063, 11265.2, and 11333.7(a) and (d), Welfare and Institutions Code; Section 37 of AB 444 (Chapter 1022, Statutes of 2002); 45 CFR 250.40(a); Federal Waiver Terms and Conditions for the California Work Pays Demonstration Project, March 1994, and Waiver Authority for the California Work Pays Demonstration Project as transmitted by the United States Department of Health and Human Services Administration for Children and Families letter dated March 1, 1994.

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NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY
WELFARE-TO-WORK

Regulations **42-780 (Cont.)**

42-771 GAIN PARTICIPANT CONTRACTS **42-771**

Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

42-772 GAIN PARTICIPATION REQUIREMENTS **42-772**

Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

42-773 ASSESSMENT AND EVALUATION **42-773**

Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

42-774 REAPPRAISAL **42-774**

Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

42-775 GAIN PARTICIPATION REQUIREMENTS FOR AFDC-U PARENTS **42-775**

Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

42-780 COUNTY PLANS FOR CALWORKS **42-780**

.1 Each county shall have a plan which describes how the county intends to deliver the full range of activities and services necessary to move CalWORKs recipients from welfare-to-work.

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.11 A suggested format was provided to the counties in an All-County Letter (ACL) 97-54 dated September 10, 1997.

.12 Required contents of the county plans are listed in Welfare and Institutions Code Sections 10530, 10531, 10542(a), 11321.6, 11322.7, 11322.9(d), 11323.2(b), 11325.7(b), 11325.8(a), 11327.8(a), and 13280.

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42-780	COUNTY PLANS FOR CALWORKS	42-780
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(Continued)

- .2 The county plan shall describe the county's plans to participate in the job creation program established by Government Code Section 15365.50 et seq. as added by AB 1542.
- .3 The county plan shall describe discussions between the county and any federally recognized Indian tribe in the county regarding whether the tribe intends to operate a tribal TANF program, county expenditures on recipients, and equitable access to assistance.
- .4 The county plan shall describe the criteria specified at Sections 42-712.471(b)(1) and .472(a)(1) for reducing or extending the exemptions for care providers of infants.
- .5 The County Welfare Director and County Board of Supervisors shall approve the plan, and any significant revisions or addenda thereto, and certify that the county will operate the CalWORKs Program described therein.
 - .51 All revisions/addenda, no matter how minor, shall be submitted to the Department, as they occur.
 - .52 A letter identifying the sections of the county plan being revised shall accompany the revisions/addenda.
 - .53 A county may implement revisions/addenda when they are submitted to the Department.
- .6 A county shall submit an addendum to the county plan once every three years.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10530, 10531, 10532(b)(1), 10534, 10542, 10553.2(d), 11321.6, 11322.7, 11322.9, 11323.2, 11325.7, 11325.8, 11327.8, 11329.4, and 13280, Welfare and Institutions Code; and 42 U.S.C. 602(a)(5) and 612.

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Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

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Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

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**NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY
WELFARE-TO-WORK REQUIREMENTS FOR RCA PARTICIPANTS**

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CHAPTER 42-800 WELFARE-TO-WORK REQUIREMENTS FOR REFUGEE CASH ASSISTANCE (RCA) PARTICIPANTS

42-800 WELFARE-TO-WORK REQUIREMENTS FOR RCA PARTICIPANTS: INTRODUCTION 42-800

- .1 RCA eligibles who are residing in areas in which the county plan provides for their participation in the Welfare-to-Work Program shall be required, as a condition of eligibility, to participate in welfare-to-work activities.
- .2 All Chapter 42-700 regulations shall apply for purposes of Refugee Cash Assistance welfare-to-work participants, unless superseded by regulations contained in Sections 42-800 through 42-811.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11320, and 11321.6(b) and (d), Welfare and Institutions Code.

42-801 WELFARE-TO-WORK PARTICIPATION FOR RCA PARTICIPANTS 42-801

- .1 The RCA eligible who meets the criteria in Sections 69-206.11 and 42-800.1 and who is not exempt under Section 69-208.4, shall participate, as a condition of eligibility.
- .2 If the individual fails or refuses to participate, the procedures in Sections 69-209 and 69-210 shall apply.
- .3 The CWD shall follow the procedures in Section 42-711 except that RCA welfare-to-work participants are not eligible for supportive services unless funded through sources other than CalWORKs.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11320, and 11321.6(b) and (c), Welfare and Institutions Code.

42-802 JOB, TRAINING, AND EDUCATION FOR RCA WELFARE-TO-WORK PARTICIPANTS 42-802

- .1 Education Services
 - .11 RCA welfare-to-work participants may participate in college and community college educational programs provided it does not constitute full-time attendance as defined in Section 69-206.5 or is exempt under Section 69-206.52 or .53.
- .2 Work experience as described in Section 42-716.31(d).
 - .21 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

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42-806	SERVICES FOR RCA WELFARE-TO-WORK PARTICIPANTS	42-806
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- .1 The CWD shall maintain separate accounting records of expenditures for RCA welfare-to-work participants.
- .2 The CWD shall fund RCA welfare-to-work services with the CWD's federal social services and targeted assistance allocation.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11320, and 11321.6(c) and (d), Welfare and Institutions Code.

42-807	CAUSE DETERMINATIONS AND COMPLIANCE FOR RCA WELFARE-TO-WORK PARTICIPANTS	42-807
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- .1 Cause determination and compliance requirements in Sections 42-721.1 and .2 shall apply. Section 42-721.4 shall not apply to RCA welfare-to-work participants.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11320, and 11321.6, Welfare and Institutions Code.

42-808	GOOD CAUSE CRITERIA FOR RCA WELFARE-TO-WORK PARTICIPANTS	42-808
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- .1 All good cause criteria specified in Section 69-209.4 shall apply. Good cause criteria specified in Section 42-721.3 shall also apply.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11320, and 11321.6, Welfare and Institutions Code.

42-809	COMPLIANCE FOR RCA WELFARE-TO-WORK PARTICIPANTS	42-809
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- .1 For compliance procedures, refer to Section 42-721.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11320, 11320.31, and 11321.6, Welfare and Institutions Code.

42-810 FINANCIAL SANCTIONS FOR RCA WELFARE-TO-WORK PARTICIPANTS 42-810

- .1 If the nonexempt RCA welfare-to-work participant has refused or failed, without good cause, to meet or comply with the requirements of Sections 69-208.1 through 69-208.3 and Sections 42-721.1 through .223, and the compliance efforts in Sections 42-721.23 through .29 have failed, the CWD shall discontinue benefits in accordance with Section 69-210.2.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11320, 11327.4, 11327.5, and 11321.6, Welfare and Institutions Code.

42-811 STATE HEARINGS FOR RCA WELFARE-TO-WORK PARTICIPANTS 42-811

- .1 State hearing and formal grievance procedures in Section 42-721.5 shall not apply to RCA welfare-to-work participants. For state hearing procedures, refer to Section 69-221.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11320 and 11321.6, Welfare and Institutions Code.

**NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY
DEMONSTRATION PROJECTS**

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CHAPTER 42-900 DEMONSTRATION PROJECTS

42-910 PARTICIPATION IN STATE SEASONAL EMPLOYMENT UNDER ASSEMBLY BILL 1531 (AB 1531) 42-910

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.1 Definition of "AB 1531 Participant"

An "AB 1531 participant" is an AFDC recipient who voluntarily participates in State Civil Service seasonal class employment pursuant to the provisions of AB 1531 (Chapter 1291, Statutes of 1983).

.2 Waiver of Penalties

.21 AFDC applicants of recipients shall not be penalized, either through the loss of benefits or eligibility, for not applying for, accepting, or continuing in State Civil Service seasonal class employment.

.22 In accordance with an Executive Order, signed by the Director of the Department of Social Services on March 28, 1984, the following regulation sections shall not apply with respect to job opportunities made available under this project:

.221 For job refusals, Sections 41-440.26, 41-605, 42-691, and 44-113.217 are to be waived. AFDC-U principal earner parents and AFDC-FG recipients who refuse seasonal jobs offered under this project will continue to be eligible for assistance. Earned income disregards will continue to be applied.

.222 For job quits or terminations, Sections 41-440.22, 42-605, 42-691, and 44-113.217 are to be waived.

(a) Federal AFDC-U principal earner parents or AFDC-FG recipients are to be continually or immediately eligible for federal assistance after quitting or terminating a state seasonal job.

(b) State-only AFDC-U principal earner parents will also be continually or immediately eligible for State-only AFDC-U benefits, providing that they have a remaining period of eligibility.

(c) Earned income disregards will continue to be applied.

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42-910	PARTICIPATION IN STATE SEASONAL EMPLOYMENT UNDER ASSEMBLY BILL 1531 (AB 1531) (Continued)	42-910
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.3 Verification

Section 42-710.2 shall only apply when it has been verified that an applicant's or recipient's job refusal or quit was related to State Civil Service seasonal class employment. Counties shall follow the normal procedures that are used to verify other reports of job refusal or job quit to confirm this information.

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**NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY
WELFARE-TO-WORK SRS COMPONENT**

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CHAPTER 42-1000 WELFARE-TO-WORK SUPPLEMENTAL REFUGEE SERVICES (SRS) COMPONENT

42-1001 BACKGROUND **42-1001**

AB 3254, Chapter 379, Statutes of 1990, established the GAIN SRS Component. Counties may elect to maintain the SRS Component within the CalWORKs Welfare-to-Work Program for Welfare-to-Work-eligible CalWORKs refugees who would otherwise be temporarily excepted from Welfare-to-Work services. These services shall complement regular Welfare-to-Work services to prepare the refugee for self-sufficiency.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10063, 11320, and 13280, Welfare and Institutions Code.

42-1002 INTRODUCTION - WELFARE-TO-WORK REQUIREMENTS FOR SRS PARTICIPANTS **42-1002**

All Chapter 42-700 regulations shall apply to Welfare-to-Work SRS participants, unless superseded by regulations contained in Sections 42-1000 through 42-1012.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11320, and 13280, Welfare and Institutions Code.

42-1003 SRS COUNTY PLAN COORDINATION AND CONSULTATION **42-1003**

.1 That portion of the county's CalWORKs Plan which addresses the implementation of the SRS Component shall be developed with significant participation by and input from public and private agencies/organizations involved in refugee resettlement. The county's planning process shall include representatives from refugee community-based organizations, voluntary agencies, local public/private providers of services to refugees, and refugee community leaders.

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.2 Counties may use the CalWORKs planning process if that process meets the requirements specified above.

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(Continued)

- .3 If the county's CalWORKs planning process does not meet the requirements contained in Section 42-1003.1, the county shall conduct a supplementary planning process.
- .4 That portion of the county's CalWORKs plan which describes the SRS Component shall describe the planning process. This description shall identify the planning participants and discuss how the proposed services reflect the information received during the planning process.
- .5 The description of the SRS Component shall also include the following information:
 - .51 Labor market analysis and identification of the population to be served;
 - .52 Description of the service population's needs;
 - .53 Description of the services to be provided including the types of services and the service delivery methodologies;
 - .54 Amount of funding and the anticipated outcomes specific to each service to be provided including intake, determination of client service needs, referral to services, and supportive services;
 - .55 Descriptive narrative and a flow chart of the client flow process which shall be used to determine the refugee's service needs and refer refugees to services within the SRS Component; and
 - .56 Description of the procurement process which shall be used to procure services to be provided under the SRS Component.
- .6 Counties shall not be required to use the CalWORKs Welfare-to-Work client flow process. Counties electing not to use the CalWORKs Welfare-to-Work client flow process shall develop and implement county-specific client flow processes which shall be subject to CDSS review and approval.
- .7 Counties shall annually update that section of the county CalWORKs Plan which contains the discussion and description of the SRS Component. The SRS update may be coordinated with the annual update of the county CalWORKs Plan.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11320, 13277, 13278, and 13280, Welfare and Institutions Code and Federal Register, Volume 51, No. 166, pages 30546 through 30553 dated Wednesday, August 27, 1986.

42-1008 PURCHASE OF SERVICE CONTRACTS **42-1008**

- .1 Except where prohibited by CDSS regulations governing third-party contracts (MPP Chapter 23-600 Purchase of Service and Section 42-718.1), counties electing to implement the SRS Component to provide services for refugee applicants for, and recipients of, CalWORKs shall be permitted to use performance-based contracts to purchase such services.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10063, 10553, 10554, and 13280, Welfare and Institutions Code.

42-1009 MANDATORY COMPONENTS FOR SRS PARTICIPANTS **42-1009**

- .1 The SRS Component shall include the following four services and activities.
- .11 Any educational activity below the postsecondary level that the agency determines to be appropriate to the participant's employment goal. Such activities may be combined with training that the agency determines is needed in relation to the participant's employability plan. The educational activities that shall be made available include, but are not limited to:
- .111 High school education or education designed to prepare a person to qualify for a high school equivalency certificate;
- .112 Basic and remedial education that will provide an individual with a basic literacy level in accordance with Section 42-716.32.
- .113 Education in English proficiency for an individual who is not sufficiently competent to understand, speak, read, or write the English language to allow employment commensurate with his/her employment goal;
- .12 Job skills training, which includes vocational training for a participant in technical job skills and equivalent knowledge and abilities in a specific occupational area;
- .13 Job readiness activities that help prepare participants for work by assuring that participants are familiar with general workplace expectations and exhibit work behavior and attitudes necessary to compete successfully in the labor market; and

NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY
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42-1009 MANDATORY COMPONENTS FOR SRS PARTICIPANTS 42-1009
(Continued)

- .14 Job development and job placement activity by the agency; e.g., soliciting a public or private employer's unsubsidized job opening or discovering such job openings, the marketing of participants, and securing job interviews for participants.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11322.6 and 13280, Welfare and Institutions Code.

42-1010 OPTIONAL COMPONENTS FOR SRS PARTICIPANTS 42-1010

- .1 In addition to the mandatory components specified in Section 42-1009, the SRS Component shall include unsubsidized employment, job search, OJT and at least two of the other activities listed in Section 42-716.31:

- .11 Repealed by Manual Letter No. 98-03, effective 7/1/98.
- .12 Repealed by Manual Letter No. 98-03, effective 7/1/98.
- .13 Repealed by Manual Letter No. 98-03, effective 7/1/98.
- .14 Repealed by Manual Letter No. 98-03, effective 7/1/98.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11322.7, Welfare and Institutions Code.

42-1011 CRITERIA FOR COMPONENT ASSIGNMENT OF TEENAGE PARENTS 42-1011

- .1 Counties shall provide educational services for teenage parents as described in 45 CFR Part 250.32(a) in the SRS Component.

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- .2 Counties may use resources (non-CalWORKs) other than refugee funds to cover the costs of these services.

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NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11320 and 13280, Welfare and Institutions Code.

42-1012 CASE MANAGEMENT FOR SRS COMPONENT PARTICIPANTS 42-1012

- .1 Counties shall be permitted to designate an agency other than the CWD as the agency responsible for performing specific allowable case management tasks and/or activities.
- .2 Eligibility determinations for CalWORKs and all sanctioning activities shall be handled by the CWD staff.
- .3 Counties shall complete a 90-day follow-up for each participant who becomes employed, including those participants who become ineligible for CalWORKs as a result of such employment.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10063 and 13280, Welfare and Institutions Code; Notices of Availability of Federal Fiscal Year 1990 Targeted Assistance Funds (Federal Register/Vol. 55, No. 72, pages 13974 through 13979 Friday, April 13, 1990; and Federal Register/Vol. 55, No. 151/ pages 32022 through 32024 Monday, August 6, 1990).

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CHILD CARE USAGE AND DOCUMENTATION**

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- (d) The Miller vs. Healy Interim Court Order established criteria for approving non-GAIN education and training programs. The Court ordered that child care assistance is to be provided to recipients "who meet existing GAIN criteria for the approval of education and training activities. Such child care shall be provided pursuant to existing GAIN criteria for approval of self-initiated programs and existing GAIN definitions for satisfactory progress and attendance requirements."

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.112 The recipient's child(ren) shall meet the condition(s) of one category in each of Sections 42-1102.112(a) and (b) below:

- (a) The child:
- (1) Is in the recipient's AFDC assistance unit; or
 - (2) Receives benefits under federal foster care; or
 - (3) Receives benefits under Supplemental Security Income/State Supplementary Payment (SSI/SSP) program.
- (b) The child:
- (1) Is under the age of 13; or
 - (2) Meets the age requirements under the AFDC program, as specified in Chapter 42-100 and is physically or mentally incapable of caring for himself-herself based on:
 - (A) A written statement of a physician or a licensed or certified psychologist; or
 - (B) Receipt of SSI/SSP; or

42-1102	QUALIFICATION FOR TRACKING UNDER TITLE IV-A (Continued)	42-1102
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- (3) Is under court supervision as specified in Welfare and Institutions Code Section 601 or 602 and meets the age requirement under the AFDC program, as specified in Chapter 42-100.

- .2 The county and CDE contractor shall redetermine whether the child care of an AFDC recipient and his/her child qualifies for tracking under Title IV-A when the county and CDE contractor become aware of a possible change in the eligibility status of the recipient or child.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11008.19, Welfare and Institutions Code; 45 CFR 255.2(a) and 45 CFR 255.4; and Miller v. Healy, 768 S. Supp. 1331 (N.D. Cal 1991).

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DIVISION 43 RESPONSIBLE RELATIVES

CHAPTER 43-100 RESPONSIBLE RELATIVES

43-100 RESPONSIBLE RELATIVES 43-100

The code designates certain relatives who, under specified conditions, are legally liable to provide financial support or to contribute to the support of an applicant or recipient under the AFDC program and this chapter deals with the determination of responsibility of relatives in the AFDC program.

Relative responsibility should not be considered exclusively in terms of financial responsibility. Other positive factors may be found in strengthened family relationships, the contributions which relatives can make to the security of the recipient through family solidarity or through guidance and planning for the child in AFDC. These positive factors may be available from relatives who are not legally liable to provide financial support as well as those who have liability.

Responsibility rests with the county to determine not only financial responsibility of relatives in the AFDC program, but, in all programs, to develop to the maximum the potential resource of relatives in meeting social and emotional needs of the recipient.

43-103 DEFINITIONS FOR PURPOSES OF SUPPORT RESPONSIBILITY 43-103

.1 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

.2 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

.3 Stepparent

A stepparent is an individual who is married to the parent of a child of whom he or she is not the natural parent.

For purpose of this section, a stepparent includes the California domestic partner of a parent.

.4 Unmarried Parent

An unmarried parent is a parent of a child included in the FBU who is not married to the child's other natural parent.

43-103	DEFINITIONS FOR PURPOSES OF SUPPORT RESPONSIBILITY	43-103
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(Continued)

.5 Common-Law Marriage

California law, in Civil Code Section 4104 recognizes any out-of-state marriage as valid as long as it is valid where contracted or performed. In cases in which there was no formal marriage, it may be that a common-law marriage was established in another state. If the parents state they are married to each other, it is assumed that they are lawfully married unless this is refuted by other evidence.

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Basic Requirements - Common-Law Marriages

In most of the states which recognize common-law marriages, two basic requirements must be met:

1. Agreement Must Exist to Become Husband and Wife - This agreement may consist of a written contract but usually is just a simple, oral statement such as "I take you for my wife" or "You are now my wife." The words used must be in the present tense, and must express an intent to assume the relationship of husband and wife at the time involved and not at some future time. The parties have capacity to enter the agreement. This means that (1) they must be of sound mind; and (2) they must be of the minimum age. At common-law and in most states which recognize common-law marriages, the ages are 14 for the male and 12 for the female.
2. Must be Cohabitation Following the Verbal or Written Statements -Cohabitation is described as living together as husband and wife, each assuming the marital duties implicit in the relationship, usually including but not necessarily predicated on, sexual relations.

If these two facts are established and the state where they occurred recognizes common-law marriages, a marriage is in existence which is valid for all purposes in California and which can only be dissolved by formal divorce even in the state in which it was created. There is no such thing as an informal divorce in the United States.

CHART - SUMMARY OF STATE LAWS ON COMMON-LAW MARRIAGE

The following chart is intended to give the worker a general idea of the possibility of a valid common-law marriage in the various states. The chart will not provide all the answers. If the details of the law of a particular state are needed, the county counsel or district attorney or the legal staff of the SDBP should be consulted.

HANDBOOK CONTINUES

43-103	DEFINITIONS FOR PURPOSES OF SUPPORT RESPONSIBILITY	43-103
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State	Mutual Agreement	Cohabitation	Additional Requirements of Comments
Alabama	x	x	Mutual assumption of marital duties
Alaska			Abolished 1917
Arizona			Abolished 1913
Arkansas			Abolished 1905
California			Abolished 1895
Colorado	x	x	
Connecticut			Abolished
Delaware			Never recognized
Dist. of Columbia	x	x	
Florida	x	x	Cohabitation of mutual assumption of marital duties meets requirement
Georgia	x	x	Consummation according to law
Hawaii			Abolished
Idaho	x		Mutual assumption of marital duties
Illinois	x	x	Abolished 1905, except Quakers
Indiana	x	x	Abolished 1/1/58; open acknowledgment of the relation
Iowa	x	x	
Kansas	x		Holding each other out to public as husband and wife
Kentucky	x		Abolished
Louisiana			Never recognized
Maine			Probably not valid. No cases.
Maryland			Abolished
Massachusetts			Abolished; but can prove marriage by cohabitation

HANDBOOK CONTINUES

43-103	DEFINITIONS FOR PURPOSES OF SUPPORT RESPONSIBILITY	43-103
	(Continued)	

HANDBOOK CONTINUES

State	Mutual Agreement	Cohabitation	Additional Requirements of Comments
Michigan	x	x	Abolished 1/1/57
Minnesota	x	x	Abolished 4/26/41
Mississippi	x	x	Abolished 4/5/56
Missouri			Abolished 3/31/21
Montana	x	x	Assumption of marital relationship and repute in the community
Nebraska	x	x	Abolished 1923. Holding out to public
Nevada	x		Abolished 3/29/43
New Hampshire			Abolished
New Jersey	x		Abolished 12/1/39
New Mexico	x	x	Abolished since 1929
New York	x	x	Valid prior to 1902 and from 1/1/08 4/29/43. Abolished 4/29/43. Open assumption of marital duties
North Carolina			Abolished
North Dakota			Abolished 1890
Ohio	x	x	Holding each other out as husband and wife
Oklahoma	x	x	
Oregon			Abolished
Pennsylvania	x		
Rhode Island	x	x	
South Carolina	x		
South Dakota	x	x	Abolished 7/1/59, marriage in fact, need exceptional circumstances
Tennessee			Abolished
Texas	x	x	Holding each other out to public as husband and wife

HANDBOOK CONTINUES

43-103	DEFINITIONS FOR PURPOSES OF SUPPORT RESPONSIBILITY	43-103
	(Continued)	

HANDBOOK CONTINUES

Utah	Abolished
Vermont	Abolished
Virginia	Abolished
Washington	Abolished
West Virginia	Abolished
Wisconsin	Abolished 1917
Wyoming	Abolished 1931; standards unclear

HANDBOOK ENDS HERE

.6 California Domestic Partner

An individual who:

.61 has a Declaration of Domestic Partnership registered with the California Secretary of State, or

.62 is a member of a legal union, other than marriage, of two persons of the same sex validly formed in another jurisdiction, and substantially equivalent to a California registered domestic partnership.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code; and Sections 297, 297.5, 298.5 and 299.2, Family Code.

43-105	RESPONSIBILITY FOR SUPPORT	43-105
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.1 Parents - General

All parents regardless of their age or their marital status are responsible to the extent of their ability for the support and care of their children whether they are natural or adopted, including minor parents, and children in foster care. This responsibility continues even though the parent is not living with the child, the marriage of the parents has been legally dissolved, the parents were never married or there has been a court order removing the children from the parent's custody. For the purpose of the AFDC program, parental responsibility ceases only where a relinquishment for adoption is in effect or where the child is a minor parent who is married and living with his/her spouse.

43-105	RESPONSIBILITY FOR SUPPORT (Continued)	43-105
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.2 Parents of Minor Parents

.21 General

Among the resources of minor parents is the legally required support that their parents are capable of making. These resources must be explored in order to determine eligibility for AFDC. Parents are not financially liable for their grandchildren.

.22 (Repealed by Manual Letter No. 84-65)

.23 (Repealed by Manual Letter No. 84-65)

.3 Absent Parents

The resources which may be available for support of a child for whom application for aid has been made include contributions from the absent parent(s). Both parents, to the extent of their ability are legally responsible for the support of their child(ren).

.4 Unmarried Parents

The unmarried parent is responsible for the support of his/her child(ren) (including an unborn child).

The unmarried parent is not legally responsible for the support of his/her child's other parent nor of children not his/her own.

.5 Stepparent

A stepparent is responsible for the support of his/her children from another union living outside the home; and his/her children, natural and adopted, living in the home; and his/her spouse.

If the stepparent and his/her spouse and child(ren) living in the home are needy but are ineligible or refuse to apply for public assistance or General Relief, a determination of possible misuse of AFDC funds shall be made as, specified in Operations Manual Section 20-101.

The stepparent's income, after allowable deductions, is deemed available to aided stepchildren living in the home. See Section 44-133.6 for the computation of income to the FBU from a stepparent.

.51 (Repealed by Manual Letter No. 82-26.)

43-105 RESPONSIBILITY FOR SUPPORT (Continued) 43-105

.52 Statement Required

When neither the stepparent nor any of his/her children are in the FBU (see Section 44-133.6) and aid is applied for or granted on behalf of a child living in a home with his natural or adoptive parent and nonadoptive stepparent, the parent shall complete a statement for purposes of determining the income of his/her spouse. Such statement shall contain information accurate for the budget period appropriate for grant determination (see Section 44-315.4 and 40-181.22).

.53 (Repealed by Manual Letter No. 82-26.)

.54 Failure to Cooperate

Failure of the parent to cooperate in the presentation of the required statement shall be considered the parent's decision to withhold information essential to the determination of the eligibility of the child, except that if he/she appears unable to comprehend or enter into the procedure for establishing eligibility, action shall be taken by the county in accordance with Sections 40-128.3 and 40-157.213. If the exception does not apply, aid shall be denied, or discontinued.

Failure of the stepparent to provide information essential to the determination of the eligibility of his/her stepchild(ren) shall result in the discontinuance or denial of aid.

.6 Adult Children

Adult children are responsible for the support of their parents to the extent of their ability. However, adult children are not responsible for the support of their brothers or sisters.

If the adult child and his or her legal dependents living in the home are needy but are ineligible or refuse to apply for public assistance or General Relief, a determination of possible misuse of AFDC funds shall be made as specified in Section 20-101.

43-106 ASSIGNMENT OF SUPPORT RIGHTS 43-106

Repealed by Manual Letter No. EAS-97-09, effective 7/1/97

43-107	COOPERATION REQUIREMENTS	43-107
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.1 Mother and Unrelated Adult Male Living in the Home

This section applies only to the unrelated adult male living with an AFDC family in which the mother is included as the needy caretaker.

.11 The mother of a child for whom she is applying for or receiving AFDC shall present to the Income Maintenance System a statement signed by her and by an unrelated male living with the family, other than a bona fide lodger, roomer or boarder, which shall set forth:

.111 The actual amount of the financial payment(s) made by the unrelated adult male for his share of the family's cost of housing, utilities, food, household operations and special needs which are shared by the family group;

.112 The actual amount of the financial contribution made by the unrelated adult male in cash or in kind for needs of the members of the family budget unit allowed by the AFDC standard of assistance; and

.113 The amount of the unrelated adult male's monthly earnings and other income, if known.

For the purposes of this requirement, both discussion and the written statement shall be limited to the fiscal and monetary arrangements between the mother and the unrelated adult male.

See Section 43-109 for "Required Financial Contribution" and definitions.

.12 The statement shall be signed by the mother and the unrelated adult male under penalty of perjury. For this purpose, the statement shall include the following:

"I certify through my signature that each of the statements given is true and correct to the best of my knowledge and belief. I make this statement under the penalty of perjury and understand that any willful concealment or misstatement of material fact in this statement of which I have been given notice subjects me to the penalties prescribed for perjury in the Penal Code by the State of California. I agree to tell the county welfare department at once when there are any changes in the facts presented in this statement."

43-107 COOPERATION REQUIREMENTS (Continued) 43-107

If the mother or the unrelated adult male do not understand English, the above statement shall be provided by the county welfare department written in a language which each understands, before it is signed.

- .13 Failure of the mother to cooperate in the presentation of the required statement shall be considered the mother's decision to withhold information essential to the determination of the eligibility of the child, except that if she appears unable to comprehend or enter into the procedure for establishing eligibility, action shall be taken by the Income Maintenance System in accordance with Sections 40-128.3 and 40-157.213. If the exception does not apply, aid shall be denied, or discontinued.
- .14 Refusal by the unrelated adult male to sign the statement is a violation of W&IC 11351.5 and information regarding such refusal shall, with the prior knowledge of the mother and the unrelated adult male, be sent to the district attorney.

Refusal by the unrelated adult male to sign the statement shall not relieve the mother from submitting a statement signed by her setting forth the facts specified in Section 43-107.51 above.

.2 Unwed Minor Parent

Aid shall be denied or discontinued to the unwed minor parent if he/she refuses to provide necessary information which can be verified regarding his or her parents' ability to support, or in lieu of such information refuses to consent to having his or her parents contacted for the purpose of determining their ability to provide support of their child. Unwed minor parents who refuse to provide necessary information or to consent to parental contact under this section may be eligible for Medi-Cal benefits despite their refusal. The county welfare department should ensure that the Medi-Cal eligibility of such individuals is considered.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.

43-109 REQUIRED FINANCIAL CONTRIBUTION - UNRELATED ADULT MALE 43-109**.1 Requirement**

An unrelated adult male, other than a bona fide lodger, roomer or boarder, who resides with a family applying for or receiving AFDC is required to make a financial contribution to the family which is not less than it would cost him to provide himself with an independent living arrangement, W&IC 11351.5.

.2 Definitions

.21 An "unrelated adult male" is a male who is 18 years old, or older, and not related by blood or marriage to any member of the AFDC family or to the unaided unborn of a woman aided under Sections 82-836 or 88-410.

.22 An unrelated adult male living in the home shall be considered a bona fide lodger, roomer or boarder upon the written statement of the mother to this effect, supported by evidence such as the following:

.211 Evidence that income from the lodger, roomer or boarder is reported for income tax purposes, or

.212 Possession of a license to operate a rooming house, or

.213 Evidence that quarters are furnished separate and apart from that occupied by the family, or

.214 Receipts which indicate payment of room rent or room and board.

Renewed evidence shall be required of the mother subsequent to the initial determination only if there is substantial reason, which shall be specified in the case record, to believe that the unrelated male is not a bona fide lodger, roomer or boarder.

.23 The cost of an "independent living arrangement" shall be the sum of the AFDC in-kind income values to a one-person family budget unit for housing (Section 44-115.811), utilities (Section 44-115.812), and food (Section 44-115.813). See Section 44-113.5 for determination of net income to the family budget unit from the contribution.

.3 Action -- Requirement Not Met

When the known or probable income of the unrelated adult male is insufficient for him to support himself in an independent living arrangement and to meet his expenses of employment, or his financial contribution to the family is less than the cost of providing himself with an independent living arrangement, a determination shall be made as specified in Section 20-101 with respect to possible misuse of AFDC funds.

43-109 REQUIRED FINANCIAL CONTRIBUTION - UNRELATED ADULT MALE 43-109
(Continued)

See Section 43-107.54 for action to be taken if the unrelated adult male refuses to sign a statement regarding his contribution to the family.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

43-117 NOTIFICATION TO SUPERIOR COURT 43-117

In all cases when aid has been supplied for or granted to a child of parents who are involved in a divorce, the county welfare department shall notify the superior court in accordance with W&I Code Section 11485. The notice shall contain any information known by the welfare department concerning financial resources of the parents which might be applied to child support. Form CA 321 may be used for this purpose. If the court becomes aware that children may be receiving aid or that an application may be made when a divorce or separate maintenance action has been filed, the court is required by W&IC Section 11485 to notify both the district attorney and the county welfare department of pending action. Form CA 322 is available for this purpose. In such cases, the county should reply on Form CA 321.

43-119 SPONSORED NONCITIZENS 43-119

.1 Sponsored Noncitizen - Definition

.11 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

.12 The provisions of Sections 43-119.2 and .3 do not apply if the noncitizen is:

.121 Admitted to the United States as a result of the application of the provisions of Section 203(a)(7) (in effect prior to April 1, 1980) of the Immigration and Naturalization Act;

.122 Admitted to the United States as a result of the application of the provisions of Section 207(c) (in effect after March 31, 1980) of the Immigration and Naturalization Act;

.123 Paroled into the United States as a refugee under Section 212(d)(5) of the Immigration and Naturalization Act;

.124 Granted political asylum by the Attorney General under Section 208 of the Immigration and Naturalization Act;

43-119 SPONSORED NONCITIZENS (Continued) 43-119

.125 A Cuban or Haitian entrant, as defined in Section 501(e) of the Refugee Education Assistance Act of 1980 (Public Law 96-422).

.126 A sponsored noncitizen that entered the country with an I-134 Affidavit of Support.

.2 Individual Sponsors

.21 The provisions of Section 43-119.2 apply only to noncitizens:

| .211 Whose sponsor signed an I-864 Affidavit of Support;

| .212 Who are sponsored by individuals;

| .213 Who are not exempt under Section 43-119.12; and

| .214 Until such time as the noncitizen:

(a) Achieves United States citizenship through naturalization pursuant to the Immigration and Nationality Act (8 U.S.C. 1421 et seq.); or

(b) Has worked 40 qualifying quarters of coverage under Title II of the Social Security Act (42 U.S.C. 401 et seq.) or can be credited with such qualifying quarters as provided under 8 U.S.C. 1645, and

(1) In the case of any such qualifying quarter creditable for any period beginning after December 31, 1996, did not receive any federal means-tested public benefit, as provided under 8 U.S.C. 1631, during any such period.

(c) Leaves the country permanently; or

(d) The sponsor or noncitizen dies.

.22 All the income and resources of the sponsor who is not receiving CalWORKs, SSI or other public cash assistance payments (such as General Assistance) and the income and resources of the sponsor's spouse who lives with him/her and who is not receiving such public assistance payments shall be deemed to be the income and resources of the sponsored noncitizen. See Section 44-133.7 for the determination of the amount of this income, and Section 42-205.5 for the determination of the amount of resources. The following are exceptions to the deeming provisions:

.221 If a determination is made by the county that a sponsored noncitizen would go hungry and homeless without aid, the sponsored noncitizen is determined to be indigent. The exceptions to the deeming provisions that are permitted for indigence are as follows:

43-119 SPONSORED NONCITIZENS (Continued) 43-119

- (a) In these cases, the amount of income and resources of the sponsor or the sponsor's spouse that is attributed to the sponsored noncitizen shall not exceed the amount actually provided.
- (b) This exception applies for a period beginning on the date of such determination and ending 12 months from that date. This exception is not renewable or transferable and it is granted only once in a lifetime.

HANDBOOK BEGINS HERE

- (c) When a sponsored noncitizen is unable to provide the necessary information regarding their sponsor and the county can not establish contact with the sponsor and it is determined the sponsored noncitizen would go hungry and homeless without aid, the sponsored noncitizen is ruled indigent.

HANDBOOK ENDS HERE

.222 For a 12-month period, the noncitizen shall be exempt from this deeming provision if:

- (a) In the case of an abused noncitizen or an abused parent of a noncitizen child:

The noncitizen or parent demonstrates that he/she has been battered or subjected to extreme cruelty in the United States by a spouse or a parent; or by a member of the spouse or parent's family who are residing in the same home as the noncitizen, and the spouse or parent consented to or acquiesced to such battery or cruelty.
- (b) In the case of a noncitizen whose child is abused:

The noncitizen child has been battered or subjected to extreme cruelty in the United States by the spouse or parent or family members of the noncitizen (without the active participation of the noncitizen in the battery or cruelty).
- (c) After a 12-month period, the exception to the provision under Section 43-119.222 continues regarding the batterer's income and resources only, if the noncitizen demonstrates that such battery or cruelty has been recognized in an order of a judge or administrative law judge or a prior determination of the Immigration and Naturalization Service.

.223 For the application of Section 43-119.222, there must exist, in the opinion of the county providing aid, a substantial connection between the battery or extreme cruelty and the need for the aid.

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- .224 Section 43-119.222 shall not apply to aid for a noncitizen during any period in which the individual responsible for such battery or cruelty resides in the same household or family eligibility unit as the individual who was subjected to such battery or cruelty.
- .23 As a condition of eligibility, the sponsored noncitizen has the following responsibilities:
 - .231 To provide upon county request, information and documentation concerning his/her sponsor which may be necessary to make the determination under Section 44-133.7 and Section 42-205.5; and information and documentation which the noncitizen and his/her sponsor provided in support of the noncitizen's immigration application.
 - (a) When a sponsored noncitizen is unwilling to provide the necessary information regarding their sponsor or when the information that is provided is not acceptable, the sponsored noncitizen is ineligible.
 - .232 To obtain the cooperation from his/her sponsor which is necessary to make the determination under Section 44-133.10 and Section 42-205.5.
 - .233 To comply with reporting requirements specified in Section 40-181.25.
- .24 In the event of the death of a noncitizen's sponsor(s), verification of death(s) shall be required only when the information reported is questionable. In the absence of evidence to the contrary, the sponsored noncitizen's statement under penalty of perjury is to be accepted and the sponsored noncitizen provisions shall no longer apply.

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- .3 Guidance Issued by the U. S. Attorney General for Determination of Substantial Connection Between Battery/Cruelty and Need for Aid (62 FR 65285) paraphrased to relate to the CalWORKs program.

Below is a list of examples to assist counties in making substantial connection determinations between battery or extreme cruelty and the need for the aid.

- .31 When aid is needed to enable the applicant, the applicant's child, and/or (in the case of a noncitizen child) the applicant's parent to become self-sufficient following separation from the abuser.

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- .32 When aid is needed to enable the applicant, the applicant's child, and/or (in the case of a noncitizen child) the applicant's parent to escape the abuser and/or the community in which the abuser lives, or to ensure the safety of the applicant, the applicant's child, or the applicant parent from the abuser.
- .33 When aid is needed due to a loss of financial support resulting from the applicant's, his or her child's, and/or his or her parent's separation from the abuser.
- .34 When aid is needed because as the result of battery or extreme cruelty, the applicant loses his/her job, earns less, or is required to leave his or her job for safety reasons. Results of battery/extreme cruelty include: separation from the abuser, work absences, lower job performance resulting from the battery or extreme cruelty or from legal proceedings relating to it (child support, child custody, and divorce actions).
- .35 When aid is needed because the applicant, applicant's child or parent of noncitizen child requires medical attention or mental health counseling, or has become disabled, as a result of the battery or extreme cruelty.
- .36 When aid is needed because the loss of a dwelling or source of income or fear of the abuser following separation jeopardizes the applicant or parent of the noncitizen child to care for his or her children. (This includes the inability to house, feed, or clothe the children or to put the children into a day care for fear of being found by the abuser.)
- .37 When aid is needed to alleviate nutritional risks or need resulting from the abuse or following separation from the abuser.
- .38 When aid is needed to provide medical care during a pregnancy resulting from the abuser's sexual assault or abuse of, or relationship with the applicant, the applicant's child, and/or the parent of the noncitizen child; and/or to care for the resulting children.
- .39 When medical coverage and/or health care services are needed to replace medical coverage or health care services the applicant had when living with the abuser.

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NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10553, 10554, 10604, 11008.13, and 11008.135, Welfare and Institutions Code; 8 U.S.C. 1183a; 8 U.S.C. 1421 et seq.; 8 U.S.C. 1631; 8 U.S.C. 1641(c); 8 U.S.C. 1645; 42 U.S.C. 401 et seq.; 8 CFR 213a.2(e)(1); and 62 FR 61344, 61370.

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43-200 CHILD SUPPORT ENFORCEMENT PROGRAM 43-200

Repealed by Manual Letter No. EAS-97-09, effective 7/1/97

43-201 CHILD AND SPOUSAL SUPPORT AND PATERNITY 43-201

Repealed by Manual Letter No. EAS-97-09, effective 7/1/97

43-203 DISTRIBUTION OF CHILD AND SPOUSAL SUPPORT PAYMENTS 43-203

- .1 See Manual of Policies and Procedures, Division 12, Section 12-425 for child/family and spousal support distribution regulations in current and former CalWORKs and foster care cases.

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- .11 Manual of Policies and Procedures, Division 25, Handbook Sections 25-900 through 25-925 are replaced with the regulations contained in Manual of Policies and Procedures, Division 12, Chapter 12-400.

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- .4 Repealed by Manual Letter No. EAS-99-10, effective 8/12/99

- .5 Repealed by Manual Letter No. EAS-99-10, effective 8/12/99

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- .6 Repealed by Manual Letter No. EAS-99-10, effective 8/12/99.
- .7 Repealed by Manual Letter No. EAS-99-10, effective 8/12/99.
- .8 Repealed by Manual Letter No. EAS-99-10, effective 8/12/99.
- .9 Repealed by Manual Letter No. EAS-99-10, effective 8/12/99.

NOTE: Authority cited: Sections 10553, 10554, and 11457, Welfare and Institutions Code. Reference: Section 11477, Welfare and Institutions Code; Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193), Sections 457(a)(1) and (2) [42 U.S.C. 657(a)(1) and (2)]; Office of Child Support Enforcement Action Transmittal 97-17, Sections II(a), V, VI(b), and VIII, Questions 2, 5, 10, 14, 15, 23, and 24; and 45 CFR 302.52.

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CHAPTER 44-100 INCOME

44-101 INCOME DEFINITIONS

44-101

(a) Section 44-101(a)(QR) shall become inoperative and Section 44-101(a)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Income, generally, is any benefit in cash or in kind which is reasonably anticipated to be available to the individual or is received by him as a result of current or past labor or services, business activities, interests in real or personal property, or as a contribution from persons, organizations or assistance agencies. To be considered in determining the cash aid payment, income must be reasonably anticipated to be available to needy members of the family in meeting their needs during the QR Payment Quarter. Subject to this limitation and the exemptions and exclusions, as specified in Section 44-111 of this chapter, such benefits are taken into consideration as income in evaluating the need of the recipient and in determining the amount of cash aid to which the recipient is entitled.

(SAR) Income, generally, is any benefit in cash or in-kind which is reasonably anticipated to be available to the individual or is received by him/her as a result of current or past labor or services, business activities, interests in real or personal property, or as a contribution from persons, organizations or assistance agencies. To be considered in determining the cash aid payment, income must be reasonably anticipated to be available to needy members of the family in meeting their needs during the SAR Payment Period. Subject to this limitation and the exemptions and exclusions, as specified in Section 44-111 of this chapter, such benefits are taken into consideration as income in evaluating the need of the recipient and in determining the amount of cash aid to which the recipient is entitled.

(b) Separate and Community Income

(1) Separate income is:

- (A) Income derived from an interest in separate property; or,
- (B) Income resulting from employment or military service rendered prior to the present marriage.
- (C) Income received after the rendition of a decree for separate maintenance, as distinguished from a decree of dissolution, or when one spouse is living apart from the other spouse, as well as after dissolution.

44-101	INCOME DEFINITIONS (Continued)	44-101
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(D) Section 44-101(b)(1)(D)(QR) shall become inoperative and Section 44-101(b)(1)(D)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Funds awarded a married person from his/her spouse in a civil action for personal injuries are considered that spouse's separate income during the month of receipt, and separate property if retained past the month of receipt. If these funds are paid as a nonrecurring lump sum payment, then the funds shall be treated as property in accordance with Section 42-209.2(QR).

(SAR) Funds awarded a married person from his/her spouse in a civil action for personal injuries are considered that spouse's separate income during the month of receipt, and separate property if retained past the month of receipt. If these funds are paid as a nonrecurring lump sum payment, then the funds shall be treated as property in accordance with Section 42-209.2(SAR).

(2) Community income is:

(A) Generally income derived from an interest in community property; or,

(B) Income resulting from employment or military service performed during the marriage and not under the situation described in (b)(1)(C) above.

(C) Section 44-101(b)(2)(C)(QR) shall become inoperative and Section 44-101(b)(2)(C)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Funds awarded a married person in a civil action for personal injuries are considered community income during the month of receipt and community property if retained past the month of receipt except as provided in Section 44-101(b)(1)(D)(QR), 42-203.5, and 42-205.3. If these funds are paid as a nonrecurring lump sum payment, then the funds shall be treated as property in accordance with Section 42-209.2(QR).

(SAR) Funds awarded a married person in a civil action for personal injuries are considered community income during the month of receipt and community property if retained past the month of receipt except as provided in Section 44-101(b)(1)(D)(SAR), 42-203.5, and 42-205.3. If these funds are paid as a nonrecurring lump sum payment, then the funds shall be treated as property in accordance with Section 42-209.2(SAR).

44-101	INCOME DEFINITIONS (Continued)	44-101
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| (c) Reasonably Anticipated Income

- (1) Section 44-101(c)(1)(QR) shall become inoperative and Section 44-101(c)(1)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

| (QR) Income is reasonably anticipated when the county determines it is reasonably certain that the recipient will receive a specified amount of income during any month of the QR Payment Quarter. This definition applies to both earned and unearned income. See Section 44-315.31(QR).

| (SAR) Income is reasonably anticipated when the county determines it is reasonably certain that the recipient will receive a specified amount of monthly income during the SAR Payment Period. This definition applies to both earned and unearned income. See Section 44-315.31(SAR).

(d) Current Income

- (1) Current income generally is all income which is available during a month without regard to any allowable exemptions or disregards.

(e) Earned Income

- (1) Earned income is income received in cash or in kind as wages, salary, employer provided sick leave benefits, commissions or profit from activities such as a business enterprise, farming, etc., in which the recipient is engaged as a self-employed individual or as an employee.

(2) Earned income also includes:

- (A) Earnings over a period of time for which settlement is made at one given time, as in the instance of sale of farm crops, livestock, poultry, other than sale of an entire holding.
- (B) Returns from personal or real property, such as net income from rental of rooms, or board and room.
- (C) Earnings under Title 1 of the Elementary and Secondary Education Act, and wages paid under the Job Training Partnership Act (JTPA), (see Section 44-111.21 for disregard applicable to JTPA earned income of a child).

44-101	INCOME DEFINITIONS (Continued)	44-101
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- | (D) Payments under the Economic Opportunity Act, including payments to beneficiaries of assistance under the Act, through such programs as the Neighborhood Youth Corps, New Careers and Concentrated Employment.
- | (E) Training incentive payments and work allowances under ongoing manpower programs, other than Welfare-to-Work (formerly GAIN) and JTPA.
- | (F) Earnings from On-the-Job Training (OJT).
- | (3) Earned income does not include:
 - | (A) Grants that do not meet the exemption criteria specified in Sections 44-111.431, and .432.
 - | (B) Benefits (excluding those specified in Section 44-101(e)(1)) accruing as compensation, or reward for service, or as compensation for lack of employment (for example, pensions and benefits, such as veterans benefits).
 - | (C) Incentive payments derived from participation in WIN Demo.
 - | (D) The training allowances paid to a recipient in JTPA programs. The expense allowance paid to an adult JTPA participant is applied against the actual expenses of training in determining net income. Only the amount that exceeds the expenses is counted as income.
 - | (E) Income received from Public Service Employment under the WIN Demo program (WIN/PSE) (see Section 44-113.10).
- | (f) Disability-Based Unearned Income
 - | (1) Disability-based unearned income is income received only from one or more of the following:
 - | (A) State Disability Insurance benefits.

44-101	INCOME DEFINITIONS (Continued)	44-101
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| (B) Private Disability Insurance benefits.

| 1. Private Disability Insurance benefits include all privately purchased or employer-sponsored disability insurance benefits whether or not there is an employee contribution.

| 2. Private Disability Insurance Benefits do not include disability benefits that are not insurance, such as veterans benefits.

| (C) Temporary Workers' Compensation benefits.

| (D) Social Security Disability Benefits.

| (g) Unearned Income

Unearned Income is any income that is not earned income or disability-based unearned income.

| (h) Voluntary Contributions

A voluntary contribution is a contribution for which the contributor has no legal liability.

| (i) Death Benefits

Death benefits are considered income. Death benefits are those life insurance or burial payments made to a deceased's beneficiary. To determine net income, see Section 44-113.11.

Note: If the amount of the death benefit is of negligible importance in meeting continuing needs, refer to Section 44-111.44.

| (j) Income In Kind

Income in kind is any benefit received other than in cash. It includes the value of need items provided at no charge (see Section 44-115).

44-101	INCOME DEFINITIONS (Continued)	44-101
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(k) Interest Income

Interest on a savings account in a bank, savings and loan association, or other institution authorized to accept savings and interest which is received as a result of any contractual obligation.

(l) Lump Sum Income

Lump sum income is any income received by an AU which is not recurring regular income. Lump sum income is usually nonrecurring in regard to amount and/or source. Lump sum income includes but is not limited to the following: retroactive social insurance payments, real estate commissions such as from sales, income from freelance work, net proceeds from sale of a crop and bonuses.

(1) Section 44-101(l)(1)(QR) shall become inoperative and Section 44-101(l)(1)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Lump sum nonrecurring payments are considered property under the quarterly reporting/prospective budgeting system (see Section 42-209.2(QR)).

(SAR) Lump sum nonrecurring payments are considered property under the semi-annual reporting system (see Section 42-209.2(SAR)).

(m) Income Reporting Threshold (IRT)

(1) Section 44-101(m)(1)(QR) shall become inoperative and Section 44-101(m)(1)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) The level of income that triggers the need for a CalWORKs AU to report a mid-quarter change in income.

(SAR) The level of income that triggers the need for a CalWORKs AU to report a mid-period change in income (see Section 44-316.324(SAR)).

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11265.1, 11265.2, 11265.3, 11450.5, and 11451.5 (Ch. 270, Stats. 1997), Welfare and Institutions Code; Federal Action Transmittal ACF-AT-94-12; 45 CFR 233.20(a)(6)(iii); 45 CFR 233.20(a)(6)(v)(B); Sallis v. McMahan, Sacramento County Superior Court, case no. 364308, January 30, 1991 and 45 CFR 233.20(a)(3)(iv)(B) and (a)(4)(ii)(d).

44-102 AVAILABILITY OF INCOME 44-102

.1 Section 44-102.1(QR) shall become inoperative and Section 44-102.1(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) All reasonably anticipated income shall be considered to be available to meet the needs of the AU during the QR Payment Quarter and shall be considered when determining eligibility and grant amount, except:

(SAR) All reasonably anticipated income shall be considered to be available to meet the needs of the AU during the SAR Payment Period and shall be considered when determining eligibility and grant amount, except:

.11 **INTEREST INCOME** - Interest income which is received on a regular basis, but less frequently than monthly, shall be apportioned equally over the number of months it has accrued beginning with the month after receipt.

.12 **CONTRACTUAL INCOME** - Income an employee receives under an annual contract of employment shall be apportioned equally over the period of the contract beginning with the first month of the contract when he works and receives income from such contract in fewer than twelve (12) months, but more than eight (8) months.

.13 **CHILD SUPPORT** - Child support collected by the county shall not be considered available to the recipient, other than as provided in Sections 43-203.1 and 43-203.4.

.14 Section 44-102.14(QR) shall become inoperative and Section 44-102.14(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) **MONTHLY RECURRING UNEARNED GOVERNMENTAL BENEFITS** - Monthly benefits (e.g., Social Security benefits, or Veterans benefits, etc.) shall be considered to be available in the month the payment is reasonably anticipated to be received or is intended for (see Section 44-315.31(QR)), when the income meets the following criteria:

(SAR) **MONTHLY RECURRING UNEARNED GOVERNMENTAL BENEFITS** - Monthly benefits (e.g., Social Security benefits, or Veterans benefits, etc.) shall be considered to be available in the month the payment is reasonably anticipated to be received or is intended for (see Section 44-315.31(SAR)), when the income meets the following criteria:

44-102	AVAILABILITY OF INCOME	44-102
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(Continued)

- | .141 The receipt date of the income varies because mailing cycles cause two payments to be received in one month and none in the preceding or following month;
- | .142 The source of income is a governmental benefit program; and
- | .143 The income is unearned and recurring.

| NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11157 (Ch. 270, Stats. 1997), 11265.2, and 11450.5, Welfare and Institutions Code.

44-103	EXPLORATION OF INCOME POTENTIALS AND INCOME VERIFICATION	44-103
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.1 County Responsibility

.11 The county shall:

- .111 Review, with the applicant or recipient, all his/her resources to determine income-producing potential.
- .112 Determine whether income is actually received and, if so:
 - (a) The regularity of receipt,
 - (b) The gross or net amount, as appropriate,
 - (c) The applicant's or recipient's share, and
 - (d) Whether the income is excluded or exempt, in whole or in part.
- .114 Repealed by Manual Letter No. EAS-93-08, effective 7/1/93.
- .115 Repealed by Manual Letter No. EAS-93-08, effective 7/1/93.

44-103	EXPLORATION OF INCOME POTENTIALS AND INCOME VERIFICATION (Continued)	44-103
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- .116 Repealed by Manual Letter No. EAS-93-08, effective 7/1/93.
- .117 Repealed by Manual Letter No. EAS-93-08, effective 7/1/93.
- .118 Repealed by Manual Letter No. EAS-93-08, effective 7/1/93.
- .12 The county shall examine income available to the applicant or recipient from the following potential sources:
 - .121 Social Insurance, i.e., OASDI, Railroad Retirement, Unemployment Insurance, Disability Insurance, etc.
 - .122 Benefits available to veterans of military service, members of military service, their spouses, and their dependents.
 - .123 Rights and interests in real and personal property.
 - .124 Responsible relatives who may be contributing or have a legal liability to contribute.
 - .125 Other persons who may be contributing.
 - .126 Recipient's capacity for self-help and employment.
 - .127 Private pension plans, union welfare funds, life insurance disability benefits, and other forms of assistance.
- .2 Applicant and Recipient Responsibility
 - .21 The applicant or recipient, including the person responsible for the child shall provide information necessary to determine income.
 - .22 The requirement in Section 44-103.21 is considered to be met on the date of application as long as it is completed by the date of authorization of aid.
 - .23 The county shall deny or discontinue aid, including immediate need, to the AU when the applicant or recipient fails or refuses to provide information necessary to determine income.

44-103	EXPLORATION OF INCOME POTENTIALS AND INCOME VERIFICATION (Continued)	44-103
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- .231 Repealed by Manual Letter No. EAS-93-08, effective 7/1/93.
- .24 Repealed by Manual Letter No. EAS-93-08, effective 7/1/93.
- .3 Repealed by Manual Letter No. EAS-93-08, effective 7/1/93.

NOTE: Authority cited: Sections 10553, 10554, 10604, and 11209, Welfare and Institutions Code. Reference: Sections 10553, 10554, 10604, and 11270, Welfare and Institutions Code; and 45 CFR 233.10(a)(1) and 233.20(a)(3)(ix).

44-105	DIFFERENTIATION OF PROPERTY AND INCOME	44-105
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- .1 (Repealed by Manual Letter No. 82-26, effective 04/02/82.)
- .2 (Repealed by Manual Letter No. 82-26, effective 04/02/82.)
- .3 Payments Which Include Compensation for Converted Property
 - .31 Payments which include compensation for converted property are those payments received from insurance companies, settlements, court judgments, or other similar sources which wholly or partially compensate for property which has been lost, stolen, damaged, or destroyed.
 - .32 The proper treatment of such payments is made by determining the proportion of the payment attributable to the property conversion and to treat the remainder as income. This determination is made by subtracting from the total amount of the payment, the value of the converted property at the time it was lost, stolen, damaged, or destroyed.

The value of the converted property shall be the largest of the following amounts:

- (1) The value specified by the issuing source (insurance claim, specified verdict, etc.).
- (2) The value assigned to the property at the last redetermination prior to its destruction.
- (3) The value that would have been assigned to the property under current regulations (e.g., the value of a motor vehicle in accordance with 42-215.4).
- (4) Any other evidence substantiating the value of the property at the time it was lost, stolen, damaged, or destroyed.

44-111	PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued)	44-111
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b. Part-time employment is defined as less than 173 hours per month.

.223 The student exemption applies to full- or part-time earnings between school terms or during vacation periods, if the child plans to continue to be a student next term or when the vacation period ends.

.224 This exemption is applied:

a. For financial eligibility purposes, to the earnings of full-time student applicants and recipients and part-time student recipients. This exemption does not apply to earnings of a part-time student applicant. See Section 44-207.321.

b. For purposes of grant determination whether or not the student has received aid previously.

| .23 \$225/112 and 50% Disregards

| .231 A family shall have \$225 of disability-based unearned income and up to \$112 of any earned income and 50% of any remaining earned income disregarded as income. These disregards are applied as follows and subject to the method outlined in Section 44-113.2. If the disability-based unearned income is:

(a) Greater than \$225, the difference is added to any other nonexempt income.

| (b) Less than \$225, up to \$112 of the remaining disregard is subtracted from any earned income.

| (c) Zero, \$112 is applied against any earned income.

.232 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

.233 Wages derived from a diverted grant and/or grant savings and paid to CalWORKs recipients who are participants in the grant-based OJT programs specified in Sections 42-716.31(f) and (g) shall not be eligible for the \$225 and 50 percent earned income disregard.

.24 College Work Study Programs

Earned income from any college work study program is exempt. This exemption is applied for both eligibility and grant determination whether or not the student has received aid previously.

44-111	PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued)	44-111
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.25 Independent Living Program (ILP)

.251 Income and incentive payments earned by a child 16 years of age or older who is participating in the Independent Living Program (ILP) are exempt as income for purposes of eligibility and grant determination when received as part of the ILP written transitional independent living plan. There is no limit to the amount exempted under this subsection.

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See Sections 30-002i.(1), w.(1), 30-342.5, and 30-442.5 for the definition and description of ILP.

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.3 Exemption of Payments from Public Sources

a. A relocation assistance benefit, paid by a public agency to a public assistance recipient who has been relocated as a result of a program of area redevelopment, urban renewal, freeway construction or any other public development, involving demolition or condemnation of existing housing, is exempt income.

b. (Reserved)

c. Job Training Partnership Act (JTPA)

(1) Payments, other than earnings, to a child (see Section 42-101 for age requirement) which are derived from participation in JTPA programs shall be disregarded as income for both eligibility (including the 185 percent income limit) and grant determinations. There is no time limit for this disregard. This disregard does not apply to earnings paid under the Act (see Section 44-111.21).

(2) Payments to an adult which are derived from participation in JTPA programs shall be exempt as income to the extent the payment reimbursements do not exceed actual expenses. This exemption does not apply to earnings paid under the Act.

d. (Reserved)

e. (Reserved)

44-111	PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued)	44-111
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- f. Payments made by CalWORKs for child care costs pursuant to Section 47-420.2.
- g. (Reserved)
- h. (Reserved)
- i. (Reserved)
- j. Payments made for out-of-pocket expenses of persons serving on advisory group(s) set up by the Department of Social Services and/or the Health and Welfare Agency are exempt.
- k. Exempt the following payments or funds received from the California Franchise Tax Board:
 - (1) Renters Credits
 - (2) Senior Citizens Homeowners and Renters Property Tax Assistance Program
(applies to persons who are disabled, blind or 62 years of age or older)
 - (3) Senior Citizens Property Tax Postponement Program
(applies to persons 62 years of age and older)
- l. Special Tax Rebates and Credits

Tax rebates, credits or similar temporary tax relief measures which state or federal law for AFDC specifically exclude from consideration as income are exempt.

The state shall promptly advise county welfare departments on the exempt status of other special tax rebates and credits in each program and shall prescribe the method of notifying recipients. Recipients must cooperate with county personnel by providing necessary information or documentation such as Form W-2 and Form 1040 to compute the correct grant amount. This section does not apply to annual refunds of income tax.

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Income tax refunds are classified as personal property (see Section 42-211.21).

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44-111	PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued)	44-111
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- m. Payments received under the California Victims of Crimes Program are exempt.
- n. The allowance for training expenses paid to recipients participating in Department of Rehabilitation training programs.
- o. Payments received under the Energy Crisis Assistance Program or the Low Income Energy Assistance Program.
- p. (Reserved)
- q. Repealed by Manual Letter No. EAS-92-01, effective 1/1/92.

.4 Exclusions or Exemptions of Other Payments and Income

.41 Academic/Extracurricular Awards or Scholarships to Dependent Children

- .411 Any awards or scholarships provided by public or private entity, to or on behalf of, a dependent child based on the child's academic or extracurricular achievement or participation in a scholastic, educational, or extracurricular competition.

.42 County Supplementation and Voluntary Contributions

- .421 County supplementation and/or voluntary contributions from persons or organizations having no liability for the support of the recipient, are not considered income when:

- a. The service to be provided is designated as a need by the State Department of Social Services, and
- b. The contribution would not be available for expenditure unless used in accord with conditions imposed by the donor, and
- c. The recipient's grant and other income are not sufficient to meet his total need within the limitations specified in the Need chapter for the particular program, or the designated need is one, all or a portion of, which is not included in the assistance standard for the particular program and thus cannot be met from the recipient's grant and income.

- .422 Designated needs within the meaning of this section include:

- a. Housing Approved for Federal Rent Supplements Under the Housing Act of 1965.

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When the recipient qualifies for a rent supplement under the Federal Housing Act of 1965, the rent supplement payment made by the federal agency, on behalf of the recipient, to the landlord or sponsor, is disregarded as income.

.43 Loans and Grants

The following loans and grants are not considered income as specified: (See Section 42-213.2c for treatment as property.)

- .431 Loans and grants received under the Carl D. Perkins Vocational and Applied Technology Education Act. These loans and grants are excluded only to the extent that the proceeds are used to meet attendance costs for a student attending school on at least a half-time basis, as defined by the institution. Attendance costs are defined as tuition, fees, rental or purchase of required equipment, materials or supplies, books, transportation, dependent care and miscellaneous personal education expenses.

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- a. The following examples apply to loans and grants under the Carl D. Perkins Vocational and Applied Technology Education Act only:
1. Example: Grant - Student is awarded a \$1000 grant. \$600 is for tuition, fees and books; \$400 is used to meet current living expenses during the budget period. The \$600 used to meet attendance costs is exempt from consideration as income. The \$400 used to meet current needs, not associated with attendance costs, is taken into consideration as income in the month received.
 2. Example: Loan - Student is awarded a \$1000 loan. \$600 is for tuition, fees and books; \$400 is used to meet current needs during the budget period. The recipient provides a written agreement signed and dated by the lender and recipient which indicates an obligation to repay the loan and a repayment plan. The full loan is subject to exemption based on Section 44-111.437.

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44-111 (Cont.)	STANDARDS OF ASSISTANCE INCOME	Regulations
44-111	PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued)	44-111
.432	Loans or grants made under Title IV of the Higher Education Act or under the Bureau of Indian Affairs student assistance program.	
a.	This includes student loans and grants that are partially funded under these programs, e.g. 50 percent Title IV funds and 50 percent state funds.	

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- b. Examples of Title IV and Bureau of Indian Affairs loans and grants include:
1. Supplemental Educational Opportunity Grant Program
 2. Carl D. Perkins Loans (NOTE: Differs from the student financial assistance provided under the Carl D. Perkins Vocational Act).
 3. Robert C. Byrd Honors Scholarship Program
 4. National Science Scholars Program
 5. State Student Incentive Grants
 - A. Cal Grant Program

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6. Paul Douglas Teacher Scholarship Program
7. College Work Study (See Section 44-111.25.)
8. Income Contingent Loan (ICL) Program
9. Bureau of Indian Affairs Higher Education Grant
10. Indian Health Service Scholarship Program
11. Pell Grant
12. Federal Family Education Loan (FFEL) Program
 - A. Guaranteed Student Loan (GSL) Program
 - B. Stafford Loan Program
 - C. Consolidation Loan Program
 - D. Supplemental Loans for Students (SLS) Program
 - E. Parent Loans for Students (PLUS) Program

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- .433 Any other grant to any undergraduate student for educational purposes made or insured under any program administered by the Federal Secretary of Education.
- .434 Educational grants to undergraduate students when awarded on the basis of the student's need.

44-111	PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued)	44-111
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- a. The recipient shall provide a certification from an official at the student's school (preferably from the Financial Aid office) concerning the student's eligibility for this income exemption. The certification must state that the award is based on need and that the Public Assistance grant was considered in making the award.

- .435 Educational grants other than those excluded in Sections 44-111.432, .433, and .434 only to the extent that the proceeds are used to meet educational expenses, such as fees, equipment, special clothing needs, transportation to and from school, child care services necessary for school attendance, etc.
 - a. The necessary costs of transportation to and from school shall be allowed based on the mode most economically available and feasible in the particular circumstances. If it is determined that personal car usage meets the criteria above, all actual transportation costs will be prorated based on the percentage of miles driven to and from school to total miles driven. Allowable transportation costs include, but are not limited to, car payments, car insurance and registration and gasoline.
 - b. The student must appropriately document his/ her educational expenses for the county in order to receive this exemption.

- .436 Any other grants when it is verified that the proceeds are not available to meet current needs. For purposes of this section current needs are defined as those items covered in Section 44-115.3.

- .437 Loans other than those excluded in Sections 44-111.431 and .432 shall be exempt. A loan is defined as specified in Sections 44-111.437a., a.(1) and a.(2):
 - a. A written agreement signed and dated by the lender and applicant/recipient as parties to the agreement that clearly specifies:
 - (1) the obligation of the applicant/recipient to repay the loan; and
 - (2) a repayment plan which provides for installments of specified amounts that continue on a regular basis until the loan is fully repaid.

44-111	PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued)	44-111
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.44 Infrequent Income

.441 Income that is received in prospectively budgeted months and is received too infrequently to be reasonably anticipated, shall be exempt from consideration.

.45 Income in Kind

.451 Home Produce

Home produce such as from garden, orchard, livestock, and poultry utilized by a recipient and his household for their own consumption is not income.

.452 Partial Items of Need

Income in kind for partial items of need is exempt.

.453 Offer of a Free Home

Except as provided in W&IC 11264, aid shall not be denied or discontinued for an otherwise eligible child who is offered a free home.

.454 Provided by a Private Nonprofit Organization

Any income in kind, whether a full or partial item of need, provided on the basis of need by a private nonprofit organization shall be exempt as income.

Private nonprofit organizations are religious, charitable, educational, or other organizations such as described in Section 501(c) of the Internal Revenue Code of 1954, which include but are not limited to the Salvation Army, Red Cross, and churches. (Actual tax exempt certification by IRS is not necessary.)

44-111	PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued)	44-111
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.46 Funds Received as a Result of the Settlement in the Underwood v. Harris Court Case

Retroactive subsidy payments received from the Department of Housing and Urban Development (HUD) which represent a reimbursement of increased tax and utility costs which were incurred in 1975 through 1977 (see Section 42-211.258(d) and 42-213.2(y) for treatment as property).

.47 Child/Spousal Support Disregard

The first \$50 per month of current child/spousal support paid to or on behalf of an assistance unit shall be disregarded when determining both eligibility and grant amount.

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See Section 42-213.2(k).

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.471 When the child/spousal support payment is received by the county, the amount of the current support payment which is paid to the assistance unit shall be disregarded. This disregard is applied in the month in which the child/spousal support payment is received by the county for eligibility determination and applied in the month in which the disregard payment is received by the assistance unit, if different, for eligibility and grant determination.

.472 When a current child/spousal support payment is received or reasonably anticipated to be received by the assistance unit directly from the absent parent, the first \$50 of such payment is disregarded and the balance of the support payment is considered income to the AU.

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(a) See Sections 82-520.4 and .5.

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- .473 The total amount of the current child/spousal support disregard attributable to any month shall not exceed \$50 per assistance unit regardless of whether the child/spousal support is received by the county, with a portion paid to the assistance unit, or the support payment is received by the assistance unit directly. If in the same month the assistance unit receives a disregard payment from the county attributable to a prior month and also receives a current support payment directly from an absent parent/spouse, the assistance unit shall be entitled to both disregards. If the assistance unit receives a payment from the county which consists of payments from current child/spousal support for more than one month, the \$50 limit shall apply only to the total child/spousal support disregard for the month to which the disregard is attributable.

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For example, the county received current child/spousal support payments of \$150 in January, \$150 in February and issued the assistance unit a payment of \$100 in March. The total \$100 shall be disregarded in March for purposes of determining eligibility and grant since it is attributable to January and February.

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.5 Nonexempt Income

Payments which do not fall within the limitations specified in the foregoing subsections, represent nonexempt income to be considered in determining the recipient's grant.

.6 Other income which is mandatorily and specifically exempt by federal law and shall be exempt from the effective date as specified in federal law.

.61 Income which is mandatorily exempt under federal law includes but is not limited to:

- a. Public Law (PL) 92-254 or PL 94-540 which exempts any funds distributed per capita or held in trust for members of any Native American tribe under PL 92-254 or PL 94-540.
- b. PL 93-134, PL 97-458 and PL 98-64 which exempt as income the funds of Native American tribes including interest earned from, and investment income derived from such funds when the funds have been:

44-111	PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued)	44-111
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- (1) Distributed by the Secretary of the Interior on a per capita basis; or
- (2) Held in trust by the Secretary of the Interior.
- c. PL 103-66 which exempts, up to \$2,000 in any 12 consecutive month period, the income of individual Indians when such income is derived from individually owned interests in trust or restricted lands.
- d. PL 89-73 which exempts compensation received by recipients 60 years old, or older, for volunteer services performed under the Retired Senior Volunteer Program, the Foster Grandparents Program, or the Older Americans Community Service Program of the National Older Americans Act.
- e. PL 92-433 and PL 93-150 which exempt the value of supplemental food received under the Child Nutrition Act (WIC) and the National School Lunch Act.
- f. PL 93-113 which exempts payments made under the Domestic Volunteer Services Act of 1973 to welfare recipients who are Vista Volunteers, and payments made for supportive services or reimbursement of out-of-pocket expenses made to persons serving in the Service Corps of Retired Executives (SCORE) and the Active Corps of Executives (ACE) pursuant to Section 418.
- g. PL 100-241 which exempts distributions to a household, individual Native or descendent of a Native when received from a Native Corporation established pursuant to the Alaskan Native Claims Settlement Act (ANCSA). Exempt distributions include:
 - (1) Cash (including cash dividends on stock received from a Native Corporation) to the extent it does not exceed \$2,000 total per person per annum, stock, a partnership interest, land or interest in land, and interest in a settlement trust.
- h. PL 100-383 which exempts payments received as restitution made to U.S. citizens and permanent resident aliens of Japanese ancestry and payments received as restitution made to Aleuts as a result of being relocated by the United States government during World War II.
- i. PL 100-707 which exempts federal major disaster and emergency assistance provided under the Disaster Relief Act and comparable disaster assistance provided by the state, local governments and disaster assistance organizations.

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued) 44-111

- j. PL 101-201 and PL 101-239 which exempt payments received from all Agent Orange settlements.
- k. PL 101-426 which exempts payments received under the Radiation Exposure Compensation Act.
- l. PL 101-508 which exempts Earned Income Credit (EIC) payments.
- m. PL 103-286 which exempts payment received as restitution made to victims of Nazi persecution.
- n. Payments received from any federal, state, or local Adoption Assistance Program.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; SB 72 (Chapter 8, Statutes of 2011), Section 42. Reference: Sections 10553, 10554, 11008.15, 11265.2, 11280, 11322.6(f)(3), 11157, 11450.5, 11450.12, 11451.5, and 11451.7, Welfare and Institutions Code; 42 USC Section 602(g)(1)(E)(i); Section 8, Public Law 93-134; Section 2, Public Law 98-64; Section 13736, Public Law 103-66; Section 1, Public Law 100-286, Section 202(a), Public Law 100-485 and 20 USC 1087uu; 45 CFR 233.20(a)(3)(iv)(B), (a)(3)(xxi), 45 CFR 233.20(a)(4)(ii); (a)(4)(ii)(d); 45 CFR 233.20(a)(4)(ii)(p) and (q); 45 CFR 233.20(a)(11)(v)(C); 45 CFR 255.3(f)(1); 45 CFR 400.66; 45 CFR 401.12; Federal Action Transmittals ACF-AT-94-27 and 94-4 and FSA-IM-89-1; 45 CFR 233.20(a)(1)(ii); 45 CFR 233.20(a)(3)(x); and Cadaret v. Wagner (Super. Ct. Sacramento County, 2011, No. 34-2009-80000302, Stipulation for Settlement and Order)

44-113 NET INCOME 44-113

.1 Property

Net income from property (including that from property in which a life estate is held), produce or business enterprises is determined by deducting from gross income all normal items of expenses incident to its receipt. Principal payments on encumbrances are not considered a necessary item of expense. If property is sold, the interest portion of any payment received is income.

Interpretation -- Net income from property, crops and livestock is computed as follows:

Source	Computation
a. Rental of real property including that in which life estate held.	Deduct from gross rental the following expenses incident to receipt: <ul style="list-style-type: none"> 1. Taxes and assessments.

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2. Interest on encumbrance payments (do not deduct principal payments).
3. Insurance.
4. Utilities.
5. Upkeep and major repairs.

If a complete dwelling unit is rented the county after consultation with the recipient (a) deducts the amount actually expended each month for upkeep and repairs; or (b) deducts 15% of the gross monthly rental plus \$4.17 a month.

Note: The above expenses are prorated on the same periodic basis as the periodic basis on which the rental is received (i.e., annually, quarterly, monthly, etc.). Multiply rental income received weekly by 4-1/3 to get monthly income.

Note: Under the ordinary life estate agreement, the life tenant is entitled to the use and/or income from the property and is responsible for the usual costs of ownership such as taxes, insurance, upkeep, etc. However, if the life estate agreement stipulates the remainderman is responsible for certain expenses, such payments do not represent income to the life tenant.

b.	Rental of rooms and Room and Board	See Section 44-113.212 for computing self-employment net income.
c.	Sale of real property under contract of sale, title not passing.	The interest received is net income (principal payments represent conversion of property from real to personal property). Deduct any interest payments on prior encumbrances in determining net income from interest received from sale of real property under contract of sale.
d.	Personal property (rental of trucks, equipment, etc.)	Deduct from gross rental all expense necessary to maintenance, etc.
e.	Personal property (interest on money, stocks, bonds, etc.)	All interest received is net income, except interest on savings accounts as provided in W&IC 11009.

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- f. Sale of crops Deduct from gross income the following expenses which are incurred.
1. Taxes and assessments.
 2. Interest on encumbrance payments (do not deduct principal payments.)
 3. Water cost.
 4. Necessary repair and minor replacement of buildings and equipment.
 5. Fertilizer, seed, insecticides, pruning, cultivation and harvesting costs.
 6. Rental of equipment.
 7. Wages.
 8. Losses on crops from the previous period.
 9. Other necessary expenses.

Prorate the annual expenses such as taxes, assessments, etc., according to the intervals at which the gross income was received. If other expenses cannot be identified with a particular period, determine the method which assures that the expenses are allocated as closely as possible to the period of crop income, and that on a continuing basis all necessary expenses are deducted from gross income.

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- g. Sale of Livestock Proceeds from the sale of the increase of livestock (i.e., that portion which represents a capital gain) is gross income. Deduct expenses incident to raising the livestock (such as feed, pasture rent, prorated personal property tax) in computing net income.

Since such income is usually received at intervals of more than one month, the same principles that apply to determining the periods of expense for the sale of crops, apply to the sale of livestock.

Note: Proceeds from the sale of an entire holding of livestock are not income but conversion of property.

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.2 Earnings

.21 Computation of Net Nonexempt Earned Income for CalWORKs

To determine the amount of Net Nonexempt Earned Income for the month, the following steps shall be taken:

.211 Section 44-113.211(QR) shall become inoperative and Section 44-113.211(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Determine the total amount of commissions, wages or salary earned as an employee that the AU reasonably anticipates receiving (see Section 44-101(c)(1)(QR)) during each month of the QR Payment Quarter (i.e., total income irrespective of expenses, voluntary or involuntary deductions). To determine total earnings for each month, some earnings may have to be allocated to each month pursuant to Section 44-102. Also, the monetary value of any in-kind earned income per Section 44-115 shall be included. Do not include earnings exempted in entirety under Section 44-111.22.

(SAR) Determine the total amount of commissions, wages or salary earned as an employee that the AU received in the Data Month and any reasonably anticipated (see Section 44-101(c)(1)(SAR)) changes to this income in the next SAR Payment Period (i.e., total income irrespective of expenses, voluntary or involuntary deductions). Also, the monetary value of any in-kind earned income per Section 44-115 shall be included. Do not include earnings exempted in entirety under Section 44-111.22.

.212 Section 44-113.212(QR) shall become inoperative and Section 44-113.212(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Determine the total profit reasonably anticipated to be earned from self-employment during each month of the QR Payment Quarter by an applicant/recipient whose earnings are not exempted under Section 44-111.22 by offsetting the reasonably anticipated monthly business expenses against the reasonably anticipated monthly gross income from self-employment. When the computation of total profit earned in a month from self-employment disclosed shows that a loss has occurred, earned income from self-employment for that month shall be zero. No additional offset shall be allowed against the family's other income.

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(SAR) Determine the total monthly profit reasonably anticipated to be earned from self-employment by an applicant/recipient whose earnings are not exempted under Section 44-111.22 by offsetting the Data Month business expenses against the Data Month gross income from self-employment. When the computation of total profit earned in a month from self-employment disclosed shows that a loss has occurred, earned income from self-employment for that month shall be zero. No additional offset shall be allowed against the family's other income. Unless the recipient reasonably anticipates a change, use this income amount to calculate the grant for the upcoming SAR Payment Period.

(a) The applicant or recipient who is self-employed shall choose one of the following deductions:

(1) 40 percent of gross self-employed income, or

(2) reasonably anticipated self-employment expenses to the same extent allowed in the CalFresh Program (Section 63-503.41).

(b) Recipients who are self-employed shall be allowed to change the method of deduction identified in Section 44-113.212(a) only at redetermination or every six months, whichever occurs first.

.213 Section 44-113.213(QR) shall become inoperative and Section 44-113.213(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Combine the total monthly earnings for the family determined in Section 44-113.211(QR) with the monthly net self-employment income determined in Section 44-113.212(QR).

(SAR) Combine the total monthly earnings for the family determined in Section 44-113.211(SAR) with the monthly net self-employment income determined in Section 44-113.212(SAR).

.214 Apply, as specified in Section 44-111.23, the \$225 disregard to the reasonably anticipated total monthly disability-based unearned income for the family.

44-113	NET INCOME (Continued)	44-113
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- .215 Section 44-113.215(QR) shall become inoperative and Section 44-113.215(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
- (QR) Apply up to \$112 of the remainder of the \$225 disability-based unearned income disregard to the reasonably anticipated total monthly earned income for the family as determined in Section 44-113.213(QR).
- (SAR) Apply up to \$112 of the remainder of the \$225 disability-based unearned income disregard to the reasonably anticipated total monthly earned income for the family as determined in Section 44-113.213(SAR).
- .216 Apply the 50% disregard to any remaining earned income for the family.
- .217 Add to the amount in Section 44-113.216 any excess nonexempt disability-based unearned income and/or any nonexempt unearned income. This total is the net nonexempt income available to the family.
- .218 Add together the amounts remaining after application of the above sections for each recipient. This total is net nonexempt earned income for the FBU.

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- .22 Section 44-113.22(QR) shall become inoperative and Section 44-113.22(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
- (QR) Net Nonexempt Income Computation

Example 1

A nonexempt AU of three (a parent and two children) has gross monthly earned income of \$775 per month, with no other income. The monthly income is reasonably anticipated to continue at the same amount for the QR Payment Quarter. The family lives in Region 1.

\$ 775	Earned Income
<u>- 112</u>	\$112 Earned Income Disregard
\$ 663	Subtotal
<u>- 331</u>	50% Earned Income Disregard*
\$ 331	Total Net Nonexempt Income*

* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: MPP 44-315.34.

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(SAR) Net Nonexempt Income Computation

Example 1

A nonexempt AU of three (a parent and two children) in Region 1 reports receiving gross monthly earned income of \$775 per month in the Data Month, and no other income. The Data Month income is reasonably anticipated to continue at the same amount for the SAR Payment Period.

\$ 775	Earned Income
<u>- 112</u>	\$112 Earned Income Disregard
\$ 663	Subtotal
<u>- 331</u>	50% Earned Income Disregard*
\$ 331	Total Net Nonexempt Income*

* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: MPP 44-315.34.

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.3 Net Income from Social Security, Railroad Retirement Benefits and Other Pensions

.31 Section 44-113.31(QR) shall become inoperative and Section 44-113.31(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Net income from Social Security or from Railroad Retirement Benefits is the amount reasonably anticipated to be paid to or on behalf of a member of the assistance unit in the QR Payment Quarter except:

(SAR) Net income from Social Security or from Railroad Retirement Benefits is the amount determined to be paid to or on behalf of a member of the assistance unit in the SAR Payment Period except:

.311 When Social Security benefits are paid to a representative payee on behalf of a member of the assistance unit and the representative payee does not live in the same household as the assistance unit, the Social Security benefits are counted as income only to the extent that the representative payee makes them available for the support of the beneficiary.

.32 Section 44-113.32(QR) shall become inoperative and Section 44-113.32(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

44-113	NET INCOME (Continued)	44-113
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(QR) Net income from other types of pensions and similar sources is the amount reasonably anticipated to be received in the QR Payment Quarter or, if the individual is required to pay income tax on such income or has other required expenses in receiving such income, net income is the amount received less these expenses.

(SAR) Net income from other types of pensions and similar sources is the amount reasonably anticipated for the SAR Payment Period or, if the individual is required to pay income tax on such income or has other required expenses in receiving such income, net income is the amount received less these expenses.

.4 Unrelated Adults, Including Unrelated Adult Males, Living in the Home

.41 Net income to the Family Budget Unit (FBU) from an unrelated adult living in the home including an Unrelated Adult Male (UAM) is the sum of:

.411 Section 44-113.411(QR) shall become inoperative and Section 44-113.411(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) cash reasonably anticipated to be given to the AU in the QR Payment Quarter which is available to meet the needs of the AU and:

(SAR) cash reasonably anticipated to be given to the AU in the SAR Payment Period which is available to meet the needs of the AU and:

.412 Section 44-113.412(QR) shall become inoperative and Section 44-113.412(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) the value of full items of need reasonably anticipated to be provided in-kind to the AU in the QR Payment Quarter. An item is not considered to be provided in-kind to the AU if the AU is receiving this full item of need in exchange for the AU providing the UAM with a different item. For example, if a UAM and a CalWORKs mother agree that he will pay the rent if she pays their food and utilities, the AU is not receiving in-kind income for housing.

(SAR) the value of full items of need reasonably anticipated to be provided in-kind to the AU in the SAR Payment Period. An item is not considered to be provided in-kind to the AU if the AU is receiving this full item of need in exchange for the AU providing the UAM with a different item. For example, if a UAM and a CalWORKs mother agree that he will pay the rent if she pays their food and utilities, the AU is not receiving in-kind income for housing.

44-113	NET INCOME (Continued)	44-113
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.42 Section 44-113.42(QR) shall become inoperative and Section 44-113.42(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Cash that is reasonably anticipated to be given to the AU in the QR Payment Quarter does not include:

(SAR) Cash that is reasonably anticipated to be given to the AU in the SAR Payment Period does not include:

.421 Cash which is conditioned on its use for nonneed items for the FBU, unrelated adult, or any other person.

.422 Cash designated by the unrelated adult to meet (1) his/her needs and expenses, including work-related expenses defined in Section 44-113, and/or (2) the needs and expenses of the unrelated adult's child(ren) or other unaided persons in the home the UAM is supporting.

.423 Cash which the CalWORKs mother and unrelated adult have specifically agreed constitutes the unrelated adult's share of the cost-of-living arrangement. For example, assume a UAM is required to make a financial contribution of \$182 to the FBU. (See Section 43-109.1 and .2.) If the UAM and CalWORKs mother agree that the UAM's share of the cost-of-living is \$200 and the UAM gives the mother his \$200 share, no part of this \$200 is available to meet the needs of the FBU.

.424 Any other amounts which the unrelated adult designates as not available to the FBU.

.43 When the unrelated adult's income is pooled with those of the FBU, the pooled income is treated as if cash were given to the FBU.

.44 The value of full items of need provided to the FBU is determined according to Section 44-115.3. For example, assume that a UAM and his child live with a CalWORKs mother and her two children. If the UAM pays the entire \$300 rent to the landlord, the value of the full item of need to the FBU is the lesser of (1) the in-kind income table amount for housing for three; or (2) 3/5 of \$300 (\$180). If the in-kind income table amount were \$163, the amount of in-kind income for housing to the FBU would be \$163.

.5 Section 44-113.5(QR) shall become inoperative and Section 44-113.5(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

44-113	NET INCOME (Continued)	44-113
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(QR) Child/spousal support which is reasonably anticipated to be paid during the QR Payment Quarter to the AU by the absent parent and not forwarded to the county shall be considered available income except as specified in Section 44-111.47.

(SAR) Child/spousal support which is reasonably anticipated to be paid during the SAR Payment Period to the AU by the absent parent and not forwarded to the county shall be considered available income except as specified in Section 44-111.47.

.6 Refunds of Retirement Contributions

.61 Section 44-113.61(QR) shall become inoperative and Section 44-113.61(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the Director's SAR Declaration.

(QR) Nonrecurring lump sum refunds of the employer's share of retirement contributions shall be treated as property (see Section 42-209.2(QR)).

(SAR) Nonrecurring lump sum refunds of the employer's share of retirement contributions shall be treated as property (see Section 42-209.2(SAR)).

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See Section 42-211.257 for treatment of the employee's share of retirement contributions.

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.62 Section 44-113.62(QR) shall become inoperative and Section 44-113.62(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Recurring interest earned on accumulated retirement contributions shall be treated as income in the month it is reasonably anticipated to be received. If the interest payment is nonrecurring, it shall be treated as property (see Section 42-209.2(QR)).

(SAR) Recurring interest earned on accumulated retirement contributions shall be treated as income in the month it is reasonably anticipated to be received. If the interest payment is nonrecurring, it shall be treated as property (see Section 42-209.2(SAR)).

.7 Death Benefits

Net Income from death benefits is the amount remaining after deducting the actual expenses of the funeral, cremation, or burial of the insured. Such expenses must be verified by the recipient with acceptable evidence.

44-113	NET INCOME (Continued)	44-113
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.8 Income from Payments Which Include Compensation for Converted Property (see Section 44-105)

Section 44-113.8(QR) shall become inoperative and Section 44-113.8(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) That portion of a payment defined in Section 44-105.3 which exceeds the value of the converted property and is recurring in nature is income. If that portion of the payment that is to be received is nonrecurring it shall be treated as property (see Section 42-209.2(QR)).

(SAR) That portion of a payment defined in Section 44-105.3 which exceeds the value of the converted property and is recurring in nature is income. If that portion of the payment that is to be received is nonrecurring it shall be treated as property (see Section 42-209.2 (SAR)).

Net income is that income which remains after deducting the following expenses if the recipient shows the expenses were paid by the recipient while he was a recipient and were directly related to the receipt of the payment.

.81 Attorney's fees

.82 Litigation expenses

.83 Medical expenses

.84 Other necessary and required expenses.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; SB 72 (Chapter 8, Statutes of 2011), Section 42. Reference: Sections 10063, 10553, 10554, 10790, 10791, 11008, 11008.19, 11017, 11155.3, 11157, 11265.1, 11265.2, 11265.3, 11450, 11450.5, 11450.12, and 11451.5, 11453, Welfare and Institutions Code; 45 CFR 233.10; 45 CFR 233.20(a)(3)(ii)(C); 45 CFR 233.20(a)(3)(vi)(A); 45 CFR 233.20(a)(6)(v)(B); 45 CFR 255.3; 45 CFR 233.20(a)(3)(iv)(B); 45 CFR 233.20(a)(3)(xxi); 45 CFR 233.20(a)(4)(ii)(d); 45 CFR 233.20(a)(4)(ii)(p); Darces v. Woods (1984) 35 Cal. 3d 871; and Ortega v. Anderson, Case No. 746632-0 (Alameda Superior Court) July 11, 1995.

44-115	EVALUATION OF INCOME IN-KIND	44-115
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When a need item is earned or contributed in kind, the income value placed upon such earnings, contributions, etc., is the amount specified below.

.1 Free Board and Lodging Received During Temporary Absence from Home

44-115	EVALUATION OF INCOME IN-KIND (Continued)	44-115
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.11 Absence One Month or Less

The value of free board and lodging reasonably anticipated to be received by a recipient during a temporary absence from his/her home of not more than one calendar month shall be exempt.

.12 Absence Exceeds One Month

Section 44-115.12(QR) shall become inoperative and Section 44-115.12(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) After an absence of one month, free board and lodging, i.e., food, shelter and utilities reasonably anticipated to be received during the QR Payment Quarter, shall be considered income, but only to the extent that continuing allowances in the grant for these items exceed the cost to the recipient of maintaining the home to which he/she expects to return. (Welfare and Institutions Code Section 11009.1.)

(SAR) After an absence of one month, free board and lodging, i.e., food, shelter and utilities reasonably anticipated to be received during the SAR Payment Period, shall be considered income, but only to the extent that continuing allowances in the grant for these items exceed the cost to the recipient of maintaining the home to which he/she expects to return. (Welfare and Institutions Code Section 11009.1.)

.2 Nonneedy Relatives

.21 Evaluation of Income In Kind from Nonneedy Relatives Other Than Natural or Adoptive Parents

Income in kind will only be considered if the nonneedy relative chooses to make a voluntary contribution to the AU. The county shall determine if the nonneedy relative wishes to contribute income in kind to the support of the child(ren) in his/her care. If he/she does so, the amount of a contribution reasonably anticipated to be received shall be determined in accordance with Section 44-115.3, In-kind Income Values, and be considered net income to the AU.

Natural or adoptive parent, stepparents of CalWORKs children whose natural parent is in the home, or any other adult whose needs are met through CalWORKs, SSI/SSP, IHSS, or other need based programs shall not be considered to be nonneedy relatives for purposes of this section and no income in kind may be considered.

44-115 EVALUATION OF INCOME IN-KIND (Continued) 44-115

.3 In-Kind Income Values

.31 Provided that a lower value is not established in accordance with .32 below, the in-kind income amounts effective July 1, 2012 for housing, utilities (including telephone), food and clothing, as adjusted for any increases or decreases in the cost of living specified in .311, and published by the DSS, shall apply for those item(s) of need received in-kind by the AU. If a lower value is established in accordance with .32 below, such value shall apply for the appropriate item(s) of need received in-kind by the AU.

.311 Individual in-kind income amounts shall be adjusted by the same percentage increase or decrease that is applied to the Minimum Basic Standard of Adequate Care (MBSAC) levels. Such adjustments to the in-kind income amounts shall be effective at the same time as adjustments to the MBSAC levels become effective.

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(a) INCOME IN-KIND AMOUNTS - REGION 1

Needs Considered # in AU	Housing	Utilities	Food	Clothing
1	260	56	143	44
2	347	62	305	85
3	380	65	390	127
4	398	68	483	168
5	398	68	585	212
6	398	68	677	254
7	398	68	755	298
8	398	68	825	333
9	398	68	907	383
10	398	68	979	420

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INCOME IN-KIND AMOUNTS - REGION 2

Needs Considered in AU	Housing	Utilities	Food	Clothing
1	249	56	143	44
2	330	62	305	85
3	361	65	390	127
4	380	68	483	168
5	380	68	585	212
6	380	68	677	254
7	380	68	755	298
8	380	68	825	333
9	380	68	907	383
10	380	68	979	420

(b) Repealed by Manual Letter No. EAS-99-08, effective 7/30/99.

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.32 If the applicant or recipient does not agree with the value arrived at in Section 44-115.31, he/she may submit evidence of the value of the in-kind income item which he/she receives or reasonably anticipates receiving. For housing and clothing, the in-kind income shall be the net market value (see Section 42-203.7) of the item reasonably anticipated to be received. For utilities and food, the in-kind income value shall be the cost to the person who will pay for the item.

If the applicant or recipient presents satisfactory evidence that the value of the item reasonably anticipated to be received in kind is other than the value specified in Section 44-115.31, such evidence shall be used by the county in determining the value of the item if it is to the recipient's financial advantage. Recipients who are having in-kind income deducted from their grants should be informed that this method of contesting the values established in Section 44-115.31 exists.

44-115	EVALUATION OF INCOME IN-KIND (Continued)	44-115
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.33 If an applicant or recipient presents satisfactory evidence of the value of a need item shared with persons who are not members of the AU or whose needs are not considered in the AU, the in-kind value attributable to the AU shall be the lesser of:

.331 their pro rata share, for persons whose needs are considered in the AU, of the net market value or cost of the item, or

.332 the in-kind income table value established in accordance with Section 44-115.311 for the appropriate number of persons whose needs are considered in the AU.

.333 Example: If an AU of three in Region 1 whose needs are all considered shares free housing with another person, making a household of four, and the applicant or recipient presents satisfactory evidence that the net market value of the housing is \$120, the in-kind value of the housing to the AU would be \$90 (3/4 of \$120). If the net market value of the housing is \$520, in this example, then the AU's pro rata share of this amount would be \$390 -- however, if the in-kind income table value for housing for an AU of three in Region 1 was \$380*, the \$380* value would be used because the table values established in accordance with .311 represent the maximum in-kind income value that may be applied.

* The amount \$380 is subject to change. Use the currently applicable amount established in accordance with 44-115.311.

NOTE: Authority cited: Sections 10553, 10554, 11450, 11452.018, and 11453, Welfare and Institutions Code. Reference: Sections 11265.8, 11253.5, 11265.2, 11450, 11450.015, 11450.4(c), 11450.5, 11452, 11452.018, 11453, and 11486, Welfare and Institutions Code; and Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992.

44-133	TREATMENT OF INCOME -- CALWORKS	44-133
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- .1 All net income of persons included in the Assistance Unit is income to the Assistance Unit.
- .2 Income in Cases in Which the Assistance Unit Resides in the Same Household as an SSI/ SSP or Cash Assistance Program for Immigrants (CAPI) Recipient
 - .21 The aid payment and income of an SSI/ SSP or CAPI recipient shall not be included in the Assistance Unit's income and grant computation.
 - .22 Lump sum retroactive SSI/ SSP or CAPI payments received by a recipient are not countable income to the Assistance Unit.
 - .23 Payments for goods or services by an SSI/ SSP or CAPI recipient to a CalWORKs cash aid recipient are income to the Assistance Unit.
 - .24 Income derived from an interest in the community or joint property of an SSI/ SSP or CAPI recipient and a CalWORKs cash aid recipient is prorated between owners and the CalWORKs cash aid recipient's share is countable income to the Assistance Unit.
 - .25 Actual voluntary contributions made by an SSI/ SSP or CAPI recipient to a cash aid recipient are income to the Assistance Unit. This does not include pooled income to meet shared living expenses, or payments for living expenses made in lieu of other payments in a shared living arrangement. However, no contribution will be required of the SSI/ SSP or CAPI recipient.
 - .26 If a CalWORKs cash aid applicant is determined to be eligible for cash aid and is included in the assistance unit, income of the cash aid applicant (including income considered available from a stepparent under provisions of Section 44-133.511 or a senior parent under provisions of Section 89-201.5) that may have been used in computing an SSI/ SSP or CAPI grant for another person will be included in the CalWORKs grant computation. The county shall notify the Social Security Administration or the appropriate CAPI worker as to the effective date that the income is used in the CalWORKs grant computation so that such income may be deleted from the SSI/SSP or CAPI grant computation.
 - .27 The county shall notify the Social Security Administration of the effective date that a CalWORKs cash aid recipient and any of his/her income is deleted from the Assistance Unit because of receipt of SSI/SSP, if the recipient has income which was used in the CalWORKs grant computation. This is necessary so that the Social Security Administration may begin to consider the income. No retroactive adjustment of the CalWORKs grant shall be made because of receipt of SSI/SSP if the grant was correctly computed during the period the SSI/SSP application was pending.

44-133	TREATMENT OF INCOME -- CALWORKS	44-133
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(Continued)

| .3 Income of Children in Foster Care and Kin-GAP

| All net income received by or on behalf of children in foster care or Kin-GAP shall be considered income to the child.

.4 Income in Cases in Which a Parent or Child Has Been Sanctioned or Penalized

.41 Income of persons living in the home, who are required to be in the AU but who have been sanctioned or penalized is available to the AU. The needs of these individuals are not considered except for persons in an AU that are being penalized for failure to cooperate with child support. Actions which are subject to sanction or which constitute a failure to cooperate include, but are not limited to, any one of the following:

.411 Failing or refusing, without cause, to comply with welfare-to-work requirements;

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(See Section 42-721 for Welfare-to-Work Requirements)

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.412 Refusing to furnish or cooperate in securing a social security number for himself/herself;

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(see Section 40-105.2)

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.413 Refusing to assign rights to child and spousal support payments;

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(See Section 82-510)

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.414 Refusing to take actions necessary to obtain unconditionally available income.

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(See Section 82-610)

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- .415 Refusing or failing to attend school regularly or cooperate in verifying school attendance.

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(See Section 42-101.5)

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- .416 Refusing or failing to submit verification of immunization for AU children under age 6.

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(See Section 40-105(j))

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- .417 Committing an Intentional Program Violation (IPV)

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(See Section 20-351)

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.5 Income and Needs in Cases in Which a Person is Excluded

- .51 The income of a parent is considered when that parent is living in the home but is excluded from the AU. A parent's needs shall only be considered if he/she has income unless the parent is an ineligible alien parent as specified in Section 44-133.521. This section does not apply to parents excluded for the following reasons: a) a sanction; b) being a recipient of another aid program; or c) being a member of a different AU. See MPP Section 44-133.8 for treatment of income and needs of timed-out adults. Parents whose needs and income are considered include, but are not limited to:

- .511 A stepparent who is the spouse of the applicant and/or recipient child's parent when the child's parent is residing in the home and the stepparent is not the parent of any natural or adoptive children who are required to be included in the AU.

44-133	TREATMENT OF INCOME -- CALWORKS (Continued)	44-133
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- .512 Natural or adoptive parents who are excluded by law.
- .513 Senior parents excluded from the minor parents' AU.
- .514 Fathers of unborn children in Pregnant Women Only cases.
- .515 Spouses of aided children in their parents' AU when the spouse does not have a child in the AU.

- .52 The needs of the following persons shall be considered in the family MAP (recipient cases) or MBSAC (applicant cases). The family MAP/MBSAC shall include:
 - .521 The needs of the following ineligible aliens who are related to the AU and who, but for their alien status, would be eligible for aid:
 - (a) An ineligible alien spouse of an AU member.
 - (b) An ineligible alien parent of a child in the AU.
 - (c) An ineligible alien parent of an ineligible alien child in common who is deprived of parental support and care.
 - (d) An ineligible alien child of an AU member.
 - (e) An ineligible alien child who is the sibling or half sibling to a child in the AU, and
 - .522 The needs of AU members other than those specified at Section 44-133.4, and
 - .523 The needs of the persons excluded from the AU, specified at Section 44-133.51, whose income is being considered, and
 - .524 The needs of any excluded children of the persons identified in Sections 44-133.51 and .521 whose income is being considered, or other dependents living in the home who could be claimed by the person for tax purposes, and
 - .525 The needs of any excluded spouse of the persons identified in Sections 44-133.51 and .521 whose income is being considered.

- .53 The income of excluded children not required to be in the AU is excluded unless the needs of that child are considered as specified in Section 44-133.521. (See student exemption disregard at Section 44-111.22 for earnings of a child.)

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.54 The following examples are provided to illustrate how to determine financial eligibility for the family in accordance with Sections 44-207.1 and .2 and the aid payment computation in accordance with Section 44-315.

Example 1: Family with No Ineligible Non-Citizen Members

Applicant applies on behalf of herself and her two dependent children. Also living in the home is a stepparent and his separate child. Stepparent earns \$1000 per month from full-time employment. Mother receives \$300 per month in State Disability Insurance benefits. No other income is received by family members. The AU resides in Region 1 and is eligible for Exempt MAP.

Applicant Eligibility Determination:

\$2000	Earned Income
- 90	\$90 Earned Income Disregard
\$ 910	Net Nonexempt Earned Income
<u>\$+300</u>	Disability-Based Income (Not subject to \$225 Disregard at application)
\$2210	Total Net Nonexempt Income
\$1584	MBSAC for Five (Includes AU and Non-AU Family Members)

Family is ineligible for CalWORKs (Net Nonexempt Income exceeds the MBSAC for Five).

Handbook Section 44-133.54(QR), Examples 2 and 3 shall become inoperative and Handbook Section 44-133.54(SAR), Examples 2 and 3 shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Example 2: Family with Ineligible Non-Citizen Members and Stepparent with No Income

Mother of two children has earnings of \$600 per month and the income is reasonably anticipated to continue at this amount for the QR Payment Quarter. One of the children is her citizen child and the other is her ineligible non-citizen child with deprivation. Mother receives direct child support in the amount of \$85 per month for the ineligible non-citizen child. Also in the home is the ineligible non-citizen spouse of the mother. The spouse does not have any income. The family lives in Region 1 and does not have exempt status.

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Applicant Eligibility Determination

\$ 600	Actual Earned Income of Mother
- 90	Applicant Earned Income Disregard
\$ 510	Subtotal
+ 85	Unearned Income of Ineligible Non-Citizen Child
\$ 595	Total Net Nonexempt Income

\$ 595 Total NNI is less than the \$1,347 Region 1 Nonexempt Family MBSAC for four, family passes applicant test.

Recipient Financial Eligibility Test

\$ 600	Monthly Earned Income of Mother
- 112	\$112 Earned Income Disregard
\$ 488	Subtotal
- 244	50% Earned Income Disregard
\$ 244	Net Nonexempt Earned Income
+ 85	Unearned Income of Ineligible Non-Citizen Child
\$ 329	Total Net Nonexempt Income (rounded down)

\$ 329 Total NNI is less than \$762 Region 1, Nonexempt Family MAP for four, family passes recipient financial eligibility test

Grant Computation

\$ 762	Region 1, Nonexempt Family MAP for Four
- 329	Total Net Nonexempt Income
\$ 433	Potential Grant

\$ 516 MAP for AU of Two (includes mother and citizen child)

\$ 433 Aid Payment is the Lesser of the Potential Grant or MAP for the AU

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(SAR) Example 2: Family with Ineligible Non-Citizen Members and Stepparent with No Income

Mother of two children has earnings of \$600 per month and the income is reasonably anticipated to continue at this amount for the SAR Payment Period. One of the children is her citizen child and the other is her ineligible non-citizen child with deprivation. Mother receives direct child support in the amount of \$85 per month for the ineligible non-citizen child. Also in the home is the ineligible non-citizen spouse of the mother. The spouse does not have any income. The family lives in Region 1 and does not have exempt status.

Applicant Eligibility Determination

\$ 600	Actual Earned Income of Mother
- 90	Applicant Earned Income Disregard
\$ 510	Subtotal
+ 85	Unearned Income of Ineligible Non-Citizen Child
\$ 595	Total Net Nonexempt Income

\$ 595 Total NNI is less than the \$1,387 Region 1 Nonexempt Family MBSAC for four, family passes applicant test.

Recipient Financial Eligibility Test

\$ 600	Monthly Earned Income of Mother
- 112	\$112 Earned Income Disregard
\$ 488	Subtotal
- 244	50% Earned Income Disregard
\$ 244	Net Nonexempt Earned Income
+ 85	Unearned Income of Ineligible Non-Citizen Child
\$ 329	Total Net Nonexempt Income (rounded down)

\$ 329 Total NNI is less than \$762 Region 1, Nonexempt Family MAP for four, family passes recipient financial eligibility test

Grant Computation

\$ 762	Region 1, Nonexempt Family MAP for Four
- 329	Total Net Nonexempt Income
\$ 433	Potential Grant

\$ 516 MAP for AU of Two (includes mother and citizen child)

\$ 433 Aid Payment is the Lesser of the Potential Grant or MAP for the AU

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(QR) Example 3: Family with Ineligible Non-Citizen AU Members and Stepparent with Income and Excluded Dependents

Recipient mother receives aid for herself and one child. The mother has earnings of \$600 per month that is reasonably anticipated to continue at the same amount during the QR Payment Quarter. Also living in the home are: 1) the ineligible non-citizen spouse of the aided parent; 2) the aided mother's ineligible non-citizen child in common with no deprivation; 3) the aided mother's citizen child in common who has no deprivation; and 4) a separate ineligible non-citizen child of the spouse. The spouse has \$375 per month earned income that is reasonably anticipated to continue at the same level during the QR Payment Quarter. The family is nonexempt and lives in Region 1.

Eligibility/Grant Computation

Step 1	\$ 975	Family's Monthly Earned Income
	- 112	\$112 Income Disregard
	<u>\$ 863</u>	Subtotal
	- 431	50% Earned Income Disregard*
	\$ 431	Net Earned Income
	\$ 431	Total Family Net Nonexempt Income*
Step 2	\$972	Family MAP for Six (All excluded dependents of the stepparent are included, regardless of deprivation since the stepparent's income is used.)
	- 431	Total Family Net Nonexempt Income
	<u>\$ 541</u>	Potential Grant
Step 3	\$516	AU MAP for Two
	\$541	Potential Grant
	\$516	Aid Payment (lesser of AU MAP or potential grant)

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(SAR) Example 3: Family with Ineligible Non-Citizen AU Members and Stepparent with Income and Excluded Dependents

Recipient mother receives aid for herself and one child. The mother has earnings of \$600 per month that is reasonably anticipated to continue at the same amount during the SAR Payment Period. Also living in the home are: 1) the ineligible non-citizen spouse of the aided parent; 2) the aided mother's ineligible non-citizen child in common with no deprivation; 3) the aided mother's citizen child in common who has no deprivation; and 4) a separate ineligible non-citizen child of the spouse. The spouse has \$375 per month earned income that is reasonably anticipated to continue at the same level during the SAR Payment Period. The family is nonexempt and lives in Region 1.

Eligibility/Grant Computation

Step 1	\$ 975	Family's Monthly Earned Income
	<u>- 112</u>	\$112 Income Disregard
	\$ 863	Subtotal
	<u>- 431</u>	50% Earned Income Disregard*
	\$ 431	Net Earned Income
	\$ 431	Total Family Net Nonexempt Income*
Step 2	\$972	Family MAP for Six (All excluded dependents of the stepparent are included, regardless of deprivation since the stepparent's income is used.)
	<u>- 431</u>	Total Family Net Nonexempt Income
	\$ 541	Potential Grant
Step 3	\$516	AU MAP for Two
	\$541	Potential Grant
	\$516	Aid Payment (lesser of AU MAP or potential grant)

* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: MPP Section 44-315.34

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44-133	TREATMENT OF INCOME -- CALWORKS (Continued)	44-133
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- .55 When an excluded family member whose needs must be considered shares the same familial relationship with more than one AU and the members of the AUs live in the same home, the parents shall determine in which AU the needs of the non-AU family member shall be included.

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Example:

A mother with one child (AU #1) has an ineligible alien child in common with the unmarried father who receives aid for his separate child (AU #2). The ineligible alien child has deprivation. Mother has earned income and the father who is the principal earner is unemployed and receives UIB unearned income. The parents shall decide in which AU to include the ineligible alien common child's needs.

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- .6 Income of a Nonneedy Caretaker Relative Other than the Parent
- .61 The amount by which a nonneedy relative, other than a parent with whom the child lives, is able and willing to meet the child's needs is income to the Assistance Unit.
- .7 Income in Cases Where a Noncitizen Has Been Sponsored for Entry into the United States
- .71 When a noncitizen is sponsored by an individual as defined in Section 43-119.2 the income of his/her sponsor who is not receiving cash aid, SSI or other public cash assistance payments (such as General Assistance) and the income of the sponsor's spouse who lives with the sponsor and who is not receiving such public cash assistance payments shall be deemed to be the sponsored noncitizen's income. This income is determined as follows:
- .711 Determine the total amount of unearned income of the sponsor and his/her spouse.
- .712 Determine the total amount of income received by the sponsor and his/her spouse, such as wages or salary, or as net earnings from self-employment. See Section 44-113.212.
- .713 If the sponsor is the sponsor of more than one noncitizen, divide the total gross income by the total number of sponsored noncitizens who are applying for or receiving cash aid. This amount shall be deemed to be the income of each applicant or recipient who is a sponsored noncitizen.
- .714 When the sponsored noncitizen is not included in the AU (see Section 82-832), the portion of his/her income, which has been deemed from the sponsor, shall not be used in determining his/her contribution to the AU unless such income is actually available to the AU.

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- .715 When the sponsored noncitizen is a member of the AU, this deemed income from the sponsor shall be treated as unearned income in accordance with Sections 44-113 and 44-315.4.
- .716 If the sponsor is either an excluded parent or stepparent, his/her income shall be treated in accordance with the excluded parent or stepparent deeming computation. See Sections 44-133.3 and 44-133.63.

.72 Repealed by CDSS Manual Letter No. EAS-01-09, effective 10/10/01.

.8 Income and Needs of Timed-Out Adults.

Income and needs of adults living in the home who have been removed from the AU due to exceeding the 48-month CalWORKs time limits shall be treated as follows:

- .81 Parents otherwise required to be in the AU. Net non-exempt income of timed-out parents who are otherwise required to be in the AU and living in the home shall be considered available to the AU. The needs of these parents shall not be considered when calculating the grant for the aided AU members.
- .82 Non-parent caretaker relatives. Timed-out non-parent caretaker relatives living in the home are no longer eligible to be optional AU members, and their income and needs shall not be considered when calculating the grant for the aided AU members.
- .83 Stepparents not required to be in the AU. Timed-out stepparents not required to be in the AU and living in the home are no longer eligible to be optional AU members, and their net non-exempt income and needs shall be treated in accordance with the provisions of MPP Sections 44-133.51 and 44-133.511.
- .84 See MPP Sections 42-301 and 82.833.1 for regulations regarding timed-out adults. For timed-out adults whose income must be considered in the AU's grant computation, net nonexempt income shall be determined as specified at MPP Section 44-113.2.

NOTE: Authority cited: Sections 10553, 10554, 10604, and 11369, Welfare and Institutions Code. Reference: Sections 10063, 10553, 10554, 10604, 11008.14, 11017, 11254, 11320.15, 11450, 11451.5, 11452, 11453, 11454, 11454.2, 11486, 18937, 18940, and 11371, Welfare and Institutions Code; 45 CFR 205.50(a)(1)(i)(A); 45 CFR 233.20(a)(1)(i); 45 CFR 233.20(a)(3)(ii)(C), (a)(3)(vi)(B), (a)(3)(xiv), (a)(3)(xiv)(B), and (xviii); 45 CFR 233.50(A)(c); and 45 CFR 233.90(c)(2)(i); Family Support Administration Action Transmittal 91-15 (FSA-AT-91-15), dated April 23, 1991; and Omnibus Budget Reconciliation Act (OBRA) of 1990; U.S. Department of Health and Human Services Federal Action Transmittal No. FSA-AT-91-4 dated February 25, 1991; Simpson v. Hegstrom, 873 F.2d 1294 (1989); Ortega v. Anderson, Case No. 746632-0 (Alameda Superior Court) July 11, 1995; and Federal Register, Vol. 58, No. 182, pages 49218 - 20, dated September 22, 1993; 8 U.S.C. 1631; and 42 U.S.C. 602(a)(39).

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CHAPTER 44-200 AU COMPOSITION AND NEED

44-200 RELOCATION OF ASSISTANCE UNIT REGULATIONS 44-200

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.1 The AU regulations have been relocated as follows:

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44-203.1	ELIGIBLE CHILD	
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44-203.112	Income Eligibility	80-301(e)(1)
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44-203.115(b)	Child Returning from AFDC-FC	Repealed
44-203.115(c)	Alternate Living Arrangements	82-808.41
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44-203.2	CARETAKER RELATIVES	
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44-205.6	AID BASED ON PREGNANCY	82-836 88-410
44-205.61	Pregnant Woman Definition	80-301(p)(2)
44-205.62	Excluded Father	Retained
44-205.63	Application	Retained
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44-206.21	Strikers	Retained
44-206.22	Lump Sum	Retained
44-206.23	UIB - Principal Earner	Repealed
44-206.24	State-Only AFDC - UIB	Repealed
44-206.25	Quality Control Review	Repealed

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.

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Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

44-203	PERSONS WHO MAY BE INCLUDED IN THE FBU - DEFINITIONS	44-203
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Renumbered by Manual Letter No. EAS-91-14, effective 10/1/91.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 45 CFR 233.90(c)(2)(i) and Sections 10553, 10554, and 10604, Welfare and Institutions Code.

44-205	ESTABLISHING THE AU	44-205
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- .1 Aid Based on Pregnancy
 - .11 When the unaided father of the unborn is living in the home with a pregnant woman who is in an AU of one without an eligible child, the father is an excluded parent and his income is treated in accordance with Section 44-133.3.
 - .12 The application for aid based on pregnancy and/or the application for the pregnancy special need is considered an application for the "family". In addition to the pregnant woman, the family includes the following:
 - .121 The unborn, when born and living with the mother.
 - (a) The otherwise eligible newborn shall be added to the assistance unit effective the first of the month following the month in which the birth was reported if it results in an increase in cash aid and all conditions of eligibility have been met and verification has been provided.

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In most cases, the effective date of including the needs of the newborn will be the first of the month following the month in which the birth was reported.

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- .122 The father of the unborn when he is in the home at the time application is made and through the month of birth. See Section 82-832.13.
 - (a) Section 44-205.122(a)(QR) shall become inoperative and Section 44-205.122(a)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
 - (QR) The unaided father shall be added to the AU effective the first of the month following the month in which the birth was reported if adding him results in an increase to cash aid and all conditions of eligibility have been met and verification has been provided. If adding him results in a decrease, the father shall be added to the AU in the following quarter, if all conditions of eligibility have been met and verification provided, pursuant to Section 44-318.16(QR).

44-205 ESTABLISHING THE AU (Continued) 44-205

(SAR) The unaided father shall be added to the AU effective the first of the month following the month in which the birth was reported if adding him results in an increase to cash aid and all conditions of eligibility have been met and verification has been provided. If adding him results in a decrease, the father shall be added to the AU in the following SAR Payment Period, if all conditions of eligibility have been met and verification provided, pursuant to Section 44-318.16(SAR).

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 42 USC 602(a)(19)(G)(i)(I); 54 FR 42172 (October 13, 1989); 45 CFR 206.10(a)(1)(vii) and 250.34(c)(3); Federal Action Transmittal SSA-AT-86-01, Sections 10553, 10554, 10604, 11265.1, 11265.2, 11265.3, 11327.5(c)(3), 11450(b) and 11450.5, Welfare and Institutions Code; and Simon v. McMahan, Stipulation for Dismissal and Order, April 21, 1989, Contra Costa Superior Court, No. 272468.

44-206 PERSONS WHO MUST BE EXCLUDED FROM THE ASSISTANCE UNIT (AU) 44-206

.1 The following persons shall be excluded from the assistance unit:

- (a) A person who is being sanctioned for any of the following reasons:
 - (1) A parent, pregnant woman, or needy caretaker relative who refuses to apply for or accept unconditionally available income. (Section 44-103.22).
- (b) Any member of a federally eligible AU, other than the caretaker relative who is the natural or adoptive parent, who is participating in a strike, as defined in Section 41-703.22, on the last day of the month, shall be ineligible in that month. The person remains ineligible for any subsequent month(s) in which the county can reasonably estimate that such person's participation in the strike will continue through the last day of the month. If aid to such person is discontinued, reduced, or denied because the county estimated that he or she would be participating in a strike on the last day of the month and the applicant or recipient later reports that such person's participation in the strike ceased before the last day of the month, the county shall rescind the discontinuance, reduction, or denial and issue the correct grant.

44-206	PERSONS WHO MUST BE EXCLUDED FROM THE ASSISTANCE UNIT (AU) (Continued)	44-206
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- .2 The entire family is ineligible for aid payments when:
 - .21 A federally eligible caretaker relative who is the natural or adoptive parent living in the home of the aided child is participating in a strike as defined in Section 41-703.22, on the last day of the month. The AU remains ineligible for any subsequent month(s) in which the county can reasonably estimate that participation in the strike will continue through the last day of the month. If aid is discontinued, reduced, or denied because the county estimated that the caretaker relative parent would be participating in a strike through the last day of the month and the applicant or recipient later reports that participating in the strike ceased before the last day of the month, the county shall rescind the discontinuance, reduction, or denial and issue the correct grant.
 - .211 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.
 - .212 An applicant or recipient will be considered to be participating in a strike if he or she has voluntarily stopped or slowed down work or otherwise interrupted the business activities of the employer as part of a concerted activity described in .211 above. When the applicant or recipient has been denied Unemployment Insurance Benefits because he or she has voluntarily left work due to a trade dispute, that person will be considered to be participating in a strike, except as specified in .213 below.
 - .213 Stoppage or slowdown of work by employees in good faith shall not be considered a strike or participation in a strike when a lockout has occurred or when the action was necessitated by an imminent health and safety hazard or abnormally dangerous working conditions at the place of employment as determined by Division of Occupational Safety and Health.

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- .214 The entire family that is ineligible for aid under Section 44-206.21, may be eligible for benefits under the State-only AFDC-U Programs (see Section 41-703).

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- .22 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.
- .23 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.
- .24 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.
- .25 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

44-206 PERSONS WHO MUST BE EXCLUDED FROM THE ASSISTANCE UNIT (AU) (Continued) 44-206

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 42 USC 602(a)(19)(G)(i)(I) and (II); Section 202(a), Public Law 100-485; 45 CFR 244.0(c) and 250.34(c)(1) and (2); and Sections 10553, 10554, 10604, 11157 (Ch. 270, Stats. 1997), and 11327.5(c)(1), Welfare and Institutions Code.

44-207 INCOME ELIGIBILITY 44-207

- .1 The following financial eligibility test shall be applied to applicant cases.
 - .11 An applicant family shall not be eligible for cash aid unless the family's income, exclusive of the first ninety dollars (\$90) of earned income for each employed person, is less than the Minimum Basic Standard of Adequate Care (MBSAC) for the family.
 - .111 An individual who applies for CalWORKs after leaving aid due to AB 98 subsidized employment income as described in Sections 42-716.811(a) and 42-716.813(a) shall be considered a current recipient for the purpose of determining CalWORKs financial eligibility.
 - (a) During the three calendar month period after the subsidized employment ends, the county shall apply the recipient earned income disregards as described in Section 44-111.23.
 - (b) If an individual applies for CalWORKs after this three-month period has passed, he or she shall be considered an applicant for the purpose of determining CalWORKs financial eligibility as described in Section 44-207.11.

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Example: Applicant applies for assistance for herself and her one dependent child. The mother (applicant) works part-time for \$600 per month. The family is nonexempt and lives in Region 2.

Applicant Eligibility Determination

\$ 600	Earned Income
- 90	\$90 Earned Income Disregard
\$ 510	Total Net Nonexempt Income
\$ 896	MBSAC for two

Family passes the MBSAC test (MBSAC is greater than Net Nonexempt Income)

See Section 44-207.2 for second step in the financial eligibility test for applicants.

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44-207	INCOME ELIGIBILITY (Continued)	44-207
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- .112 The MBSAC is the amount of money which is necessary to provide a family with the following:
- a. Housing.
 - b. Clothing.
 - c. Food.
 - d. Utilities.
 - e. Items for household operation, education and incidentals, recreation, personal needs, and insurance.
 - f. Essential medical, dental, or other remedial care not otherwise provided at public expense.

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- .113 The MBSAC for the family applies in determining financial eligibility for applicants, the value of in-kind income for the AU, the amount of income from a sponsor available to a sponsored non-citizen, the period of ineligibility for non-qualifying withdrawals from restricted accounts and transfer of assets. The MBSAC amounts are set forth in Welfare and Institutions Code Section 11452.
- (a) See Section 44-315.311 for the MBSAC amounts as of July 1, 2012. (The MBSAC figures are subject to a cost-of-living adjustment on July 1 of every year. These updates to the MBSAC figures are published by CDSS through an annual All County Letter.)

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- .12 When estimating income for eligibility, all relevant information available to the county and the recipient shall be taken into consideration. See Section 44-113.21 for computations.
- .2 The following financial eligibility test shall be applied to both applicant and recipient cases.
- .21 Section 44-207.21(QR) et seq. shall become inoperative and Section 44-207.21(SAR) et seq. shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

44-207 INCOME ELIGIBILITY (Continued) 44-207

(QR) The AU is financially eligible as follows:

(QR) .211 An AU is financially eligible for the QR Payment Quarter if the family's combined reasonably anticipated monthly net non-exempt income for the quarter, after the income and needs of the family are considered (pursuant to Sections 44-133(QR) and 44-315.3(QR)), is less than the MAP for the AU.

(QR) .212 A recipient AU will remain financially eligible during the QR Payment Quarter if the family's combined monthly net non-exempt income does not exceed the family's MAP level for more than one month of the QR Payment Quarter in accordance with Section 44-316.324(QR).

(SAR) The AU is financially eligible as follows:

(SAR) .211 An AU is financially eligible for the SAR Payment Period if the family's combined reasonably anticipated monthly net non-exempt income for the SAR period, after the income and needs of the family are considered (pursuant to Sections 44-133(SAR) and 44-315.3(SAR)), is less than the MAP for the AU.

(SAR) .212 A recipient AU will remain financially eligible during the SAR Payment Period if the family's combined monthly net non-exempt income does not exceed the family's MAP level for more than one month of the SAR Payment Period in accordance with Section 44-316.324(SAR).

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Example:

Recipient receives aid for herself and her four children. Also living in the home is the recipient's spouse (unaided stepparent). Stepparent earns \$1612 per month from full-time employment. Mother receives \$300 per month in State Disability Insurance benefits. No other income is received by family members. The AU is exempt and resides in Region 2.

Eligibility/Grant Computation:

\$ 300	Disability-Based Unearned Income
- 225	\$225 Income Disregard
\$ 75	Net Nonexempt Disability-Based Unearned Income

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\$1612	Gross Family Earned Income
<u>- 806</u>	50% Earned Income Disregard
\$ 806	Net Nonexempt Earnings
<u>+ 75</u>	Disability-Based Unearned Income
\$ 881	Total Net Nonexempt Income
\$1035	Exempt MAP for Six
<u>- 881</u>	Total Net Nonexempt Income
\$ 154	Potential Grant
\$ 923	Exempt MAP for AU of Five
\$ 154	Potential Grant
\$ 154	Aid Payment (Lower of Potential Grant and MAP for AU)

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.22 Net Nonexempt Income

.221 Net Nonexempt Income is gross income for the AU and other family members (if applicable), minus all applicable income exemptions (listed in Section 44-111) and income disregards (listed in Section 44-113).

- (a) Gross income includes: 1) earnings by part-time student applicants; and 2) current child support payments collected by the county, but does not include child support payments collected by the county for a child subject to MFG (see Section 44-314.6).

.23 Section 44-207.23(QR) shall become inoperative and Section 44-207.23(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Once financial eligibility is established for the QR Payment Quarter, financial eligibility continues for the AU for the entire QR Payment Quarter unless the family's income exceeds the IRT (see Section 44-316.324(QR)) and the family's reasonably anticipated monthly income for the remainder of the QR Payment Quarter exceeds the MAP for the AU.

(SAR) Once financial eligibility is established for the SAR Payment Period, financial eligibility continues for the AU for the entire SAR Payment Period unless the family's income exceeds the IRT (see Section 44-316.324(SAR)) and the family's reasonably anticipated, net non-exempt monthly income continues to exceed the MAP for the AU for more than one consecutive month.

44-207 INCOME ELIGIBILITY (Continued) 44-207

.24 Section 44-207.24(QR) shall become inoperative and Section 44-207.24(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) If aid is discontinued because the monthly reasonably anticipated income is expected to result in financial ineligibility for the QR Payment Quarter and the AU reports that the monthly reasonably anticipated income will no longer exceed the MAP amount for the AU prior to the effective date of the discontinuance, the county shall rescind the discontinuance if the county determines the updated report is a reasonable estimate.

(SAR) If aid is discontinued because the monthly reasonably anticipated income is expected to result in financial ineligibility for the SAR Payment Period and the AU reports that the monthly reasonably anticipated income will no longer exceed the MAP amount for the AU prior to the effective date of the discontinuance, the county shall rescind the discontinuance if the county determines the updated report is a reasonable estimate.

.25 Adding Persons to the Assistance Unit

When adding persons to an existing AU, the AU is subject to the recipient financial eligibility test.

NOTE: Authority cited: Sections 10553, 10554, 11450, and 11453, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11017, 11157, 11255, 11265.1, 11265.2, 11265.3, 11280, 11322.63(b), 11450.5, 11450.12, 11450.13, and 11451.5, Welfare and Institutions Code; 45 CFR 206.10(a)(1)(vii); 45 CFR 233.20(a)(2)(i) and (xiii); (a)(3)(ii)(F), (a)(3)(vi)(B), (a)(3)(xiv), and (a)(3)(xiv)(B); and Darces v. Woods (1984) 35 Cal. 3d 871; Petrin v. Carlson Court Order, Case No. 638381, May 12, 1993; Rutan v. McMahon, Case No. 612542-L (Alameda Superior Court) February 19, 1988; Letter from Department of Health and Human Services (DHSS), December 5, 1990; Johnson v. Carlson Stipulated Judgment; Ortega v. Anderson, Case No. 746632-0 (Alameda Superior Court) July 11, 1995; Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994; United States Department of Health and Human Services, Office of Family Assistance, Aid to Families with Dependent Children Action Transmittal No. ACF-AT-95-10 dated September 19, 1995; and Letters from the Department of Health and Human Services, Administration for Children and Families, dated February 29, 1996, March 11, 1996, and March 12, 1996.

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44-209 IDENTIFICATION OF PERSONS FOR THE CLAIMING OF FINANCIAL PARTICIPATION 44-209

.1 General

If an FBU is determined to be financially eligible and an aid payment is to be issued, it is necessary to determine whether federal financial participation is available for each person in the FBU. For purposes of determining federal financial participation, AFDC recipients shall be categorized into two groups:

- a. Federally eligible persons and
- b. Essential persons.

What follows is a description of the categories of persons who shall be included in each group.

.2 Federally Eligible Persons

.21 Children

- .211 All children who are deprived of parental support and care due to the death (Section 41-420), incapacity (Section 41-430), or continued absence (Section 41-450) of a parent.
- .212 All children who are deprived of parental support and care due to the unemployment of a parent who meets federal eligibility conditions as specified in Section 41-440.4.

.22 Adults

- .221 The caretaker relative of any federally eligible child under .21 above, or of a child who is receiving SSI/SSP who would otherwise meet the conditions of .21 above.
- .222 The second parent of a federally eligible child under .21 above, or of a child who is receiving SSI/SSP who would otherwise meet the conditions of .21 above, when the deprivation of at least one child is the incapacity or unemployment of a parent who meets federal eligibility conditions as specified in Section 41-440.4.
- .223 The spouse of an incapacitated caretaker relative when the caretaker relative is a parent of a federally eligible child under .21 above, or of a child who is receiving SSI/SSP who would otherwise meet the conditions of .21 above.

.23 A pregnant woman:

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- .231 who has no federally eligible children; and
- .232 who has provided the county with medical verification of her pregnancy (see Sections 82-836 and 88-410); and
- .233 whose child, if born, and living with the mother would have been federally eligible for AFDC in the month of payment; and either
- .234 who is under the age of 19 and has not obtained a high school diploma or its equivalent; or
- .235 whose pregnancy has reached the three-month period immediately before the month of anticipated birth. If the child is born prior to the originally estimated date of birth, the anticipated month of birth is changed to the month in which birth occurred and Federal Financial Participation is retroactively available for the three-month period prior to the month of birth.

.3 Essential Persons

- .31 An essential person is a stepparent, California domestic partner of the child's parent, or ASP who is not an otherwise federally eligible person under .2 and who:
 - .311 Is related to a child determined to be federally eligible under .21, or
 - .312 Is related to a child who is either receiving SSI/SSP or sanctioned by GAIN who would otherwise be federally eligible under .21.

.32 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

.4 Repealed by Manual Letter No. EAS-96-07, effective 9/1/96.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 45 CFR 233.20(a)(2)(vii), FSA-AT-91-1 dated January 1, 1991; and Sections 10553, 10554, 10604, 11203, and 11450(b), Welfare and Institutions Code; and Section 297.5(a), Family Code.

44-211	SPECIAL NEEDS IN CALWORKS	44-211
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.1 General

.11 Section 44-211.11(QR) shall become inoperative and Section 44-211.11(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) A special need is a need not common to a majority of recipients for certain goods or services which are essential for their support. The county is responsible for assisting the applicant or recipient in identifying any special needs which he/she may have. In order to meet this responsibility, the county shall give the applicant or recipient a clear explanation of the types of special need allowances which are available, and of the procedure for securing payment for those needs. See Section 44-316.312(d)(QR).

(SAR) A special need is a need not common to a majority of recipients for certain goods or services which are essential for their support. The county is responsible for assisting the applicant or recipient in identifying any special needs which he/she may have. In order to meet this responsibility, the county shall give the applicant or recipient a clear explanation of the types of special need allowances which are available, and of the procedure for securing payment for those needs. See Section 44-316.312(d) (SAR).

.12 Repealed by Manual Letter 83-27, 5/5/83.

.13 Before a payment is made which includes a special need allowance, evidence is required to establish:

.131 That the conditions set forth below under which the need may be allowed are met,

.132 the total cost of the need and the payment plan,

.133 the proportion of the cost which should be borne by the recipient if the need is shared by others in the household,

.134 the period over which the need will continue.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

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.2 Recurring Special Needs

Section 44-211.2(QR) shall become inoperative and Section 44-211.2(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

- (QR) A recurring special need is a special need for one of the items set forth below which results in added cost to the family and which is expected to occur during two or more months in a calendar year.
- (QR) The allowance for a recurring special need cannot exceed the actual increase in costs to the family as a result of the special need. Actual costs must be verified quarterly on the QR 7 except that if special need allowance guidelines established below are utilized, the county may authorize payment at the rate indicated without verification of actual cost. However, the special need must be resubstantiated at least annually upon redetermination of eligibility and may be required more often considering the type of need and potential for change.
- (QR) The total allowance which is available for each AU per month for all recurring special needs shall not exceed the amount resulting from multiplying \$10 by the number of persons in the AU.
- (SAR) A recurring special need is a special need for one of the items set forth below which results in added cost to the family and which is expected to occur during two or more months in a calendar year.
- (SAR) The allowance for a recurring special need cannot exceed the actual increase in costs to the family as a result of the special need. Actual costs must be verified every six months on the SAR 7 or the SAWS 2 except that if special need allowance guidelines established below are utilized, the county may authorize payment at the rate indicated without verification of actual cost. However, the special need must be resubstantiated at least annually upon redetermination of eligibility and may be required more often considering the type of need and potential for change.
- (SAR) The total allowance which is available for each AU per month for all recurring special needs shall not exceed the amount resulting from multiplying \$10 by the number of persons in the AU.

44-211 SPECIAL NEEDS IN CALWORKS (Continued) 44-211

.21 Therapeutic Diets

.211 Special need for a therapeutic diet shall be authorized when recommended by a physician and therapeutic diets are not limited to those listed below, except that final determination of the need may be based upon consultation with the county medical consultant.

.212 The recipient is entitled to establish actual expenses related to the diet plan if it is to his or her benefit to do so. However, if the recommended diet plan includes one or a combination of the following diets, the county may pay the amount indicated for the highest cost diet without verification of actual costs:

\$15 for the following diets:

Diabetic, 2200 calories or more
High Calorie -- High protein (including special formula for infant)
Lactation (while breast feeding)

\$9 for the following diets:

Diabetic, under 2200 calories
Bland
Low Fat -- Cholesterol
Low Salt (sodium, under three grams)

.22 Other Recurring Special Needs

A recipient is eligible for a special need allowance for the following recurring special needs when the county verifies that they occur for reasons not common to a majority of recipients and that they are essential for support. Determination of any allowance shall be consistent with the following guidelines and limitations:

.221 The actual cost of special transportation except that the allowance shall not exceed the actual cost of the least expensive mode of the transportation (including common carrier) reasonably available to the recipient. The county may compute the costs for a private automobile according to the number of miles traveled at the rate of \$0.12 a mile without further documentation by the recipient. Examples of special transportation needs are where the recipient must journey an unusual distance or travel daily to receive required medical treatments.

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- .222 The actual cost of special laundry. The county may allow \$3.00 per month without verification of actual cost by the recipient. An example of special laundry needs would be where a recipient is required to change and clean bedding or clothing more than usual because of a medical condition.
- .223 The actual cost of employing someone to do the cooking, washing, ironing, household cleaning, and similar chore services for members of the FBU when the county verifies that the family caretaker is unable to perform any one or more of these functions, and that such duties cannot be performed without charge by persons in the household.
- .224 The actual cost of special telephone service or equipment such as the cost of an amplifying device when a member of the household is handicapped by an auditory impairment.
- .225 The actual costs of excessive use of utilities when the county verifies that the excessive use is required for a reason not common to a majority of recipients and is essential for their support. Excessive use of utilities means the FBU's share of the actual cost of utilities is in excess of the in-kind income values for utilities for that size FBU. The county may allow \$5.00 per month without verification of actual cost by the recipient.
- .23 Where a recurring special need also qualifies as an allowable service-connected expense pursuant to Section 10-305 or Chapter 30-500, the county may authorize any combination of such funds to meet the family's needs so long as there is no duplication in aid payment. When a special need is to be met from a combination of such funds, the allowance must be based on the actual costs and not the guidelines specified above.
- .3 Nonrecurring Special Need Payments
 - .31 A payment for a nonrecurring special need shall be granted to an eligible AU when any of the following conditions exist:
 - .311 Household emergencies resulting from sudden and unusual circumstances beyond the AU's control. (See MPP 44-211.4.)
 - .312 Homelessness when the AU is seeking permanent housing. (See MPP 44-211.5.)
 - (a) Repealed by Manual Letter No. EAS 06-03, effective 11/16/06

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- .32 An AU is ineligible to receive a nonrecurring special need payment if it has over \$100 in nonexempt liquid resources with the exception of funds deposited in a restricted account described in Section 42-213.231.

- .321 The county shall evaluate nonexempt liquid resources when an AU requests a nonrecurring special need payment for any of the following:
 - (a) An emergency resulting from sudden and unusual circumstances beyond the AU's control (see Section 44-211.4);
 - (b) Homeless assistance, at the time the AU applies for such assistance but not during the incident of homelessness as defined in Section 44-211.513(b).

- .33 Liquid resources of \$100 or less shall not be considered for purposes of computing the nonrecurring special need payment.

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See MPP 42-211.2 for definition of liquid resources; see MPP 40-129.21 for exceptions to the MPP 42-211.2 definitions.

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- .4 Emergencies Resulting from Sudden and Unusual Circumstances Beyond the AU's Control
 - .41 An AU is entitled to receive a nonrecurring special need payment to repair or replace clothing or household equipment; to provide assistance for damages to the home; or to pay for interim shelter when the AU's home was destroyed or made uninhabitable or inaccessible. (See MPP 44-211.42, .43, and .44 respectively.)
 - .411 The loss or damage must have been caused by sudden and unusual circumstances beyond the AU's control.
 - .412 The CWD shall determine the most feasible and economic method of repair or replacement including the provision of donated or used serviceable items.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

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- .413 The total amount allowed for the payment for household emergencies shall not exceed \$600 for each incident resulting from the circumstances described in MPP 44-211.41 and .411.
- (a) The amount of the payment for each item to be repaired or replaced, or to assist with damage to the home, shall be the actual cost, including sales tax, up to a total maximum not to exceed the amount allowed in MPP 44-211.413.
 - (b) Payment shall not be made to repair or replace clothing, household items or damage to the home occupied by the AU, unless the clothing, household items or home belonged to a member of the AU.
- .42 Clothing and Household Equipment
- .421 Within the limit specified in MPP 44-211.413, a payment made to replace clothing may not exceed \$25 for each member of the AU.
- .422 Items of household equipment which may be repaired or replaced include, but are not limited to the following:
- (a) Bedding, dishes, kitchen utensils - \$12 for each person in the AU
 - (b) Cook stove - \$142
 - (c) Refrigerator - \$190
 - (d) Space heater - \$73
 - (e) Double bed including mattress - \$143
 - (f) Other essential furniture - \$50
- .43 Damage to the AU's Home
- .431 Within the limit specified in MPP 44-211.413, a payment may be made for the costs of essential repair or replacement resulting from damage to the AU's home.
- .432 The payment shall be allowed for the following costs:
- (a) Moving and/or storage costs necessitated by the damage to the home.

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- (b) Labor and material costs for repair of the home in which the AU lives and which a member of the AU owns.

.44 Interim Shelter

.441 An AU may receive a nonrecurring special need payment for the costs of interim shelter when its home has been destroyed, made uninhabitable or inaccessible.

.442 An AU is not eligible to receive a nonrecurring special need payment for the costs of interim shelter if it is eligible to receive the nonrecurring special need payment for homeless assistance described in MPP 44-211.5.

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- (a) If an AU has received the nonrecurring special need for homeless assistance, and the AU's home is subsequently destroyed, made uninhabitable or inaccessible, the AU may qualify for interim shelter assistance in accordance with MPP 44-211.441.

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.5 Homeless Assistance

.51 General

A homeless AU seeking permanent housing is eligible to receive homeless assistance. Homeless assistance is available to meet the reasonable costs of securing permanent housing, preventing eviction and meeting the costs of temporary shelter while the AU is seeking permanent housing. Any AU applying for homeless assistance shall be informed that these benefits are limited to once-in-a-lifetime, with exceptions (see Sections 44-211.514 and .54). Further, the AU shall be informed that the temporary shelter payment of up to 16 consecutive days is only available during this period and that once this period ends, these benefits are exhausted, even if the AU has not received all 16 days of temporary shelter payments.

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See MPP 44-211.52 for specifics regarding the payment for temporary shelter assistance; see MPP 44-211.53 for specifics regarding the payment for permanent housing assistance.

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.511 An AU is considered homeless when:

- (a) It lacks a fixed and regular nighttime residence: or
- (b) It has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations; or
- (c) It is residing in a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or
- (d) It has a need for housing in a commercial establishment, shelter, publicly-funded transitional housing, or from a person in the business of renting properties who has a history of renting properties; or
- (e) It receives a pay rent or quit notice.

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- (1) Example: An otherwise eligible AU, who temporarily resides with another family, requests homeless assistance payments to obtain separate housing. The county determines that the AU is eligible to receive homeless assistance payments because: (1) they have a need for commercial shelter, and (2) they lack a fixed and regular nighttime residence. This is in accordance with the preliminary injunction ordered in Merriman v. McMahon, which remains in full force and effect.

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.512 Although an AU may be considered homeless, in accordance with the definition in MPP 44-211.511, a homeless assistance payment shall not be issued to an AU if the CWD establishes that the AU has shelter at no cost.

.513 An AU is eligible for a once-in-a-lifetime nonrecurring special need payment for homeless assistance unless the exception criteria in Section 44-211.54 or .514 is met. Homeless assistance shall only be granted for a continuous period of homelessness caused by the same specific circumstance and is limited to a maximum of one period of up to 16 consecutive calendar days of temporary assistance and one payment of permanent housing assistance, with exceptions. A homeless assistance payment may be granted for either, or both, temporary shelter or permanent housing. An AU may be granted a 16-consecutive-day period of temporary shelter assistance, if eligibility requirements are met (see Section 44-211.52), after a permanent housing payment has been received. A permanent housing payment may be granted whether or not a payment for temporary shelter has been issued. The initial issuance of temporary shelter and/or permanent housing payments is considered the once-in-a-lifetime homeless assistance benefit regardless of the reason for the homelessness.

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- (a) The AU must complete a separate Statement of Facts for Homeless Assistance (CA 42) to apply for a temporary shelter payment and/or permanent housing assistance. The Statement of Facts for Homeless Assistance is designed to gather information specific to the elements of eligibility for the nonrecurring special need for homeless assistance.
 - (b) The period of homelessness begins:
 - (1) For emergency transfer of deposits in Section 44-211.535, on the date when the first homeless assistance payment is issued for either the once-in-a-lifetime benefit or for homeless assistance under an exception.
 - (2) For those once-in-a-lifetime exceptions limited to once in 12 months, on the date when the first homeless assistance payment is issued under one of these exceptions.
 - (c) The period of homelessness ends when the AU receives the payment for permanent housing, except as specified in Section 44-211.52.
- .514 An otherwise eligible AU that has received a homeless assistance payment at any time on behalf of an eligible child shall not be eligible for further homeless assistance payments, except under the following conditions:
- (a) There is a new caretaker relative who was not living with the AU at the time the original homeless assistance payment was issued, and
 - (b) The new caretaker has not previously received homeless assistance on behalf of or as part of another AU, and
 - (c) The former caretaker relative is no longer living in the home with the AU.

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- (d) For additional exceptions, see Section 44-211.54.

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- .515 In intercounty transfer cases, the CWD where the AU resides shall be responsible for the homeless assistance eligibility determination and issuance of the homeless assistance payment from the date of the request. This is the county in which the AU is physically located and intends to reside.

44-211 SPECIAL NEEDS IN CALWORKS (Continued) 44-211

- (a) Eligibility for and the amount of payment for homeless assistance shall be determined using the MAP amount for the county where the AU resides.

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See Section 40-190.31.

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.516 The county shall comply with an AU's written request to make payments to the AU or to the providers of temporary shelter, permanent housing or utilities unless the conditions in Section 44-211.517 exist.

- (a) The CWD shall determine the most appropriate method of payment to third parties which includes, but is not limited to, direct vendor payments, two-party or restrictive endorsement checks, or voucher payments.

.517 The county shall make restricted payments when the county establishes a finding of mismanagement of CalWORKs cash assistance. A restricted payment is a vendor or two-party payment to a provider of temporary shelter, permanent housing or utilities for any future homeless assistance payments associated with the incident of homelessness.

(a) Mismanagement exists only when:

- (1) The county determines that the homeless assistance payment was not used for shelter; or
- (2) The AU fails to provide verification that the temporary shelter payment was spent on shelter; and/or as required under Section 44-211.532(d) for permanent housing; or
- (3) The AU provides verification which shows the homeless assistance payment was not paid to a provider who is a commercial establishment, etc., as specified in Section 44-211.526 and .532(c).
- (4) The recipient's homelessness is the result of the failure to pay rent, other than for the following:
 - (A) A rent increase which results in the AU's rent or share of the rent being over 80 percent of the maximum aid payment, without special needs, for an AU of that size.

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- (B) Reasonable exercise of a tenant's right to withhold rent for cause.
- (C) Domestic violence by a spouse, partner, or roommate.
- (b) The CWD shall do all of the following when restricted payments are provided to an AU:
 - (1) Issue the payment by one of the following methods, at the discretion of the CWD:
 - (A) Mail or delivery to the AU for delivery to the service provider.
 - (B) Mail or delivery directly to the service provider.
 - (2) Develop greater ability on the part of the recipient to manage funds in such a manner as to protect the welfare of the family by:
 - (A) Providing each family with informational materials.
 - (B) Referring the family to appropriate services where such services exist.

.52 Temporary Shelter

The temporary shelter payment is available once-in-a-lifetime, with exceptions (see Section 44-211.541), to a homeless AU for temporary shelter, when the AU is also seeking permanent housing.

.521 The temporary shelter payment is also available to homeless applicant AUs who are apparently eligible for CalWORKs.

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- (a) Apparent eligibility is defined in Section 40-129.11.
 - (1) The potentially eligible AU must meet technical conditions of eligibility as specified in Section 40-129.214(a).
 - (2) Information from any source may be considered.

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- (b) In determining an apparently eligible AU, do not include a person who is:
- (1) An alien applicant who does not provide verification of his/her eligible alien status; or
 - (2) A woman with no eligible children who does not provide medical verification of pregnancy; or
 - (3) A person who is sanctioned.

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- .522 An AU may receive temporary shelter assistance, after it has been granted permanent housing assistance, when the AU still needs temporary shelter prior to assuming occupancy of the permanent housing, provided that the temporary shelter 16-consecutive-day limit has not expired.
- .523 The payment for temporary shelter shall be issued or denied within the same working day in which the AU requests homeless assistance.
- (a) When the CWD arranges for shelter in the interim, the temporary shelter may be issued no later than the close of business on the working day following the request.
 - (b) The temporary shelter payment, or CWD arranged interim shelter, shall be issued to an otherwise eligible AU on the last CWD working day before a weekend or holiday when it is established that the AU will lack shelter on the weekend or holiday.
- .524 An AU determined to be homeless may be eligible for up to 16 consecutive days of temporary shelter assistance, regardless of the CWD's schedule for issuance of payments.
- (a) The 16-consecutive-day period begins on the first day for which a temporary shelter payment is provided to an AU.
 - (b) The AU must request all temporary shelter assistance before the end of the 16-consecutive-day limit.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)**44-211**

- (c) The AU must provide verification of shelter expenditures and a housing search to receive reimbursement for temporary shelter assistance for expenses incurred within the 16-day period.
- (d) Unless homelessness and, when applicable, an exception have been verified, an initial temporary shelter payment shall be issued for up to three working days plus any nonworking days that are bracketed by the working days. If homelessness has been verified, payments are issued in accordance with Section 44-211.524(f) which permits an extension of benefits.

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(1) EXAMPLE:

An AU requests temporary shelter on a Thursday. The following Monday is a national holiday and the CWD will be closed. The CWD may issue temporary shelter benefits for six days to pay for Thursday through Tuesday nights' shelter.

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- (e) The CWD shall verify the family's homelessness within the first three working days.
 - (1) The CWD shall refer the AU to its early fraud prevention and detection unit for assistance in the verification of homelessness when the AU meets the criteria outlined in Section 20-003.2 or 20-005.322.
 - (2) Other than referrals made pursuant to Section 44-211.524(e)(1), the CWD shall obtain the AU's consent for the release of information to verify homelessness.
 - (3) If the CWD is unable to verify that the AU is homeless, the AU must complete and sign a statement under penalty of perjury which includes the following information:
 - (A) A statement of liability for providing false information.
 - (B) Name, address and telephone number of previous landlord.
 - (C) Location where the AU is currently staying.

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- (f) After homelessness and, when applicable, an exception have been verified, benefits shall be issued on a weekly basis thereafter up to seven days for a maximum total of 16 consecutive calendar days. An extension of benefits beyond the initial payment shall be based upon:
- (1) The CWD's verification of the AU's homelessness within the first three working days.
 - (2) The AU's continuing need for temporary shelter benefits.
 - (3) The AU's documentation of a search for permanent housing while receiving temporary shelter benefits.
 - (A) The CWD shall issue a housing search form to the AU for the AU to document its search for housing.
 - (i) Other than cases of suspected fraud handled by the fraud unit, when the county chooses to make a collateral contact to verify housing search, the CWD must obtain the AU's consent.
 - (B) A minimum of one contact with prospective landlords for each day the AU receives temporary shelter benefits shall be required unless the AU has good cause for not searching for housing. An AU may contact prospective landlords in person, by telephone, or in writing.

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(i) **EXAMPLE**

An AU requests temporary shelter benefits on a Monday and is issued three days of benefits and a search form by the CWD. The AU returns to the CWD on Thursday. The search form shows that the only contacts were with three landlords on Thursday prior to returning to the CWD. If the CWD has verified the AU's homelessness and the AU still needs temporary shelter assistance, the CWD will consider the AU to have cooperated with the housing search requirement in Section 44-211.524(f)(3)(B), and issue up to seven more days of temporary shelter benefits.

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- (ii) Good cause for not searching for permanent housing includes, but is not limited to, the following situations:
 - a. The AU does not have access to a telephone, either through having one itself, or through a friend, shelter or accessible public place, and the AU also has no transportation and is living in a rural setting that makes public transportation unfeasible.
 - b. The permanent housing located by the AU is not yet available for occupancy.
 - (C) Temporary shelter benefits shall be issued while the AU is cooperating, as outlined in Section 44-211.524(f)(3)(B) regarding housing search.
 - (D) An AU shall not be issued temporary shelter benefits if the AU has not met the housing search requirement, as outlined in Section 44-211.524(f)(3)(B), and if applicable, has not submitted verification of an exception. If the AU subsequently meets the housing and/or verification of an exception requirement(s) within the 16-consecutive-day period, the AU shall continue to receive temporary shelter benefits for the remainder of the 16-consecutive-day period if otherwise eligible. No payment shall be issued for those days during which noncooperation existed.
 - (g) The applicant/recipient shall provide verification of the amount expended for temporary shelter after receiving a temporary homeless assistance payment but before receiving any subsequent homeless assistance payment made directly to the applicant/recipient.
 - (1) Repealed by Manual Letter No. EAS-92-01, effective 1/1/92.
- .525 The amount of the nonrecurring special need payment for temporary shelter shall be specified by the State Department of Social Services pursuant to the Budget Act.
- (a) An AU with four or fewer members shall receive a daily amount as specified in Welfare and Institutions Code Section 11450(f)(2)(A).

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- (1) Effective July 12, 2006, the amount is \$65.

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- (b) The fifth and each additional member of an AU shall each receive an amount equal to one-fourth of the amount specified in MPP 44-211.525(a).

- (1) The total amount available to an AU with five or more members shall not exceed a maximum of two times the amount specified in MPP 44-211.525(a).

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- (2) Effective July 12, 2006, the amount for the fifth and each additional member of an AU shall be \$15.00, for a maximum of \$125 a day.

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.526 In order for the homeless assistance program to be available to meet shelter costs, the AU shall use a provider of housing who is a commercial establishment, shelter, publicly funded transitional housing, or person in the business of renting properties who has a history of renting properties.

- (a) When the AU fails to pay a provider in accordance with this requirement, the county shall follow the restricted payment provisions of Section 44-211.517.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)**44-211****HANDBOOK BEGINS HERE**

(1) Example:

The AU receives three days of temporary shelter assistance in the amount of \$195. On the fourth day, the AU returns to the CWD for an extension of benefits. The AU provides a receipt that shows payment was made on two nights at XYZ Motel in the amount of \$75. The AU provides a receipt that shows on the third night the AU stayed with a friend who is not in the business of providing shelter and paid the friend \$15. The county determines that the third night the AU failed to pay a provider in accordance with this requirement. The county establishes that mismanagement of funds exists and the subsequent payment is made as a restricted payment.

(2) Example:

The AU receives three nights of temporary shelter in the amount of \$195. The AU returns on the fourth day to request an extension of benefits. The AU provides a receipt that shows the AU stayed in a shelter three nights at a cost of \$15. The AU has met the requirement of staying in a commercial establishment.

(3) Example:

The AU receives \$195 for three nights of shelter. The AU returns on the fourth night for an extension of benefits. The AU provides verification that shows \$205 was spent on two nights of shelter at the XYZ Motel. The third night the AU stayed with a friend at no cost. The AU has met the requirement of staying in a commercial establishment.

HANDBOOK ENDS HERE**.53 Permanent Housing**

The once-in-a-lifetime permanent housing payment, with exceptions (see Section 44-211.541), is available to assist homeless recipient AUs in obtaining or retaining permanent housing.

.531 Permanent housing payments are available to:

- (a) Help homeless families secure a permanent residence; or

44-211 SPECIAL NEEDS IN CALWORKS (Continued) 44-211

- (b) Pay up to two months of rent arrearages to prevent eviction. Each month of the rent arrearage payment shall not exceed 80 percent of the Total Monthly Household Income (TMHI), as defined in Section 44-211.534(b) and without special needs.
- .532 A nonrecurring special need payment for permanent housing assistance to secure a permanent residence shall be made only to AUs presenting evidence that the AU has found permanent housing which does not rent for more than 80 percent of the AU's TMHI, without special needs, for an AU of that size.
- (a) If the CWD determines that an AU intends to share housing costs, and the AU's share of the total housing costs does not exceed 80 percent of its TMHI, Section 44-211.532 above shall not apply.
 - (b) Shared housing includes, but is not limited to, the following:
 - (1) Two or more AUs residing together;
 - (2) SSI/SSP recipient(s) residing with CalWORKs recipient(s);
 - (3) An AU residing with unaided person(s) providing that the AU's share does not exceed 80 percent of the TMHI.
- .533 A nonrecurring special need payment for Permanent Housing Assistance to prevent eviction shall be made to AU's when payment of arrearages will prevent the AU from being evicted.
- (a) In order to be eligible for Permanent HA arrearage payments, the AU must also meet all of the following conditions:
 - (1) The AU must provide proof of a proposed or pending eviction such as "notice to pay rent or quit" or court eviction papers;
 - (2) The AU must provide proof to the CWD that the eviction is a result of financial hardship and not for other lease or rental violations;
 - (3) The financial hardship must have been caused by extraordinary circumstances beyond the AU's control;

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- (4) The financial hardship resulting in the AU's eviction must also render the AU homeless in accordance with MPP Section 44-211.511.
- (b) It is the county's responsibility to determine what constitutes a "financial hardship resulting from extraordinary circumstances beyond the AU's control" and this determination must be made after a careful assessment of the unique facts presented in each case.

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- (1) Examples of expenses that might cause the AU to experience financial hardship include, but are not limited to:
- High hospital bills or medical expenses not covered by Medi-Cal.
 - Car repairs.
 - Funeral expenses.
 - Cost required traveling to visit an ill or dying relative or to attend a funeral.
 - High utility bills resulting from unforeseen circumstances, such as weather extremes or repair problems.
 - Loss of wages due to illness of self or family members or temporary unemployment.
- (2) Examples of reasons that might cause financial hardship for an AU that would not be considered a result of extraordinary circumstances beyond the AU's control include, but are not limited to:
- Loss of income due to purchase of non-essential household goods, gambling debts, parties, or vacations.
 - Failure to budget appropriately such as overspending on items not related to family need or mismanagement of household funds.
 - Normal occurring credit card expenses, not related to unusual or unanticipated expense.

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- (c) The county shall pay up to two months of an AU's rent arrearage, provided each month's arrearage amount does not exceed 80 percent of the AU's TMHI without special needs.
- (d) If the CWD determines that the AU that is being evicted has been sharing housing costs as described in 44-211.532(b), the county shall pay only the eligible AU's share of the rent arrearages.
- (e) The CWD must ensure that payment of the Permanent HA arrearages in a shared housing situation will prevent eviction. If making these arrearage payments would not prevent eviction the CWD shall not approve permanent HA arrearage payments.

.534 Definitions

- (a) "Income" means income to be counted towards the TMHI which includes gross earned and unearned income, including the CalWORKs computed grant, CalWORKs Special Need payments, or Supplemental Security Income (SSI) and State Supplementary Payment (SSP). An AU's CalFresh benefits do not count as income and are not included in the TMHI.
- (b) "Total Monthly Household Income" means income that can be used to determine eligibility for Permanent HA. Counties must count the income of the AU members and of any other persons whose income is currently used in calculating the AU's grant, including but not limited to sanctioned and penalized household members and persons who are excluded by law due to their undocumented non-citizen or drug/fleeing felon status.
 - (1) When an AU has asked to add a new person to their AU mid-period, any income of that person shall be included in the TMHI used to determine eligibility for and amount of Permanent HA, regardless of when the county will be increasing the AU size as a result of adding the new person.
 - (2) If the AU has reported that an AU member has left the home mid-period, and that person's income will no longer be available to help the AU pay rent, that person's income shall not be included as part of the AU's TMHI for Permanent HA.
 - (3) If an SSI/SSP recipient living in the home contributes toward the monthly rent, the family's total monthly rent amount to which the 80 percent standard is applied shall be reduced by the amount contributed by the SSI/SSP recipient.

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.535 An amount not to exceed two months of an AU's rent, as described in MPP Section 44-211.531, is available to pay for the reasonable costs of security deposits when the deposits are a condition of securing a permanent residence.

- (a) Security deposits include last month's rent and any legal payment, fee, deposit or charge that is required by a landlord as a condition of assuming occupancy.
- (b) That portion of the security deposit payment, available for last month's rent shall not exceed 80 percent of the AU's TMHI, without special needs, for an AU of that size.
- (c) In order for the homeless assistance program to be available to meet the cost of security deposits, the recipient must pay the permanent housing assistance to a commercial establishment or a person in the business of renting properties who has a history of renting properties.
- (d) The recipient shall provide verification within 30 calendar days of having received the permanent housing assistance payment of:
 - (1) The amount expended for permanent housing.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

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- (2) The payment of the permanent housing assistance to a commercial establishment or a person in the business of renting properties who has a history of renting properties.
- (e) Should the recipient fail to provide verification, the county shall make a determination as to whether the payment was used for permanent housing rented from a commercial establishment or a person in the business of renting properties.
- (1) A determination that the payment was not used for permanent housing or not used to pay a commercial establishment or a person in the business of renting properties shall result in a determination that mismanagement of funds exists for any future security deposit or utility payment associated with the same incident of homelessness.
- .536 The payment for permanent housing costs may include the actual costs of utility deposits in addition to the amount allowable for security deposits described in MPP 44-211.535.
- (a) The payment shall cover deposits (turn-on-fees) required for gas, electricity and/or water.
- (b) The payment shall not include the costs of overdue utility bills.
- .537 The county has one working day from the time the recipient provides the following information to issue or deny a payment for permanent housing assistance:
- (a) A written rental agreement which demonstrates the landlord's intent to rent to the AU at a cost which does not exceed 80 percent of the AU's TMHI.
- (1) If the county questions the validity of the rental agreement, or a rental agreement cannot be provided, the county shall verify that a rental agreement has been made by directly contacting the landlord or by some other means.
- (2) If the county cannot directly contact the landlord, or verify by some other means that a rental agreement has been made, then the recipient must complete and sign a statement under penalty of perjury which includes the following information:
- (A) A statement of liability for providing false information.

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- (B) Name and phone number of landlord.
 - (C) Location of rental.
 - (D) Terms of rental.
 - (E) Dollar amount of deposits and rent.
- (b) Information necessary for the CWD to establish eligibility for CalWORKs.
- (c) When applicable, verification of the exception to the once-in-a-lifetime homeless assistance benefit (see Section 44-211.541).
- .538 If due to an emergency, an AU must move within the 24-month time limit specified in MPP 44-211.513, the AU shall be allowed to transfer deposits to meet the security deposits for the new residence.
- (a) An emergency cannot result from an intentional act on the AU's part.
 - (b) If the CWD determines that the transfer was within the 24-month time limit, and not an emergency, refunded deposits shall be treated as liquid resources.
- .539 The payment for permanent housing costs is not available to assist recipients to return to their most recent former residence unless there are unusual circumstances beyond the recipient's control.
- (a) For purposes of this section, a most recent former residence is the house or the same unit in a duplex or apartment complex in which the recipient lived just prior to being determined homeless.

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EXAMPLE:

A family left its residence in Shasta County in order to take advantage of a job opportunity in Los Angeles. When they arrived in Los Angeles, the job was no longer available. The family returned to Shasta County and was homeless. Their former residence was available to rent, so they requested a permanent housing payment to move into their former residence. Their request should be granted due to unusual circumstances which prompted their return to Shasta County.

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.54 Once-In-A-Lifetime Homeless Exceptions

.541 Temporary and permanent housing assistance payments are each limited to once-in-a-lifetime with the following exceptions:

- (a) Whenever a state or federally declared natural disaster is the direct and primary cause of homelessness.
- (b) Limited to a maximum of one period of up to 16 consecutive calendar days of temporary shelter and one payment of permanent housing assistance in 12 months (see Section 44-211.513(b)(2)) when homelessness is the result of any of the following exceptions:
 - (1) Domestic violence by a spouse, partner, roommate, or
 - (2) Uninhabitability of the former residence caused by sudden and unusual circumstances beyond the applicant/recipient's control which includes, but is not limited to, fire, natural catastrophe, or condemnation, or
 - (3) A medically verified physical or mental illness, excluding alcoholism, drug addiction or psychological stress.

.542 The AU shall provide verification of the exceptional circumstance(s), described in Section 44-211.541(b), which resulted in the AU's homelessness. The circumstances listed under Section 44-211.541(b)(2) and (b)(3) shall be verified through a third-party governmental or private health and human services agency. Domestic violence circumstances may be verified by sworn statement as provided in Section 44-211.543.

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- (a) A county may require that a recipient of homeless assistance benefits who qualifies under this paragraph a second time in a 24-month period shall participate in a homelessness avoidance case plan as a condition of eligibility for homeless assistance benefits.
- (b) Examples of verification for the exceptions specified in Section 44-211.541(b) include the following:
- (1) Domestic violence - copies of records or reports from police departments; medical facilities; battered women's shelters signed by an administrator, counselor or designated staff member; and Adult and Child Protective Services, Family Services Bureau, Crisis Counseling Services agencies. These types of third party verifications are acceptable when the county has determined that a sworn statement by the victim is not credible.
 - (2) Physical or mental illness - medical verification from the appropriate treating physician, state certified nurse, nurse practitioner, physician's assistant, therapist, psychologist, licensed counselor, medical or clinical personnel with access to the patient's records who can verify the diagnosis.
 - (3) Uninhabitability of the residence - written statements or copies of reports from police departments, fire departments, the Red Cross, health department or any other agencies authorized to verify uninhabitability of the former residence.
- (c) Example: An AU applies for homeless assistance, under the exception of a mental condition. The AU had been homeless for some time and had no interim contact with any governmental or private health or human services agency which could verify that homelessness was caused by the mental condition. The AU was able to provide proof of the mental condition from a psychologist and a written statement from the former landlord stating that the AU was evicted because of disruptive behavior toward the other tenants. Based on the verification provided by the AU, the county determines that the AU is eligible for homeless assistance due to the mental illness exception.

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44-211 SPECIAL NEEDS IN CALWORKS (Continued)

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- .543 Sworn statement by a victim of past or present domestic abuse shall be sufficient to verify the AU meets a domestic violence exception unless the county documents in writing an independent and reasonable basis to find the applicant or recipient not credible, in accordance with domestic abuse regulations found at MPP Section 42-715.12.
- (a) A sworn statement by the victim shall be acceptable verification to meet an exception for up to two periods of temporary and two payments of permanent homeless assistance.
 - (b) If the county establishes the applicant or recipient is not credible, the county shall obtain third party verification of domestic violence pursuant to Section 44-542(b)(1).
- .544 A county shall immediately inform the victim who verifies domestic violence with a sworn statement of the availability of domestic violence counseling and services, and shall refer the victim to services upon request.
- .545 A county may require an applicant/recipient who verifies domestic violence by a sworn statement to participate in a homelessness avoidance case plan.
- (a) If a county requires an applicant/recipient who verifies domestic violence by a sworn statement to participate in a homelessness avoidance case plan, the plan shall include the provision of domestic violence services, if appropriate.
 - (b) If an applicant/recipient seeking a once-in-a-lifetime exception for homeless assistance based on domestic violence has previously received homeless avoidance service based on domestic violence, the county shall review whether services were offered to the applicant/recipient and consider what additional services would assist the recipient in leaving the domestic violence situation.

44-211	SPECIAL NEEDS IN CALWORKS (Continued)	44-211
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.546 Payments for temporary shelter and permanent housing under an exception shall only be authorized for a continuous period of homelessness caused by the same specific circumstances.

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- (a) An AU receives temporary shelter payments in January, 1996 for a verified exception of domestic violence. After receiving the temporary shelter payments, the AU returned to the former residence. In March, 1996 the AU requests the permanent housing payment with the CA 42 showing uninhabitability as the reason for homelessness. Since the AU had not been continuously homeless and the exception is different from that under which the temporary shelter payment was issued, the county determines the AU is not eligible for the permanent housing payment.

- (b) In January, 1996 an AU is issued temporary shelter payments because of uninhabitability. The residence was condemned. The AU then becomes homeless in February, 1996 because of a fire, which is declared a natural disaster by the state. The AU receives both the temporary shelter and permanent housing payments because of the disaster. In April, 1996 the AU returns requesting the permanent housing payment for the exception which began in January, 1996. The AU is again homeless because of uninhabitability. However, since the AU was not continuously homeless after the temporary shelter payment was issued in January 1996, and the current homelessness is not the result of the same specific circumstances, the county determines the AU is not eligible for the permanent housing payment.

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.6 Pregnancy Special Needs

- .61 For the purposes of this section, the term "third trimester" is defined as the beginning of the third month immediately prior to the month of anticipated birth and continuing through the month of birth.

- .62 In addition to the basic grant, a pregnancy special need payment shall be authorized for all eligible pregnant women who have provided medical verification, subject to the conditions in Sections 44-211.63 and .64.

44-211	SPECIAL NEEDS IN CALWORKS (Continued)	44-211
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.63 Eligible Applicants

.631 Section 44-211.631(QR) shall become inoperative and Section 44-211.631(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) A pregnant woman with no eligible children who has applied for CalWORKs, is in her third trimester, and is eligible to receive CalWORKs shall be entitled to receive the pregnancy special need payment from the date of application through the end of the quarter in which the child is expected to be born once required verification has been provided. If the birth of the child is voluntarily reported mid-quarter, the pregnancy special need payment shall be discontinued at the end of the month prior to the month in which the newborn is added into the AU (see Sections 44-316.312(d)(QR) and 44-318.15(QR)).

(SAR) A pregnant woman with no eligible children who has applied for CalWORKs, is in her third trimester, and is eligible to receive CalWORKs shall be entitled to receive the pregnancy special need payment from the date of application through the end of the semi-annual period in which the child is expected to be born once required verification has been provided. If the birth of the child is voluntarily reported mid-period, the pregnancy special need payment shall be discontinued at the end of the month prior to the month in which the newborn is added into the AU (see Sections 44-316.312(d)(SAR) and 44-318.15(SAR)).

.632 Section 44-211.632(QR) shall become inoperative and Section 44-211.632(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) A pregnant teen with no other eligible children in an AU of one who is under the age of 19, has not obtained a high school diploma or its equivalent and is otherwise eligible to receive CalWORKs, shall receive the pregnancy special need payment from the date of application through the end of the quarter in which the child is expected to be born once required verification has been provided. If the birth of the child is voluntarily reported mid-quarter, the pregnancy special need payment shall be discontinued at the end of the month prior to the month in which the newborn is added into the AU (see Section 44-316.312(QR) and 44-318.15(QR)).

(SAR) A pregnant teen with no other eligible children in an AU of one who is under the age of 19, has not obtained a high school diploma or its equivalent and is otherwise eligible to receive CalWORKs, shall receive the pregnancy special need payment from the date of application through the end of the semi-annual period in which the child is expected to be born once required verification has been provided. If the birth of the child is voluntarily reported mid-period, the pregnancy special need payment shall be discontinued at the end of the month prior to the month in which the newborn is added into the AU (see Section 44-316.312(d)(SAR) and 44-318.15(SAR)).

44-211	SPECIAL NEEDS IN CALWORKS (Continued)	44-211
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.633 Section 44-211.633(QR) shall become inoperative and Section 44-211.633(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) A pregnant woman who has applied for CalWORKs as part of an AU with other eligible persons or was the caretaker of a person in accordance with Section 82-820.22 and who is eligible shall be entitled to receive the pregnancy special need payment from the date of application through the end of the quarter in which the child is expected to be born once required verification has been provided. If the birth of the child is voluntarily reported mid-quarter, the pregnancy special need payment shall be discontinued at the end of the month prior to the month in which the newborn is added into the AU (see Section 44-316.31(QR) and 44-318.15(QR)).

(SAR) A pregnant woman who has applied for CalWORKs as part of an AU with other eligible persons or was the caretaker of a person in accordance with Section 82-820.22 and who is eligible shall be entitled to receive the pregnancy special need payment from the date of application through the end of the semi-annual period in which the child is expected to be born once required verification has been provided. If the birth of the child is voluntarily reported mid-period, the pregnancy special need payment shall be discontinued at the end of the month prior to the month in which the newborn is added into the AU (see Section 44-316.312(d)(SAR) and 44-318.15(SAR)).

.64 Eligible Recipients

.641 Section 44-211.641(QR) shall become inoperative and Section 44-211.641(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) The pregnancy special need payment for a pregnant woman who is receiving CalWORKs in an AU with eligible persons shall be granted from the month of the request continuing through the end of the quarter in which the child is expected to be born or the end of the month prior to the newborn being added to the AU, pursuant to Section 44-318.15(QR), once required verification has been provided.

(SAR) The pregnancy special need payment for a pregnant woman who is receiving CalWORKs in an AU with eligible persons shall be granted from the month of the request continuing through the end of the semi-annual period in which the child is expected to be born or the end of the month prior to the newborn being added to the AU, pursuant to Section 44-318.15(SAR), once required verification has been provided.

.642 The recipient is only required to verify pregnancy initially (when the pregnancy is reported) and when the pregnancy continues beyond the originally estimated date of birth.

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.65 A pregnancy special need payment is \$47 per month.

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NOTE: Authority cited: Sections 10553, 10554, 10604, 11209, and 11450(f) and (g), Welfare and Institutions Code. Reference: Sections 11056, 11155.2(a), 11265.1, 11265.2, 11265.3, 11266(a)(2), 11271, 11272, 11273, and 11273(b), 11450(a)(1), (b), (c), and (f), 11450(f)(2)(A)(i), 11450(f)(2)(B), 11450(f)(2)(C), 11450(f)(2)(E)(i), (ii), (iii), (v), and (vi), 11450.5, 11452.018(a), and 11453.2, Welfare and Institutions Code; 45 CFR 206.10(a)(1)(ii), 45 CFR 206.10(a)(8), 45 CFR 233.10(a)(1)(iv), 45 CFR 233.20(a)(2)(v)(A), 45 CFR 234.11, 45 CFR 234.60; and 42 U.S.C.A., Section 606(b).

44-212	MINIMUM BASIC STANDARD OF ADEQUATE CARE	44-212
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.1 Definition -- The Minimum Basic Standard of Adequate Care is set forth in W&I Code Section 11452, as the amount which is necessary to provide an Assistance Unit with the following:

.11 Housing

.12 Clothing

.13 Food

.14 Utilities

.15 Items for household operation, education and incidentals, recreation, personal needs, and insurance.

.16 Essential medical, dental, or other remedial care not otherwise provided at public expense

.17 Has been deleted per Manual Letter No. 77-045.

.2 The Minimum Basic Standard of Adequate Care set forth in Welfare and Institutions Code Section 11452 and previously distributed to the counties for each size AU (see Chapter 82-800 for composition of the AU) is in Section 44-207.212.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 45 CFR 233.20(a)(1)(i) and Sections 10553, 10554, and 10604, Welfare and Institutions Code.

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Repealed by Manual Letter No. EAS-87-08, effective 8/6/87.

44-215	PERSONS WHO DO NOT MEET REQUIREMENTS FOR INCLUSION IN THE FAMILY BUDGET UNIT	44-215
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Repealed by Manual Letter No. EAS-87-08, effective 8/6/87.

44-217	SUBSTANDARD HOUSING	44-217
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Repealed by Manual Letter No. EAS-87-08, effective 8/6/87.

44-223	A MOTHER IN A MATERNITY HOME	44-223
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Repealed by Manual Letter No. EAS-87-08, effective 8/6/87.

44-267	SPECIAL NEED PAYMENT FOR CHILD'S RETURN HOME FROM FOSTER CARE	44-267
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Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

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CHAPTER 44-300 AID PAYMENTS**44-301 MONEY PAYMENT PRINCIPLE 44-301**

Each individual or family has the right to manage his/her own affairs; to decide what use of his/her money, including the aid payment, will best serve his/her interests; and to make his/her purchases through the normal channels of exchange, to enjoy the same rights and to discharge his/her responsibilities in the same manner as other members of the community.

Aid payments shall be made in conformity with the money payment principle except when a problem in money management exists (see Section 44-307); when authorized sanctions are applied when a person fails without good cause to cooperate in the WIN Demo or GAIN Programs (see Section 42-691 or 42-786); when protective payments are made in noncooperation child support cases (see Sections 43-106 and 43-107.1); when money management is required under GAIN (see Section 42-785); or when directed by the Services System to make payments to a protective payee or to a vendor or vendors (see Section 44-307).

Aid payments are for the benefit of the recipient only and do not constitute income to any other person.

44-302 PAYMENT BY ELECTRONIC FUND TRANSFER 44-302**.1 Payment by Direct Deposit**

Notwithstanding Section 25-301, direct deposit of assistance payments must be made available to CalWORKs recipients in all counties that offer a program of direct payroll deposit to some or all of their employees.

- .11 The CWD shall notify recipients of the option to receive benefits by direct deposit at the time of application or redetermination.
- .12 The recipient can request at anytime to receive direct deposit.
- .13 The recipient shall be eligible for direct deposit for the duration they are on aid.

.2 Payment by Electronic Benefit Transfer (EBT)

Pursuant to Section 16-001.3, counties may elect to use the EBT system to issue cash benefits.

NOTE: Authority cited: Sections 10553, 10554, and 11006.2, Welfare and Institutions Code. Reference: Sections 10072 and 11006.2, Welfare and Institutions Code.

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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 (Continued)	44-304
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(SAR) If the annual redetermination is not completed by the 15th day of the month in which it is due, but on or before the last day of that month, the county shall not delay the payment and shall place the warrant in the mail or forward the first direct deposit electronic fund transfer in time to be available to the recipient by the first calendar day of the first month of the next SAR Payment Period if possible, but no later than the tenth calendar day of the first month of the next SAR Payment Period.

.512 Second Warrant Section 44-304.512(QR) shall become inoperative and Section 44-304.512(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) The county shall place the second warrant in the mail or forward the direct deposit electronic fund transfer in time to be available to the recipient by no later than the 15th calendar day of each month of the QR Payment Quarter.

(SAR) The county shall place the second warrant in the mail or forward the direct deposit electronic fund transfer in time to be available to the recipient by no later than the 15th calendar day of each month of the SAR Payment Period.

.52 Monthly Delivery Section 44-304.52(QR) shall become inoperative and Section 44-304.52(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) The county shall place the warrant in the mail or forward the direct deposit electronic fund transfer in time to be available to the recipient by the first calendar day of each month of the QR Payment Quarter unless the completed QR 7 is received after the tenth day prior to the end of the QR Submit Month.

44-304 AID PAYMENT SCHEDULES (Continued) 44-304

(QR) If the completed QR 7 is received after the tenth day prior to the end of the QR Submit Month, but on or before the first day of the next QR Payment Quarter, the county shall not delay the payment and shall place the warrant in the mail or forward the direct deposit electronic fund transfer in time to be received by the first day of the first month of the next QR Payment Quarter if possible, but not later than the tenth day of the first month of the next QR Payment Quarter.

(SAR) The county shall place the warrant in the mail or forward the direct deposit electronic fund transfer in time to be available to the recipient by the first calendar day of each month of the SAR Payment Period unless the completed SAR 7 is received after the tenth day prior to the end of the QR Submit Month or if the annual redetermination is not completed by the 15th day of the month in which it is due.

(SAR) If the completed SAR 7 is received after the tenth day prior to the end of the SAR Submit Month, but on or before the first day of the next SAR Payment Period, the county shall not delay the payment and shall place the warrant in the mail or forward the direct deposit electronic fund transfer in time to be received by the first day of the first month of the next SAR Payment Period if possible, but not later than the tenth day of the first month of the next SAR Payment Period.

(SAR) If the annual redetermination is not completed by the 15th day of the month in which it is due, but on or before the last day of that month, the county shall not delay the payment and shall place the warrant in the mail or forward the first direct deposit electronic fund transfer in time to be available to the recipient by the first calendar day of the first month of the next SAR Payment Period if possible, but no later than the tenth calendar day of the first month of the next SAR Payment Period.

.53 Notwithstanding Section 44-304.52, counties opting to use the EBT system shall issue cash benefits pursuant to Section 16-215.

44-304	AID PAYMENT SCHEDULES (Continued)	44-304
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- | | | |
|-----|-----------------|---|
| .65 | Out-of-County | Payments out of the county as soon as administratively feasible. |
| .66 | Vendor Payments | Payments according to specified intervals to third parties or vendors when requested by the recipient or when made in accordance with Section 44-303.3. |
| .7 | Recipient Dies | If a warrant is cashed or a direct deposit electronic fund transfer is made, but the recipient subsequently dies or becomes ineligible for aid there is no right to recovery. |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10063(a), 10072, 10553, 10554, 11006.2, 11251.3, 11265.1, 11453.2, 11455 and 17012.5, Welfare and Institutions Code; 45 CFR 206.10(a)(6)(D); 45 CFR 233.23; 45 CFR 233.29(a)-(d); 45 CFR 233.31(b)(4); 45 CFR 233.32; and Balderas v. Woods Court Order; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

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44-305 AID PAYMENTS - PAYEE AND DELIVERY 44-305

.1 To Whom Paid and Delivered

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- .11 For Payee and Delivery requirements applicable to pregnant or parenting minors who are participants of the California Work Pays Demonstration Project, see Section 89-201.4.

HANDBOOK ENDS HERE

.12 Child Living with Parent or Relative

- .121 If a child is living with a caretaker relative, the warrant shall be paid only to the caretaker relative unless such relative has a legally appointed guardian or conservator or there is a substitute payee or there is a vendor designated to receive payment (see Section 44-307). In such cases, the warrant is paid to the guardian, conservator, substitute payee or vendor.

- .122 If the caretaker relative is temporarily absent from the home, the warrant may be paid to a person designated by the caretaker relative.

- .123 The warrant is to be delivered only to the payee or otherwise according to the payee's instructions. If there is an emergency, the warrant may be delivered to a person acting temporarily for the parent or relative payee. (See Section 25-530.2.)

.13 Repealed by Manual Letter Number 81-62 (1/1/82)

.2 Alternate Payment System

- .21 A county may develop a plan that divides its cases into groups and pays aid to these cases on dates other than the first and fifteenth of the calendar month, in order to allow payment dates to be spaced evenly throughout the calendar month.

- .22 Such an alternate payment system must receive written approval of the California Department of Social Services before it may be implemented. The plan must provide that:

- .221 Each recipient shall be assigned a recurring, specified aid payment period. The budget period shall correspond to this payment period.

- .222 The aid payment shall be issued by mail or by direct deposit electronic fund transfer in time to be available to the recipient on the dates specified under Section 44-305.23.

- .223 Upon changing aid payment periods for any recipient, the recipient shall be provided a payment for the prorated amount of aid for the interim period between the end of the old payment period and the beginning of the new payment period. The prorated payment shall be made on the old aid payment delivery date.

44-305	AID PAYMENTS - PAYEE AND DELIVERY (Continued)	44-305
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- .224 Under the alternate payment system, references to month in the regulations shall be interpreted to mean the assigned aid payment or budget period.
- .225 Upon approval of the plan by the state and the assignment of an applicant to an alternate payment period, the recipient shall be informed of the payment period, budget period and dates he can expect his aid payment.
- .23 Aid payments to CalWORKs families residing in counties with approved semimonthly alternate payment systems shall be made in two installments during the payment period as follows:
 - .231 Section 44-305.231(QR) shall become inoperative and Section 44-305.231(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
 - (QR) The county shall issue the first aid payment by mail or forward the direct deposit electronic fund transfer in time to be available to the recipient by the first day of each month of the assigned QR Payment Quarter, unless the county received the completed QR 7 after the tenth day prior to the end of the assigned QR Submit Month. If the QR 7 is received after the tenth day prior to the end of the assigned QR Submit Month, but on or before the first day of the next assigned QR Payment Quarter, the county shall not delay the payment and shall issue the first aid payment in time to be available to the recipient by the first day of the next assigned QR Payment Quarter if possible, but not later than the tenth day of the first month of the next assigned QR Payment Quarter.
 - (SAR) The county shall issue the first aid payment by mail or forward the direct deposit electronic fund transfer in time to be available to the recipient by the first day of each month of the assigned SAR Payment Period, unless the county received the completed SAR 7 after the tenth day prior to the end of the assigned SAR Submit Month or the annual redetermination is not completed by the 15th day of the SAR Submit Month. If the SAR 7 is received after the tenth day prior to the end of the assigned SAR Submit Month or the annual redetermination is completed after the 15th day of the SAR Submit Month, but before benefits are discontinued, the county shall not delay the payment and shall issue the first aid payment in time to be available to the recipient by the first day of the next assigned SAR Payment Period if possible, but not later than the tenth day of the first month of the next assigned SAR Payment Period.
 - .232 The county shall place the second warrant in the mail or complete the second direct deposit electronic fund transfer in time to be available to the recipient by the 15th day of the assigned payment period.
- .24 The exceptions to standard delivery dates specified in Section 44-304.6 shall be applicable to counties that have alternate payment systems.

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

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; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12 (a)(1)(vii)].

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.

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- .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

44-309	PROTECTIVE PAYMENTS (Continued)	44-309
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- .13 The protective payee shall be selected using the following criteria:
 - .113 Interest in or concern with the recipient's welfare.
 - .114 Existence of a positive relationship with the recipient.
 - .115 Accessibility to the recipient.
 - .116 Good character and reliability (see also Section 40-107.2 for recipient's right to choose).
- .14 At least every three months, the way in which the protective payee's responsibilities are carried out shall be reviewed.
- .15 Protective payments will be terminated with return to money payment status only upon compliance by the parent or needy caretaker relative with the provisions of Sections 43-106 and/or 107, or Section 42-786.

NOTE: The above function shall be funded under Title IV-A of the Social Security Act.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code; and California Department of Health Services Manual Letter 77-1.

44-310	EXCEPTIONS TO PROTECTIVE PAYMENT REQUIREMENTS	44-310
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- .1 Protective payments under Sections 42-691.233, 42-786.5 and 44-309 are not required if, after making all reasonable efforts (see .2 below), the county is unable to locate an appropriate individual to whom protective payments can be made. In this case, the county shall continue to make payments on behalf of the remaining members of the assistance unit to the sanctioned caretaker.
- .2 At a minimum, reasonable efforts on the part of the county to locate a protective payee shall include the following actions:
 - .21 Inform the sanctioned individual that the county is required to make protective payments if it is able to locate an appropriate protective payee.
 - .22 Ask the sanctioned individual to name a person who can act as the protective payee, and explain the selection criteria of Section 44-309.13 to the sanctioned individual.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: California Department of Health Services Manual Letter 77-1.

44-311	COST-OF-LIVING ADJUSTMENTS	44-311
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Grant and benefit levels are adjusted annually on July 1 to reflect changes in the cost of living as provided by statute (see W&IC Sections 11453 and 13100). This section does not apply to foster care rates for AFDC children.

44-313	BUDGETING METHODS FOR CalWORKs	44-313
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Section 44-313(QR), Introductory Paragraphs, shall become inoperative and Section 44-313(SAR), Introductory Paragraphs, shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Budgeting is the activity used to compute the aid payments for a QR Payment Quarter for which eligibility exists using net nonexempt income, (see Chapter 44-100) that is reasonably anticipated to be received in the QR Payment Quarter. The budgeting method used is prospective budgeting.

(QR) Budgeting is an activity separate from the determination of eligibility. All eligibility factors, including income eligibility (see Section 44-207 and 44-316.324(QR)), are considered on a prospective basis.

(SAR) Budgeting is the activity used to compute the aid payments for a SAR Payment Period for which eligibility exists using net nonexempt income, (see Chapter 44-100) that is reasonably anticipated to be received in the SAR Payment Period. The budgeting method used is prospective budgeting.

(SAR) Budgeting is an activity separate from the determination of eligibility. All eligibility factors, including income eligibility (see Section 44-207 and 44-316.324(SAR)), are considered on a prospective basis.

.1 Prospective Budgeting

.11 Section 44-313.11(QR) shall become inoperative and Section 44-313.11(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Prospective budgeting is the method of computing an aid payment for a QR Payment Quarter using income that is reasonably anticipated to be received in that quarter (see Section 44-315.31(QR)) except for those mid-quarter changes where actual income is used as specified in Section 44-316.311(QR).

(SAR) Prospective budgeting is the method of computing an aid payment for a SAR Payment Period using income that is reasonably anticipated to be received in that period (see Section 44-315.31(SAR)) except for those mid-period changes where actual income is used as specified in Section 44-316.311(SAR).

44-313	BUDGETING METHODS FOR CalWORKs (Continued)	44-313
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.111 Section 44-313.111(QR) et seq. shall become inoperative and Section 44-313.111 (SAR) et seq. shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Income from the QR Data Month, anticipated changes in income from the QR 7 and mid-quarter income changes as specified in Section 44-316 shall be considered when determining eligibility and cash aid for a QR Payment Quarter. Documentation shall be entered in the case that explains how income was projected in determining cash aid calculations. Case narrative entries shall include, but are not limited to, the following:

(QR) (a) Income the recipient reports that he/she expects to receive in the QR Payment Quarter.

(QR) (b) Whether reasonably anticipated income will be different than income that the recipient reported receiving for the QR Data Month as reported on the QR 7.

(QR) (c) Documentation of the reasons for not accepting the recipient's reasonable anticipated income if the information is questionable.

(QR) (d) Other information used to determine what income will be used in the cash aid calculations (verifications, employers' statements, case history, etc.) if the recipient's reasonable anticipated income is not used.

(SAR) Income from the SAR Data Month, anticipated changes in income from the SAR Data Month, and mid-period income changes as specified in Section 44-316(SAR) shall be considered when determining eligibility and cash aid for a SAR Payment Period. Documentation shall be entered in the case that explains how income was projected in determining cash aid calculations. Case narrative entries shall include, but are not limited to, the following:

(SAR) (a) Income the recipient reports that he/she received in the SAR Data Month.

(SAR) (b) Any changes in income from the Data Month that the recipient reasonably anticipates receiving in the SAR Payment Period as reported on the SAR 7 or annual redetermination.

(SAR) (c) Documentation of the reasons for not accepting the recipient's reasonably anticipated income if the information is questionable.

(SAR) (d) Other information used to determine what income will be used in the cash aid calculations (verifications, employers' statements, case history, etc.) if the recipient's reasonably anticipated income is not used.

44-313	BUDGETING METHODS FOR CalWORKs (Continued)	44-313
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.12 Prospective budgeting shall be used to compute:

.121 Section 44-313.121(QR) shall become inoperative and Section 44-313.121(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) The CalWORKs grant for each month in a QR Payment Quarter.

(SAR) The CalWORKs grant for each month in a SAR Payment Period.

.2 Budgeting the Income of Individuals Added to or Deleted from an Existing Assistance Unit

.21 Section 44-313.21 (QR) shall become inoperative and Section 44-313.21(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) The income of a new person who is added to an existing AU shall be budgeted prospectively in accordance with Section 44-316.312(b)(QR) for each month of the QR Payment Quarter.

(SAR) The income of a new person who is added to an existing AU shall be budgeted prospectively in accordance with Section 44-316.312(b)(SAR) for each month of the SAR Payment Period.

.22 The income of an individual deleted from an AU shall not be considered income to the AU for budgeting purposes in any month(s) following his or her discontinuance except in the following circumstance:

.221 When the person remains in the home following discontinuance and has income which is considered available to the AU under Section 44-133, prospective budgeting shall continue.

.3 Budgeting in Approved Alternate Payment Systems

.31 Apply the requirements of 44-313 to approved alternate payment systems (see Section 44-305.2). Substitute references to "month" with phrase "28- to 31-day period not limited to a calendar month."

.4 Budgeting for Refugee or Cuban/Haitian Entrant Cases Transferred from Refugee or Cuban/Haitian Entrant Cash Assistance to CalWORKs

.41 Prospective budgeting shall continue for recipients transferred from the Refugee Resettlement or Cuban/Haitian Entrant Programs to CalWORKs.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11265.2, 11265.3, and 11450.5, Welfare and Institutions Code; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

44-314	MAXIMUM FAMILY GRANT (MFG)	44-314
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| .1 | Definitions | The following definitions pertain only to Section 44-314. |
| | .11 Break-in-Aid | For MFG purposes the following conditions will be considered a month in which the AU did not receive cash aid: |
| | .111 | A month in which the AU is eligible for a zero basic grant (ZBG) as defined in Section 44-315.8; or |
| | .112 | A month in which the reunification family does not receive a cash aid payment pursuant to Section 83-812.683. |
| .12 | Law Enforcement Agency | Law enforcement agency includes federal, state, and local law enforcement agencies. |
| .13 | Mental Health Professional | Mental health professional means a person who is licensed by the State of California to provide counseling services. |
| .14 | MFG Child | MFG child means the child, or children in the case of a multiple birth, that is not included in the AU size for the purpose of determining the MAP. |
| .15 | Received Aid | Received aid means received cash aid for himself/herself or on behalf of his/her eligible child(ren). This includes: |
| .151 | | A sanctioned parent who has a protective payee. |
| .152 | | A minor that receives aid as a child and who subsequently becomes a minor parent. |
| .2 | MFG | When a child is born into an AU that has received aid for at least ten months immediately prior to the birth, the child shall not be included in the AU size for the purpose of determining the MAP. |
| .3 | MFG Application | The MFG applies when: |
| .31 | Notice | The AU has received written notice of the MFG at least ten months prior to the birth of the child, and |

44-314	MAXIMUM FAMILY GRANT (MFG) (Continued)	44-314
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.32	No Break in Aid	The AU has not had a break in aid of at least two consecutive months during the ten months immediately prior to the month of birth of the child.
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.4	Continue MFG	The MFG continues to apply until the AU has not received aid for at least 24 consecutive months.
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.5	MFG Exemptions	MFG shall not apply when:
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.51	Rape	The child was conceived as a result of an act of rape, as defined in Sections 261 and 262 of the Penal Code, and
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.511		The rape has been reported to a law enforcement agency, medical or mental health professional or an organization that provides counseling to victims of rape prior to, or within three months after, the birth of the child.
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(a)		The recipient shall provide written verification from one of the entities listed above, that the incident of rape was reported and the date that the report was made.
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.52	Incest	The child was conceived as a result of incest, as defined in Section 285 of the Penal Code, and
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.521		Paternity has been established, or
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.522		The incest has been reported to a law enforcement agency, medical or mental health professional or an organization that provides counseling to victims of incest prior to, or within three months after, the birth of the child.
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(a)		The recipient shall provide written verification from one of the entities listed above that the incident of incest was reported and the date the report was made.
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.53	Contraceptive Failure	It is medically verified that the child was conceived as a result of the failure of:
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44-314 (Cont.)	STANDARDS OF ASSISTANCE AID PAYMENTS	Regulations
44-314	MAXIMUM FAMILY GRANT (MFG) (Continued)	44-314
.531		An intrauterine device, or
.532		Norplant, or
.533		The sterilization of either parent.
.54	Unaided Caretaker Relative	The child was conceived while either parent was an unaided nonparent caretaker relative.
.55	Not Living With Parent	The child is not living with either parent.
.56	Teen Parent/Former Teen Parent	A teen parent/former teen parent, who has met the age requirements in Section 42-101 at the time the child was born, establishes his/her own AU. When this occurs, the MFG rule shall not apply to:
.561		Any existing child of the teen parent/former teen parent, or
.562		Any new child born to the teen parent/former teen parent during the first ten months after establishing his/her own AU.
.6	MFG Child Eligibility	The MFG child is eligible for and a recipient of aid including special needs.
.61	MBSAC	The MFG child is included in the AU size for the MBSAC.
.62	Child Support	Any child support payments for the MFG child shall be given to the AU and exempt from consideration as income. For treatment as a resource, see MPP Section 42-211.2.
.621		Benefits from the Social Security Administration or other government programs that are based on an absent parent's disability or retirement and paid to, or on behalf of, the MFG child shall be considered child support for MFG purposes.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11203, 11265.2, 11450.04(a), (b)(1), (2) and (3), (d)(1), (2) and (3), and (e), Welfare and Institutions Code; Sections 261, 262, and 285, Penal Code; Nickols v. Saenz, Case Number 310867, August 25, 2000; and Kehrer v. Saenz, Case Number 99CS02320, January 22, 2001.

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44-315 AMOUNT OF AID 44-315

- .1 Definitions These definitions are specific to and for purposes of this section.
- .11 Net Nonexempt Income "Net Nonexempt Income" means all earned income and disability-based unearned income less applicable disregards, plus any unearned income.

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[See Chapter 44-100 to determine net nonexempt income.]

HANDBOOK ENDS HERE

- .12 Grant Amount "Grant Amount" means the amount of cash aid which is to be paid to the AU for a given month.
- .13 Potential Grant "Potential Grant" means the subtotal after the net nonexempt income is subtracted from the MAP plus special needs for the family. The potential grant may equal the grant amount if the potential grant is equal to or less than the MAP plus any special needs for the AU only.
- .2 County Responsibility The county is responsible for computing the amount of aid payment when:
- .21 Granted Aid is granted or restored;
- .22 Redetermination A redetermination of eligibility is made;
- .23 Change There is a change in need, income, or other factors affecting the amount of aid to which the recipient is eligible.
- .3 Amount of Grant The county shall calculate the amount of grant as follows:
- .31 Section 44-315.31(QR) et seq. shall become inoperative and Section 44-315.31(SAR) et seq. shall become operative in a county on the date SAR becomes effective in the county, pursuant to the County's SAR Declaration.

44-315 (Cont.)	STANDARDS OF ASSISTANCE AID PAYMENTS	Regulations
44-315	AMOUNT OF AID (Continued)	44-315
(QR) Reasonably Anticipated Monthly Income	The reasonably anticipated monthly income shall be used to determine cash aid for the QR Payment Quarter.	
(SAR) Reasonably Anticipated Monthly Income	The reasonably anticipated monthly income shall be used to determine cash aid for the SAR Payment Period.	
(QR) .311	Income shall be considered to be reasonably anticipated if the county determines that:	
(QR) (a)	The income has been or will be approved or authorized within the next QR Payment Quarter, or the household is otherwise reasonably certain that the income will be received within the QR Payment Quarter; and	
(QR) (b)	The amount of the income is known.	
(SAR) .311	Income shall be considered to be reasonably anticipated if the county determines that:	
(SAR) (a)	The income has been or will be approved or authorized within the next SAR Payment Period, or the household is otherwise reasonably certain that the income will be received within the SAR Payment Period; and	
(SAR) (b)	The amount of the income is known; and	
(SAR) (c)	The start date of the income is known.	
(QR) .312	If necessary, the county may require the recipient to provide one or more months of the previous quarter's income when the county needs more information to determine what income is reasonably anticipated for the next QR Payment Quarter.	
(SAR) .312	If necessary, the county may require the recipient to provide one or more months of the previous period's income when the county needs more information to determine what income is reasonably anticipated for the next SAR Payment Period.	
(QR) .313	That portion of the AU's income which is uncertain or cannot be reasonably anticipated, in accordance with Section 44-101(c)(1)(QR), will not be counted when determining income eligibility and cash aid.	

44-315	AMOUNT OF AID (Continued)	44-315
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(SAR)	.313		That portion of the AU's income which is uncertain or cannot be reasonably anticipated, in accordance with Section 44-101(c)(1)(SAR), will not be counted when determining income eligibility and cash aid.
(QR)	.314	Determine if Income Will Continue or Be Different	The county shall determine whether the reasonably anticipated monthly income is expected to be different from the income reported for the QR Data Month for one or more months during the next QR Payment Quarter or whether the monthly income reported for the QR Data Month is expected to continue during each month of the next QR Payment Quarter.
(SAR)	.314	Determine if Income Will Continue or Be Different	The county shall determine whether the reasonably anticipated monthly income is expected to be different from the income reported for the SAR Data Month for one or more months during the next SAR Payment Period or whether the monthly income reported for the SAR Data Month is expected to continue during the next SAR Payment Period.
	.315	Income Expected to Continue	
(QR)	(a)	Weekly/Bi-Weekly Payments	Under the following circumstances the county shall add weekly or bi-weekly (every other week) Data Month income amounts reported on the QR 7 and divide that total by the number of pay periods in the Data Month to arrive at an average weekly or bi-weekly income amount to which the conversion factor (see Section 44-315.315(b)(QR)) shall be applied:
	(QR)	(1)	An AU reports on the QR 7 that it is paid on a weekly or bi-weekly basis and indicates that it does not anticipate any changes in income in the upcoming quarter compared to the Data Month income actually reported on the QR 7, and the county is in agreement with the AU's report of no change in income; or

44-315 AMOUNT OF AID (Continued)

44-315

(QR) (2)

An AU reports on the QR 7 that it is paid on a weekly or bi-weekly basis and indicates that it anticipates changes in income in the upcoming quarter, but the county determines in its follow-up review that the AU's reasonably anticipated income in the next QR Payment Quarter will not change from what was reported in the Data Month on the QR 7; or

(QR) (3)

An AU reports on the QR 7 that it is paid on a weekly or bi-weekly basis and indicates that it anticipates changes in income in the upcoming quarter and the new amount is known and that the amount will remain the same for the entire QR Payment Quarter and the county is in agreement with the AU's report of the change in income.

(SAR) (a) Weekly/Bi-Weekly
Payments

Under the following circumstances the county shall add weekly or bi-weekly (every other week) Data Month income amounts reported on the SAR 7 or the SAWS 2 and divide that total by the number of pay periods in the Data Month to arrive at an average weekly or bi-weekly income amount to which the conversion factor (see Section 44-315.315(b)(SAR)) shall be applied:

(SAR) (1)

An AU reports on the SAR 7 or SAWS 2 that it is paid on a weekly or bi-weekly basis and indicates that it does not anticipate any changes in income in the upcoming SAR Payment Period compared to the Data Month income actually reported on the SAR 7 or SAWS 2, and the county is in agreement with the AU's report of no change in income; or

(SAR) (2)

An AU reports on the SAR 7 or SAWS 2 that it is paid on a weekly or bi-weekly basis and indicates that it anticipates changes in income in the upcoming SAR Payment Period, but the county determines in its follow-up review that the AU's reasonably anticipated income in the next SAR Payment Period will not change from what was reported in the Data Month on the SAR 7 or SAWS 2; or

44-315 AMOUNT OF AID (Continued)

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(SAR) (3)

An AU reports on the SAR 7 or SAWS 2 that it is paid on a weekly or bi-weekly basis and indicates that it anticipates changes in income in the upcoming SAR Payment Period and the new amount is known and the frequency of pay is anticipated to remain the same for the SAR Payment Period and the county is in agreement with the AU's report of the change in income.

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(QR) Example 1:

The recipient reports on the QR 7 that four weekly paychecks were received in the following amounts: \$115, \$100, \$135, and \$95. The recipient also indicated on the QR 7 that his/her income is not expected to change during the next QR Payment Quarter compared to the income reported on the QR 7. The county will add the four weeks of income together, divide by four and then factor the resultant amount by 4.33 (use the appropriate conversion factor for the payment frequency) to arrive at the monthly income amount for the next QR Payment Quarter. If five pay periods were reported in the Data Month on the QR 7, the county will add each week together and divide by five and then factor the resultant amount by 4.33.

(SAR) Example 1:

The recipient reports on the SAR 7 that four weekly paychecks were received in the following amounts: \$115, \$100, \$135, and \$95. The recipient also indicated on the SAR 7 that his/her income is not expected to change during the next SAR Payment Period compared to the income reported on the SAR 7. The county will add the four weeks of income together ($\$115 + \$100 + \$135 + \$95 = \$445$), divide by four ($\$445 / 4 = \111.25) and then factor the resultant amount by 4.33 ($\$111.25 \times 4.33 = \481.71) (use the appropriate conversion factor for the payment frequency) to arrive at the monthly income amount for the next SAR Payment Period. If five pay periods were reported in the Data Month on the SAR 7, the county will add each week together and divide by five and then factor the resultant amount by 4.33.

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(QR) Example 2: The QR Payment Quarter is January/February/March. The recipient indicated on the QR 7 that weekly income of \$100 was received in the Data Month and marks on the QR 7 that this income amount will not continue during the upcoming QR Payment Quarter. The county consults with the recipient and finds out that the recipient anticipated a change in income because he/she hopes to get a new job in the next quarter but has no firm offer. The recipient states that if he/she does not get a new job, he/she will continue at the current job throughout the next quarter making the same amount. Due to the speculative nature of the new job and the recipient's statement regarding the current job, the county determines that the income reported in the Data Month on the QR 7 is reasonably anticipated to continue during the next quarter. Therefore, the county would apply the conversion factor of 4.33 to the \$100 weekly amount to arrive at the monthly income amount for the next QR Payment Quarter. (In this example, because the \$100 weekly amount remains the same for each pay period, the step requiring that the weekly amounts be added together and divided by the number of pay periods is not necessary.)

(SAR) Example 2: A recipient indicates on the SAR 7 that weekly income of \$100 was received in the Data Month and explains on the SAR 7 that this income amount will not continue during the upcoming SAR Payment Period because the recipient hopes to get a new job soon but has no firm offer. Due to the speculative nature of the new job, the county determines that the income reported in the Data Month on the SAR 7 is reasonably anticipated to continue during the next SAR Payment Period. Therefore, the county would apply the conversion factor of 4.33 to the \$100 weekly amount to arrive at the monthly income amount of \$433 for the next SAR Payment Period. (In this example, because the \$100 weekly amount remains the same for each pay period, the step requiring that the weekly amounts be added together and divided by the number of pay periods is not necessary.)

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(QR) Example 3: The QR Payment Quarter is January/February/March. The recipient indicated on the QR 7 that bi-weekly income of \$200 was received in the Data Month and marks on the QR 7 that this income amount will increase to a bi-weekly income of \$250 and will remain the same for the entire next QR Payment Quarter. The county agrees with the recipient's QR 7 information and applies the 2.167 conversion factor to the \$250 bi-weekly amount to arrive at the monthly income amount for the next QR Payment Quarter. (In this example, because the \$250 weekly amount remains the same for each pay period, the step requiring that the bi-weekly amounts be added together and divided by the number of pay periods is not necessary.)

(SAR) Example 3: The SAR Payment Period is January through June. A recipient indicates on the May SAR 7 that bi-weekly income of \$200 was received in the Data Month and explains on the SAR 7 that this income amount will increase to a bi-weekly amount of \$250 beginning in the Submit Month of June and will continue at that amount. The county agrees with the recipient's SAR 7 information and applies the 2.167 conversion factor to the \$250 bi-weekly amount to arrive at the monthly income amount of \$541.75 for the next SAR Payment Period. (In this example, because the \$250 bi-weekly amount remains the same for each pay period, the step requiring that the bi-weekly amounts be added together and divided by the number of pay periods is not necessary.)

(SAR) Example 4: The SAR Payment Period is January through June. A recipient indicates on the June SAWS 2 that their current weekly income of \$150 will only continue through August, when their summer job will end. The county agrees with the recipient's SAWS 2 information and applies the 4.33 conversion factor to the \$150 weekly amount to arrive at the monthly income amount of \$649.50 for the months of July and August. No income will be used for the months of September through December.

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(b) The average weekly and bi-weekly amounts arrived at above shall be converted to a monthly amount by using a 4.33 conversion factor for weekly payments and a 2.167 conversion factor for payments received bi-weekly.

(QR) (c) The conversion factors can only be used if reasonably anticipated weekly and bi-weekly payments are reasonably anticipated to be paid throughout the entire QR Payment Quarter for each week or for every other week in the QR Payment Quarter. For reasonably anticipated income that is not paid weekly or bi-weekly for one or more months of the QR Payment Quarter, the total monthly reasonably anticipated income amounts shall be added together and averaged over the months of the QR Payment Quarter, by adding each month total income and dividing by the number of months in the QR payment quarter.

(SAR) (c) The conversion factors can only be used if weekly or bi-weekly payments are reasonably anticipated to continue throughout the SAR Payment Period.

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(QR) Example: The recipient reports on the QR 7 that she is paid on a weekly basis except she only works three weeks in a month and indicates that this frequency of pay will remain the same throughout the next QR Payment Quarter and will remain unchanged throughout the next QR Payment Quarter. She is typically paid \$115, \$100, and \$135. The county will add the three weeks of income together to arrive at a reasonably anticipated monthly income for the next QR Payment Quarter. Since income is not paid every week of the QR Payment Quarter, the conversion factor cannot be applied.

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(SAR) Example: The recipient reports on the SAR 7 that she is paid on a weekly basis except she only works three weeks in a month and indicates that this frequency of pay will remain the same throughout the next SAR Payment Period and will remain unchanged throughout the next SAR Payment Period. She is typically paid \$115, \$100, and \$135. The county will add the three weeks of income together ($\$115 + 100 + 135 = \350) to arrive at a reasonably anticipated monthly income for the next SAR Payment Period. Since income is not paid every week of the SAR Payment Period, the conversion factor cannot be applied.

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(QR) (d) Monthly/Semi-Monthly Payments For income that is received monthly or semi-monthly (two times a month) and is expected to continue, the county shall use the total monthly income amount reported on the QR 7 for the QR Data Month to calculate cash aid for the next QR Payment Quarter. The conversion factors shall not be used for income that is received monthly or semi-monthly.

(SAR) (d) Monthly/Semi-Monthly Payments For income that is received monthly or semi-monthly (two times a month) and is expected to continue, the county shall use the total monthly income amount reported on the SAR 7 or the SAWS 2 for the SAR Data Month to calculate cash aid for the next SAR Payment Period. The conversion factors shall not be used for income that is received monthly or semi-monthly.

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(QR) Example: The recipient reports on the QR 7 that monthly income of \$500 received in the QR Data Month will continue for the QR Payment Quarter. The county shall use the \$500 monthly income total to calculate cash aid.

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(SAR) Example: The recipient reports on the SAWS 2 that monthly income of \$500 received in the SAR Data Month will continue for the SAR Payment Period. The county shall use the \$500 monthly income total to calculate cash aid.

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(QR) .316 Income Expected to Be Different For income that is reasonably anticipated to be different for one or more months of the QR Payment Quarter, the monthly income amounts shall be averaged over the months of the QR Payment Quarter by adding each month's total income and dividing that total by the number of months in the QR Payment Quarter.

(QR) If this income is paid on a weekly or bi-weekly basis, the county shall determine the number of pay periods and their amounts reasonably anticipated to be received during each month of the QR Payment Quarter to compute the reasonably anticipated income total for each month.

(SAR) .316 Income Expected to Change For income that is reasonably anticipated to change during the SAR Payment Period, the current monthly income amount shall be used to calculate the grant for the months in which it is reasonably anticipated to be received. When a change in income is reported, the new amount of income shall be used to calculate the grant for the months of the SAR Payment Period in which it is reasonably anticipated to be received.

(SAR) If this income is paid on a weekly or bi-weekly basis, the county shall convert the income into a monthly amount as described in Section 44-315.315(a)(SAR) to compute the reasonably anticipated income to use for each month of the SAR Payment Period.

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(QR) Example:

A recipient is in a January/February/March quarter. The recipient indicated on the QR 7 that weekly income of \$100 per week was received in the QR Data Month and that this income will not continue during the April/May/June quarter. The county consults with the recipient and determines that the \$100 per week pay will only be received until the second week of May. The recipient will begin a new job on June 1 and anticipates receiving a monthly income of \$500. There are five pay periods in April, and four pay periods in May.

Once the monthly income amounts for each month of the QR Payment Quarter have been determined, add the reasonably anticipated income for each month of the quarter and divide by the number of months in the QR Payment Quarter to arrive at a reasonably anticipated monthly income. The county shall use the reasonably anticipated monthly income to calculate cash aid for the QR Payment Quarter.

The county will compute income for the new quarter as follows:

April	\$500
May	\$200
June	\$500
Total Quarter income	\$1200

The reasonably anticipated monthly income is \$400 (\$1200 divided by the number of months in the QR Payment Quarter).

The reasonably anticipated income for each month of the QR Payment Quarter \$400.

(SAR) Example:

A recipient is in a January through June SAR Payment Period. The recipient indicates on the June SAR 7 that weekly income of \$100 per week was received in the SAR Data Month and that this income will increase to \$150 per week beginning in August.

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44-315 AMOUNT OF AID (Continued)

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(SAR) Example:

Recipient provides a SAR 7 with four check stubs for the Data Month of varying amounts (\$50, \$150, \$75, and \$500). There were five weeks in that month, and for one week, he reports no earnings at all. He works on call and has no idea when he will be called in. The worker reviews the case and confirms that the recipient had periods of no income in the past. The worker then carefully documents the basis for being unable to reasonably anticipate *any* income, and budgets no income for the upcoming SAR period. The recipient must report income above the IRT in accordance with requirements, but any other mid-period income report is voluntary.

(SAR) Example:

Using the same employment scenario as above, except that the recipient reports that he expects to earn at least \$150/month. The CWD shall accept this statement, unless there is a reason to find it questionable. The worker must document the basis for using the estimate or document the reason for using a different amount. (For example: Past earning history shows that the recipient has always earned at least that amount, and although there were periods of higher earnings, they were sporadic). The recipient must report income above the IRT in accordance with requirements, but any other mid-period income report is voluntary. The recipient can also report mid-period if his income does not reach \$150 and the grant amount shall be supplemented, as necessary.

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(QR) .317 Determination of Aid Based on Mid-Quarter Changes

When a recipient mid-quarter report or a county initiated action changes the amount of cash aid, except as provided in Section 44-316.312(a)(3)(QR), the county shall determine the grant amount by adding the monthly income for the remaining months of the QR Payment Quarter then dividing by the number of months remaining in the QR Payment Quarter. The county shall use the reasonably anticipated monthly income to calculate cash aid for the remainder of the QR Payment Quarter.

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(SAR) .317	Determination of Aid Based on Mid-Period Changes	When a recipient mid-period report or a county initiated action changes the amount of cash aid, except as provided in Section 44-316.312(a)(3) (SAR), the county shall determine the grant amount by determining the monthly income that is reasonably anticipated for each remaining month of the SAR Payment Period. The county shall use the reasonably anticipated monthly income to calculate cash aid for the remaining months of the SAR Payment Period.
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.32	"Family" MAP	Determine the Maximum Aid Payment (MAP) for all family members whose needs are considered in the payment month. The MAP is set forth in Welfare and Institutions Code Section 11450.
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.321 MBSAC and MAP Levels***

(a) REGION 1 MBSAC/MAP STANDARDS

<u># in AU</u>	<u>MBSAC</u>	<u>EXEMPT MAP*</u>	<u>NONEXEMPT MAP*</u>
1	\$576	\$351	\$317
2	\$943	\$577	\$516
3	\$1,169	\$714	\$638
4	\$1,387	\$849	\$762
5	\$1,584	\$966	\$866
6	\$1,781	\$1,086	\$972
7	\$1,957	\$1,192	\$1,069
8	\$2,131	\$1,301	\$1,164
9	\$2,311	\$1,405	\$1,258
10 or more**	\$2,509	\$1,510	\$1,351

REGION 2 MBSAC/MAP STANDARDS

<u># in AU</u>	<u>MBSAC</u>	<u>EXEMPT MAP*</u>	<u>NONEXEMPT MAP*</u>
1	\$546	\$334	\$300
2	\$896	\$550	\$490
3	\$1,110	\$681	\$608
4	\$1,320	\$809	\$725
5	\$1,507	\$923	\$825
6	\$1,694	\$1,035	\$926
7	\$1,858	\$1,137	\$1,016
8	\$2,028	\$1,239	\$1,109
9	\$2,191	\$1,340	\$1,198
10 or more**	\$2,386	\$1,439	\$1,286

* See MPP Section 89-110.2 for definition of Exempt and Nonexempt AUs.

** For MBSAC add twenty two dollars (\$22) for each additional needy person.

*** MBSAC Levels effective 07/01/12, MAP Levels effective 07/01/11, MBSAC levels are subject to annual Cost of Living Adjustments. MAP levels are subject to change. (See Welfare and Institutions Code Sections 11450, 11452, and 11453.)

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REGION 1 COUNTIES

REGION 2 COUNTIES

Alameda	Orange	Santa Clara	Alpine	Lake	San Bernardino
Contra Costa	San Diego	Santa Cruz	Amador	Lassen	San Joaquin
Los Angeles	San Francisco	Solano	Butte	Madera	Shasta
Marin	San Luis Obispo	Sonoma	Calaveras	Mariposa	Sierra
Monterey	San Mateo	Ventura	Colusa	Mendocino	Siskiyou
Napa	Santa Barbara		Del Norte	Merced	Stanislaus
			El Dorado	Modoc	Sutter
			Fresno	Mono	Tehama
			Glenn	Nevada	Trinity
			Humboldt	Placer	Tulare
			Imperial	Plumas	Tuolumne
			Inyo	Riverside	Yolo
			Kern	Sacramento	Yuba
			Kings	San Benito	

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.33 Add Special
 Need Payment

Add any special need payment amounts for the family to the MAP.

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- .34 Net Nonexempt Income Round to the next lower dollar the net nonexempt income from the budget month including in-kind income.

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(See Chapter 44-100 for computing net nonexempt income.)

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- .35 Potential Grant Subtract the net nonexempt income amount from the MAP plus special need for the family. This is the potential grant amount.
- .36 AU MAP Determine the Maximum Aid Payment (MAP) for the AU only. The MAP is set forth in Welfare and Institutions Code Section 11450.
- .37 Add Special Need Payments Add any special need payments for the AU only to the MAP.
- .38 Actual Grant Amount The actual grant amount is the lesser of the potential grant amount or the sum of the MAP plus special needs for the AU only.

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- .381 For additional Amount of Aid requirements applicable to pregnant or parenting minors who are Cal-Learn participants, see Section 42-762.7.
- .39 Computation Examples Handbook Section 44-315.39(QR) shall become inoperative and Handbook Section 44-315.39(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

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(QR) Computation of Monthly Grant Amount for the QR Payment Quarter when the AU's Income Reported for the QR Data Month is Expected to Continue for Each Month of the QR Payment Quarter

Example 1:

A nonexempt family of four (a pregnant mom, stepfather (father of the unborn) and her two separate children) are in a July, August, and September Quarter. The stepfather has gross earned income of \$775 per month, with no other income and no reasonably anticipated changes in income for the QR Payment Quarter. The family lives in Region 1.

\$ 775	Reasonably Anticipated Monthly Earned Income for the Family
<u>- 112</u>	\$112 Income Disregard
\$ 663	Subtotal
<u>- 331</u>	50% Earned Income Disregard*
\$ 331	Total Net Nonexempt Income*
\$ 762	"Family" MAP for Four (mother, stepfather and two children) Region 1
<u>+ 47</u>	Special Needs AU (third trimester of pregnancy)
\$ 809	Total (MAP plus special needs)
<u>- 331</u>	Net Nonexempt Income
\$ 478	Potential Grant
\$ 638	Nonexempt AU MAP for Three (Region 1)
<u>+ 47</u>	Special Needs for AU
\$ 685	Total MAP plus Special Needs
\$ 478	Actual Grant Amount (lesser of potential grant or AU MAP plus special needs)

* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: MPP Section 44-315.34

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HANDBOOK CONTINUES

(SAR) Computation of monthly grant amount for the SAR Payment Period when the AU's income reported for the SAR Data Month is expected to continue for the upcoming SAR Payment Period.

Example 1:

A nonexempt family of four (a pregnant mom, stepfather (father of the unborn) and her two separate children) are in a July through December SAR Payment Period. The stepfather reports receiving gross earned income of \$775 in the Data Month of November. The AU has no other income and does not reasonably anticipate any changes in income for the upcoming SAR Payment Period. The family lives in Region 1.

\$ 775	Reasonably Anticipated Monthly Earned Income for the Family
<u>- 112</u>	\$112 Income Disregard
\$ 663	Subtotal
<u>- 331</u>	50% Earned Income Disregard*
\$ 331	Total Net Nonexempt Income*
\$ 762	"Family" MAP for Four (mother, stepfather and two children) Region 1
<u>+ 47</u>	Special Needs AU (third trimester of pregnancy)
\$ 809	Total (MAP plus special needs)
<u>- 331</u>	Net Nonexempt Income
\$ 478	Potential Grant
\$ 638	Nonexempt AU MAP for Three (Region 1)
<u>+ 47</u>	Special Needs for AU
\$ 685	Total MAP plus Special Needs
\$ 478	Actual Grant Amount (lesser of potential grant or AU MAP plus special needs)

* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: MPP Section 44-315.34

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(QR) Computation of Monthly Grant Amount for the QR Payment Quarter when the AU's Income Reported for the QR Data Month is Expected to Differ for One or More Months of the QR Payment Quarter.

Example 2:

A Region 1 nonexempt AU of four is in the October/November/December quarter. Mother submits the QR 7 for November to the county on December 10. On the QR 7, she reports that she started a part-time job in December that will only last until the end of January, when the holiday shopping season has ended. She reports that she will get paid \$900 in January and \$800 in February. One child is also receiving SSA disability benefits of \$100 per month based on an absent father's disability. SSA disability benefits are considered disability based unearned income (DBI).

Benefits for the January/February/ March quarter are computed based on the income the AU reasonably anticipates it will receive during that quarter as follows:

\$ 100	Monthly DBI
\$ 900	Reasonably Anticipated Earned Income for January
<u>+ 800</u>	Reasonably Anticipated Earned Income for February
<u>+ 0</u>	Reasonably Anticipated Earned Income for March
\$1700	Subtotal Reasonably Anticipated Earned Income for Quarter
\$ 566	Reasonably Anticipated Earned Income Divided by the Number of Months in the QR Payment Quarter $1700/3 =$ (averaged monthly earnings)*
\$ 100	Reasonably Anticipated Monthly DBI Income
<u>- 225</u>	Less DBI Disregard
0	Net DBI Income
\$ 125	Remainder of \$225 DBI Disregard
\$ 566	Reasonably Anticipated Monthly Earned Income*
<u>- 112</u>	Less remainder of \$225/112 Income Disregard
\$ 454	Subtotal*
<u>- 227</u>	Less 50% Earned Income Disregard*
\$ 227	NNI*
\$ 762	MAP for AU of Four
<u>- 227</u>	Less NNI
\$ 535	New Monthly Grant for the QR Payment Quarter

* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: MPP Section 44-315.34

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44-315 AMOUNT OF AID (Continued)

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(SAR) Computation of monthly grant amount for a SAR Payment Period when the AU's income reported for the SAR Data Month is reasonably anticipated to differ for one or more months of the SAR Payment Period.

Example 2:

A Region 1 nonexempt AU of four is in the July through December SAR Payment Period. Mother completes her redetermination on December 15. On the SAWS 2, she reports that she started a part-time job in December that will only last until the end of January, when the holiday shopping season has ended. She reports that she will get paid \$900 in January and \$450 in February. One child is also receiving SSA disability benefits of \$100 per month based on an absent father's disability. SSA disability benefits are considered disability based unearned income (DBI).

Benefits for the January through July SAR Payment Period are computed based on the income the AU reasonably anticipates it will receive during that period as follows:

Benefits for January will be computed based on earned income of \$900 and DBI of \$100 per month:

\$ 100	Reasonably Anticipated Monthly DBI Income
<u>- 225</u>	Less DBI Disregard
0	Net DBI Income
\$ 125	Remainder of \$225 DBI Disregard
\$ 900	Reasonably Anticipated Monthly Earned Income
<u>- 112</u>	Less remainder of \$225/112 Income Disregard
\$ 788	Subtotal
<u>- 394</u>	Less 50% Earned Income Disregard
\$ 394	NNI
\$ 762	MAP for AU of Four
<u>- 394</u>	Less NNI
\$ 368	Monthly Grant for January

Benefits for February will be computed based on earned income of \$450 and DBI of \$100 per month:

\$ 100	Reasonably Anticipated Monthly DBI Income
<u>- 225</u>	Less DBI Disregard
0	Net DBI Income
\$ 125	Remainder of \$225 DBI Disregard

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\$ 450	Reasonably Anticipated Monthly Earned Income
<u>- 112</u>	Less remainder of \$225/112 Income Disregard
\$ 338	Subtotal
<u>- 169</u>	Less 50% Earned Income Disregard
\$ 169	NNI

\$ 762	MAP for AU of Four
<u>- 169</u>	Less NNI
\$ 593	Monthly Grant for February

Benefits for March through June will be computed based on earned income of \$0 and DBI of \$100 per month:

\$ 100	Reasonably Anticipated Monthly DBI Income
<u>- 225</u>	Less DBI Disregard
0	Net DBI Income
\$ 0	Reasonably Anticipated Monthly Earned Income
\$ 0	NNI

\$ 762	MAP for AU of Four
<u>- 0</u>	Less NNI
\$ 762	Monthly Grant for March through June

(QR) Mid-Quarter Changes to Cash Aid

Example 3:

A Region 1 nonexempt AU of three (mother and two children) is in the October, November, and December quarter. On her previous QR 7 received in September, (QR Data Month for the previous quarter was August), mother reported her earned income to be \$600 and that she expected no changes for the next QR Payment Quarter.

\$ 600	Reasonably Anticipated Monthly Income for the Family
<u>- 112</u>	\$112 Earned Income Disregard
\$ 488	Subtotal
<u>- 244</u>	50% Earned Income Disregard
\$ 244	Total Net Nonexempt Income [Rounded down]

\$ 638	Non-exempt MAP for Three, Region 1
<u>- 244</u>	Less Net Nonexempt Income
\$ 394	AU Monthly Grant for the QR Payment Quarter

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On October 25, the mother voluntarily reports that the father, with no income, moved into the home on October 24. The father is determined eligible and is reasonably anticipated to have monthly income of \$200 for November and \$100 for December.

The Mid-Quarter Grant Calculation for the Remaining Months of the Quarter Would Be:

\$ 200	Father's Reasonably Anticipated Earned Income for November
<u>+ 100</u>	Father's Reasonably Anticipated Earned Income for December
\$ 300	Subtotal Reasonably Anticipated Earned Income for the Remainder of the Payment Quarter
\$ 150	Father's Earned Income Divided by the Remaining Months of the QR Payment Quarter $\$300/2 = \150 (reasonably anticipated monthly income)
\$ 600	Existing AU's Previously Determined Reasonably Anticipated Monthly Earned Income (not recalculated)
<u>+ 150</u>	Father's Reasonably Anticipated Earned Monthly Income
\$ 750	Total Net Nonexempt Income for the Potential AU
<u>- 112</u>	\$112 Earned Income Disregard
\$ 638	Subtotal
<u>- 319</u>	50% Earned Income Disregard
\$ 319	Total Net Nonexempt Averaged Income
\$ 762	Non-exempt MAP for Four, Region 1 (includes eligible father)
<u>- 319</u>	Less Net Nonexempt Income
\$ 443	AU Monthly Grant Payment for the Remaining Months of the QR Payment Quarter

Father is added to the existing AU effective November 1 since his addition to the AU will increase the cash aid. A supplement of \$49 is issued to the AU for November and the grant is increased to \$443 for the month of December.

(SAR) Mid-Period Changes to Cash Aid

Example 3:

A Region 1 nonexempt AU of three (mother and two children) is in the October through March SAR Payment Period. On her previous SAWS 2 received in September, (SAR Data Month for the previous SAR Payment Period was August), mother reported her earned income to be \$600 and that she expected no changes for the next SAR Payment Period. The grant amount for the SAR Payment Period was calculated as follows:

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\$ 600	Reasonably Anticipated Monthly Income for the Family
<u>- 112</u>	\$112 Earned Income Disregard
\$ 488	Subtotal
<u>- 244</u>	50% Earned Income Disregard
\$ 244	Total Net Nonexempt Income [Rounded down]
\$ 638	Non-exempt MAP for Three, Region 1
<u>- 244</u>	Less Net Nonexempt Income
\$ 394	AU Monthly Grant for the SAR Payment Period

On November 25, the mother voluntarily reports that the father moved into the home on November 12. The father is determined eligible and is reasonably anticipated to have monthly income of \$200 a month.

The Mid-Period Grant Calculation for the Remaining Months of the SAR Payment Period Would Be:

\$ 600	Existing AU's Previously Determined Reasonably Anticipated Monthly Earned Income
<u>+ 200</u>	Father's Reasonably Anticipated Earned Monthly Income
\$ 800	Total Net Nonexempt Income for the Potential AU
<u>- 112</u>	\$112 Earned Income Disregard
\$ 688	Subtotal
<u>- 344</u>	50% Earned Income Disregard
\$ 344	Total Net Nonexempt Monthly Income
\$ 762	Non-exempt MAP for Four, Region 1 (includes eligible father)
<u>- 344</u>	Less Net Nonexempt Income
\$ 418	AU Monthly Grant Payment for the Remaining Months of the SAR Payment Period

Father is added to the existing AU effective December 1 since his addition to the AU will increase the cash aid. Because there is not time to increase the December grant, a supplement of \$24 is issued to the AU for December and the grant is increased to \$418 for the remaining months of the SAR Payment Period.

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44-315 AMOUNT OF AID (Continued) 44-315

- .4 Special Needs The amount of the Special Needs shall be calculated as follows:
- .41 Round to the next lower dollar the amount of recurring special needs (see Section 44-211) the Assistance Unit (AU) is eligible to receive.
- .42 Payment for recurring special needs shall be added to the amount determined payable as the basic grant, provided that the allowance available for each FBU per month for recurring special needs does not exceed the amount resulting from multiplying \$10 by the number of persons in the FBU. However, any remaining excess of net nonexempt income above the maximum aid payment not utilized to meet nonrecurring or pregnancy special needs shall be applied to meet the cost of recurring special needs.
- .43 The amount determined in .421, up to limitation determined in .422, shall be paid in addition to the basic grant.
- .44 Round to the next lower dollar the amount of nonrecurring special needs (Section 44-211) the AU is eligible to receive.
- .45 Payment for nonrecurring special needs shall be added to the amount determined payable as the basic grant. However, any remaining excess of net nonexempt income above the maximum aid payment not utilized to meet recurring or pregnancy special needs shall be applied to meet the cost of nonrecurring special needs.
- .46 Payment for a pregnancy special need shall be added to the amount determined payable as the basic grant, provided that the pregnant woman has been determined to be eligible for such need in accordance with Section 44-211.4. However, any remaining excess of net nonexempt income above the maximum aid payment not utilized to meet recurring or nonrecurring special needs shall be applied to meet the cost of the pregnancy special need.

44-315	AMOUNT OF AID (Continued)	44-315
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.5	\$10 or More	<p>If the amount determined in Section 44-315.38 is less than ten dollars (\$10), no payment shall be paid for that month. If the beginning date of aid is after the first of the month, and the amount of aid determined in Section 44-315.38 is to be prorated, and the prorated amount is less than ten dollars (\$10), no payment shall be paid for that month. Such cases shall be considered to have received a payment for all other purposes.</p> <p>If the amount determined in Section 44-315.38 is ten dollars (\$10) or more, that amount is the total grant and, if there are no overpayment adjustments, shall be authorized as the aid payment.</p>
.6	Payment in Installments	Aid need not be paid in equal installments.
.7	Proration of CalWORKs Grant	
.71		When the beginning date of aid is on the first day of the month, the recipient shall be entitled to receive a payment for the full month.
.72		When the beginning date of aid is after the first of the month (see Section 44-317) the total grant shall be prorated. The prorated grant shall be computed as follows:
.721		Determine the total monthly grant amount (see Section 44-315.38);
.722		Determine the actual number of days in the month;
.723		Divide this number into the monthly grant amount to determine the daily grant;
.724		Determine the total number of days for which the recipient is eligible in that month including the first and last day of aid for that month;
.725		Multiply this number by the daily grant amount to determine the prorated grant;
.726		If the prorated grant amount is not a whole dollar, then the prorated amount shall be rounded to the next lower whole dollar. (See Section 44-315.5 if this amount is less than ten dollars.)

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Reciprocal Table for Computing Partial Month's
Payments Portion of Monthly Rate or Reciprocal
Table

Day of the month	28-day Month	29-day Month	30-day Month	31-day Month	Day of the month
1st	1.0000	1.0000	1.0000	1.0000	1st
2nd	.9643	.9655	.9667	.9677	2nd
3rd	.9286	.9310	.9333	.9355	3rd
4th	.8929	.8966	.9	.9032	4th
5th	.8571	.8621	.8667	.8710	5th
6th	.8214	.8276	.8333	.8387	6th
7th	.7857	.7931	.8	.8065	7th
8th	.75	.7586	.7667	.7742	8th
9th	.7143	.7241	.7333	.7419	9th
10th	.6786	.6897	.7	.7097	10th
11th	.6429	.6552	.6667	.6774	11th
12th	.6071	.6207	.6333	.6452	12th
13th	.5714	.5862	.6	.6129	13th
14th	.5357	.5517	.5667	.5806	14th
15th	.5	.5172	.5333	.5484	15th
16th	.4643	.4828	.5	.5161	16th
17th	.4286	.4483	.4667	.4839	17th
18th	.3929	.4138	.4333	.4516	18th
19th	.3571	.3793	.4	.4194	19th
20th	.3214	.3448	.3667	.3871	20th
21st	.2857	.3103	.3333	.3548	21st
22nd	.25	.2759	.3	.3226	22nd
23rd	.2143	.2414	.2667	.2903	23rd
24th	.1786	.2069	.2333	.2581	24th
25th	.1429	.1724	.2	.2258	25th

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44-315 **AMOUNT OF AID** (Continued) 44-315

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Day of the month	28-day Month	29-day Month	30-day Month	31-day Month	Day of the month
26th	.1071	.1379	.1667	.1935	26th
27th	.0714	.1034	.1333	.1613	27th
28th	.0357	.0690	.1	.1290	28th
29th		.0345	.0667	.0968	29th
30th			.0333	.0645	30th
31st				.0323	31st

EXAMPLE: The total monthly grant amount is \$150 (see Section 44-315.43). Aid is to begin on the 17th of March, and March has 31 days. The reciprocal for the 17th day of a 31-day month is .4839. The total monthly grant amount X the reciprocal = the prorated grant amount (\$150 x .4839 = \$72.5850). \$72.5850 is rounded to \$72 which is the amount of the payment (see Section 44-315.432 if the amount of the payment is less than ten dollars).

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.8 Zero Basic Grant

.81 An AU is considered to have received a cash aid payment even when:

.811 The payment is not sent due to penalty which reduced the payment to zero, or

.812 The grant amount is \$10 or less. See Section 44-315.5 regarding grants \$10 or less, or

.813 The grant for the AU is reduced to zero to adjust for a prior overpayment, or

.814 The grant based on On-The-Job Training is diverted to the employer as a wage subsidy to offset the participant's wages. See Section 42-701.2(g)(2).

NOTE: Authority cited: Sections 10553, 10554, 11209, 11450, 11450(g), 11450.018(a) and (b), 11452.018(a), and 11453, Welfare and Institutions Code; SB 72 (Chapter 8, Statutes of 2011), Section 42. Reference: Sections 10553, 10554, 11004, 11017, 11209, 11253.5(d) and (e), 11254, 11265.2, 11265.3, 11265.8(a), 11323.4, 11450, 11450(g), 11450.01, 11450.015, 11450.018(a) and (b), 11451.018(a), 11450.03, 11450.5, 11451.5, 11452, 11453, and 11453(a), Welfare and Institutions Code; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12 (a)(1)(vii)].

44-316	REPORTING CHANGES AFFECTING ELIGIBILITY AND GRANT DETERMINATIONS AND COUNTY ACTIONS	44-316
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- .1 Reserved

- .2 Sections 44-316.2(QR) et seq. shall become inoperative and Sections 44-316.2(SAR) et seq. shall become operative in a county on the date the SAR becomes effective in that county, pursuant to the County's SAR Declaration.
 - (QR) Prior to the end of each QR Payment Quarter, the county shall request updated information from recipient families concerning all changes affecting eligibility and grant amount from the QR 7 Reporting Period and expected income changes in the next QR Payment Quarter.

 - (SAR) Prior to the end of each SAR Payment Period, the county shall request updated information from recipient families concerning all changes affecting eligibility and grant amount from the current SAR Payment Period and any known income changes in the next SAR Payment Period.

 - (QR) .21 For all CalWORKs recipients, such information shall be reported on the QR 7. If the recipient fails to provide the report requested by the county by the deadline provided by Section 40-181.22(QR), then the recipient's grant will be terminated in accordance with Section 22-072.

 - (SAR) .21 For all CalWORKs recipients, such information shall be reported on the SAR 7 or the annual redetermination forms (SAWS 2). If the recipient fails to provide the report requested by the county by the deadline provided by Section 40-181.22(SAR), then the recipient's grant will be terminated in accordance with Section 22-072.

 - .22 The county shall use the QR 7 to determine continued eligibility as specified in Section 40-181.

 - (SAR) .22 The county shall use the SAR 7 or SAWS 2 to determine continued eligibility as specified in Section 40-181.

 - (QR) .23 Additionally, the county shall compare the QR 7 submitted for that QR Payment Quarter to all mid-quarter reports that were reported during that QR Payment Quarter to ensure that mid-quarter circumstances reported are consistent with the circumstances reported on the QR 7.

 - (SAR) .23 Additionally, the county shall compare the SAR 7 or SAWS 2 submitted for that SAR Payment Period to all mid-period reports that were received during that SAR Payment Period to ensure that mid-period circumstances reported are consistent with the circumstances reported on the SAR 7 or SAWS 2.

44-316	REPORTING CHANGES AFFECTING ELIGIBILITY AND GRANT DETERMINATIONS AND COUNTY ACTIONS (Continued)	44-316
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(QR) .231 Section 44-316.231(QR) shall become operative in a county on the date the QR/PB becomes effective in that county, pursuant to the Director's Declaration.

If the information reported on the QR 7 is inconsistent with the information provided in any mid quarter reports made during the QR 7 Reporting Period, the county shall take action to resolve the discrepancy. The county shall first attempt to contact the recipient to resolve the discrepancy. If the county is unable to contact the recipient or obtain resolution from such contact, the QR 7 shall be considered incomplete.

(SAR) .231 If the information reported on the SAR 7 or SAWS 2 is inconsistent with the information provided in any mid-period reports made during the SAR Reporting Period, the county shall take action to resolve the discrepancy. The county shall first attempt to contact the recipient to resolve the discrepancy. If the county is unable to contact the recipient or obtain resolution from such contact, the SAR 7 or SAWS 2 shall be considered incomplete.

.3 Section 44-316.3(QR) et seq. shall become inoperative and Section 44-316.3(SAR) et seq. shall become operative in a county on the date the SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Mid-Quarter Actions

(QR) The county shall act on specified changes that occur mid-quarter. Mid-quarter changes to cash aid shall be acted on separately and sequentially under quarterly reporting/prospective budgeting and include:

(SAR) Mid-Period Actions

(SAR) The county shall act on specified changes that occur mid-period. Mid-period changes to cash aid shall be acted on separately and sequentially under semi-annual reporting/prospective budgeting rules and include:

44-316	REPORTING CHANGES AFFECTING ELIGIBILITY AND GRANT DETERMINATIONS AND COUNTY ACTIONS (Continued)	44-316
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- (QR) (b) If the recipient does not provide the necessary verification, the county shall send a No Change NOA to the AU.
- (QR) (c) If the recipient provides verification after the 10 days, the date the verification is provided shall be considered the date of a voluntary report.
- (SAR) .311 When a voluntary report is made by the recipient regarding changes in income and/or circumstances during the SAR Payment Period, the county must request verification in writing, allowing 10 days.
 - (SAR) (a) If the recipient provides verification within the 10 days given in the request for verification notice, the change is effective the first of the month following the voluntary report except as provided in Section 44-316.312(a)(4)(SAR).
 - (SAR) (b) If the recipient does not provide the necessary verification, the county shall send a No Change NOA to the AU.
 - (SAR) (c) If the recipient provides verification after the 10 days, the date the verification is provided shall be considered the date of the voluntary report.
- .312 Recipient voluntary reports include, but are not limited to, the following:
 - (a) Decreases in Reasonably Anticipated Income
 - (1) When an AU voluntary reports a decrease in income from the amount that was reasonably anticipated to be received, the county shall determine if the AU's cash aid will increase based on the changed income amount.
 - (QR) (A) When an AU receives income from more than one source, and reports that its income has decreased, only the income that experienced the decrease shall be recalculated for the current and remaining months of the quarter. The new grant amount shall be calculated using the existing averaged income that didn't change and the recalculated averaged income (the income that decreased).
 - (SAR) (A) When an AU receives income from more than one source, and reports that its income has decreased, only the income that experienced the decrease shall be recalculated for the current and remaining months of the SAR Payment Period. The new grant amount shall be calculated using the existing income that didn't change and the recalculated income (the income that decreased).

44-316 REPORTING CHANGES AFFECTING ELIGIBILITY AND
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- (QR) (B) When an AU consists of more than one person with income and one person experiences a decrease in income, only the changed income shall be recalculated. The new grant amount shall be based on that person's recalculated income along with the existing AUs averaged monthly income that did not change.
- (SAR) (B) When an AU consists of more than one person with income and one person experiences a decrease in income, only the changed income shall be recalculated. The new grant amount shall be based on that person's recalculated income along with the existing AUs reasonably anticipated monthly income that did not change.
- (2) When cash aid would increase due to a voluntary reported decrease in reasonably anticipated monthly income, the county shall determine a new monthly grant amount based on the report of decreased income.
- (QR) (3) The county shall use the new reasonably anticipated income for the month in which the decreased income occurred or the month it was reported, whichever is later, and the reasonably anticipated monthly income for the remaining months of the QR Payment Quarter in recalculating cash aid for the month in which the change was reported and remaining months of the QR payment Quarter.
- (SAR) (3) The county shall use the new reasonably anticipated income for the month in which the decreased income occurred or the month it was reported, whichever is later, and the reasonably anticipated monthly income determined for the rest of the SAR Payment Period in recalculating cash aid for the month in which the change was reported and remaining months of the SAR Payment Period.
- (QR) (4) The county shall issue a supplement within ten days of receiving verification. The supplement shall be based on the difference between the recalculated cash aid and the cash aid that was paid for the month the decrease in income is reported or the month the change actually occurs whichever is later and when all verification has been provided (see Section 44-340.3(QR)).
- (SAR) (4) The county shall issue a supplement within ten days of receiving verification. The supplement shall be based on the difference between the recalculated cash aid and the cash aid that was paid for the month the decrease in income is reported or the month the change actually occurs, whichever is later, and when all verification has been provided (see Section 44-340.3(SAR)).

44-316	REPORTING CHANGES AFFECTING ELIGIBILITY AND GRANT DETERMINATIONS AND COUNTY ACTIONS (Continued)	44-316
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(QR) (5) The county shall increase the grant amount for the remainder of the QR Payment Quarter based upon the newly calculated grant in Section 44-316.312(a)(3)(QR).

(SAR) (5) The county shall increase the grant amount for the remainder of the SAR Payment Period based upon the newly calculated grant in Section 44-316.312(a)(3)(SAR).

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(QR) Example 1:

An exempt AU of three, in Region 1 is in the April/May/June quarter and is receiving a QR Payment Quarter grant of \$192 per month. The grant was based on the mother having reasonably anticipated earned income of \$1200 per month. On April 15, the mother reports that she lost her job and will only receive a \$600 paycheck for the month of April and anticipates no income for the remainder of the quarter. The county requests verification of the job loss and the recipient provides the necessary documentation by April 20. The county shall recalculate aid for QR Payment Quarter as follows:

\$ 600	April Actual Income
+ 0	May Reasonably Anticipated Income
<u>+ 0</u>	June Reasonably Anticipated Income
\$ 600	Earned Income for the Quarter
 <u>÷ 3</u>	Earned Income Divided by Three
\$ 200	Reasonably Anticipated Monthly Income (month of report of decreased income plus the remaining months of the current QR Payment Quarter)
 \$ 200	Reasonably Anticipated Monthly Income
<u>- 225</u>	Income Disregard
\$ 0	Subtotal
	50% Earned Income Disregard
\$ 0	Total Net Nonexempt Income
 \$ 704	MAP for Three in Region 1(QR Payment Quarter monthly grant)
 \$ 704	Potential Monthly Grant Amount
<u>- 192</u>	Grant Already Received
\$ 512	Supplement

A supplement of \$512 is issued for the family for the month of April and the cash aid is increased to \$704 for May and June.

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44-316 REPORTING CHANGES AFFECTING ELIGIBILITY AND GRANT DETERMINATIONS AND COUNTY ACTIONS (Continued) 44-316

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(SAR) Example 1:

An exempt AU of three, in Region 1 is in the April through September SAR Payment Period and is receiving a grant of \$94 per month. The grant was based on the mother having reasonably anticipated earned income of \$1,200 per month. On June 15, the mother reports that she lost her job and will only receive a \$600 paycheck for the month of June and anticipates no income for the remainder of the SAR Payment Period. The county requests verification of the job loss and the recipient provides the necessary documentation by June 20. The county shall recalculate her aid for the SAR Payment Period as follows:

\$ 600	June Actual Income
<u>-\$112</u>	Earned Income Disregard
\$488	
<u>- 244</u>	50% Earned Income Disregard
\$244	Net Nonexempt Income for June
\$638	MAP for three in Region 1
<u>-244</u>	Net Nonexempt Income
\$394	Grant Amount for June
<u>- 94</u>	June Grant Already Received
\$300	Supplement for June
<u>+ 0</u>	Reasonably Anticipated Income for July through September
\$638	MAP for three in Region 1
\$638	Grant Amount for July through September

A supplement of \$300 is issued for the family for the month of June (no later than June 30) and the cash aid is increased to \$638 for July, August, and September.

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- (6) If the AU voluntarily reports a decrease in earnings that resulted from a loss or reduction in hours of employment, and the county determines that the recipient did not have good cause for the job quit/reduction in hours, the county shall impose a sanction pursuant to Section 42-721.4. However, the county shall not wait to increase cash aid due to voluntary report of decreased income while determining if good cause exists before imposing the sanction. See Section 42-721.44 for the time frame for imposing sanctions.

**44-316 REPORTING CHANGES AFFECTING ELIGIBILITY AND
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(b) Adding Persons to an Existing AU

(1) When an AU voluntarily reports a new person in the home, the county shall determine:

(A) If the new person is CalWORKs eligible; and

(B) If the new person were added into the AU, the AU would still meet all eligibility conditions; and

(C) If the addition of the new person would increase or decrease the grant amount or render the AU ineligible.

(QR) (2) In determining if the new person is CalWORKs eligible, the county shall use the reasonably anticipated averaged income for the new person and the existing AU's income for the month in which the new person was voluntarily reported in the home and the remaining months of the QR Payment Quarter. In making this determination, the county shall not recalculate the existing AU's reasonably anticipated monthly income that was previously computed.

(SAR) (2) In determining if the new person is CalWORKs eligible, the county shall use the reasonably anticipated income for the new person and the existing AU's income for the month in which the new person was voluntarily reported in the home and the remaining months of the SAR Payment Period. In making this determination, the county shall not recalculate the existing AU's reasonably anticipated monthly income that was previously computed.

(3) When aid would increase due to the voluntary report of a new person, the county shall add the new person effective the first of the month following the report of the change, in which all verification has been provided and all eligibility conditions have been met.

(QR) (A) The county shall include the new person's reasonably anticipated monthly income along with the existing AU's reasonably anticipated monthly income to recalculate cash aid for the month the new person is added and the remaining months of the QR Payment Quarter.

(SAR) (A) The county shall include the new person's reasonably anticipated monthly income along with the existing AU's reasonably anticipated monthly income to recalculate cash aid for the month the new person is added and the remaining months of the SAR Payment Period.

44-316 REPORTING CHANGES AFFECTING ELIGIBILITY AND GRANT DETERMINATIONS AND COUNTY ACTIONS (Continued)**44-316**

- (QR) 1. The new person's income will be averaged for the remaining months of the QR Payment Quarter. The county shall not recalculate the existing AU's monthly income that was previously computed when adding a new person to the grant.
- (SAR) 1. The new person's income will be determined for the remaining months of the SAR Payment Period. The county shall not recalculate the existing AU's monthly income that was previously computed when adding a new person to the grant.
- (QR) 2. The new grant amount shall be based on the AU's existing averaged monthly income and the new person's calculated averaged monthly income for the months the new person would be included in the AU.
- (SAR) 2. The new grant amount shall be based on the AU's existing monthly income and the new person's reasonably anticipated income for the months the new person would be included in the AU.
- (QR) (B) The county shall increase the grant amount for the month the new person is added and the remaining months of the QR Payment Quarter based on the recalculation of the AU's cash aid (see Section 44-340.3(QR)).
- (SAR) (B) The county shall increase the grant amount for the month the new person is added and the remaining months of the SAR Payment Period based on the recalculation of the AU's cash aid (see Section 44-340.3(SAR)).
- (QR) (4) When adding a new person who would result in an increase in aid, but the new person does not meet all eligibility conditions, before aid is authorized, the county shall not add the person nor discontinue the existing AU mid-quarter.
- (SAR) (4) When adding a new person who would result in an increase in aid, but the new person does not meet all eligibility conditions before aid is authorized, the county shall not add the person nor discontinue the existing AU mid-period.

44-316 REPORTING CHANGES AFFECTING ELIGIBILITY AND
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44-316

(QR) (5) If the addition of a new person would result in a decrease in the existing AU's cash aid, the county shall not add the new person until the first day of the next QR Payment Quarter that follows the mandatory reporting of the new person on the QR 7, after all verification has been provided and all eligibility conditions have been met (except as provided in Section 82-832.3(QR)).

(SAR) (5) If the addition of a new person would result in a decrease in the existing AU's cash aid, the county shall not add the new person until the first day of the next SAR Payment Period that follows the mandatory reporting of the new person on the SAR 7 or SAWS 2, after all verification has been provided and all eligibility conditions have been met (except as provided in Section 82-832.3(SAR)).

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(QR) Example: An AU of three (mother and two children) are in a January/February/March Quarter. Father, who is disabled and has a part time job, moves into the home January 10 and is voluntarily reported in January by the AU. The county recalculates aid for the QR Payment Quarter using the father's reasonably anticipated income for the quarter and determines the addition of the father would decrease aid for the existing AU. The county does not add the father into the AU mid-quarter. The county will send a No Change NOA and remind the existing AU to report the father on the next QR 7, due March 5. If the father is still living in the home, meets all eligibility conditions, and the AU remains eligible, the father will be added into the AU April 1 and his income will be used in the grant calculation for the April/May/June QR Payment Quarter.

(SAR) Example: An AU of three (mother and two children) are in a January through June SAR Payment Period. Father, who is disabled and has a part time job, moves into the home February 10 and is voluntarily reported in February by the AU. The county recalculates aid for the SAR Payment Period using the father's reasonably anticipated income for the period and determines the addition of the father would decrease aid for the existing AU. The county does not add the father into the AU mid-period. The county will send a No Change NOA and remind the existing AU to report the father on the SAWS 2, due June 15. If the father is still living in the home, meets all eligibility conditions, and the AU remains eligible, the father will be added into the AU July 1 and his income will be used in the grant calculation for the July through December SAR Payment Period.

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**44-316 REPORTING CHANGES AFFECTING ELIGIBILITY AND
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(QR) (6) If adding a new person would render the existing AU ineligible, the county shall not take action mid-quarter to discontinue the existing AU. The county shall discontinue the existing AU, with timely and adequate notice, at the end of the QR Payment Quarter in which the new person is mandatorily reported on the QR 7.

(SAR) (6) If adding a new person would render the existing AU ineligible, the county shall not take action mid-period to discontinue the existing AU. The county shall discontinue the existing AU, with timely and adequate notice, at the end of the SAR Payment Period in which the new person is mandatorily reported on the SAR 7 or SAWS 2.

(QR) (c) Request Discontinuance for Aid to Existing AU Members

(QR) At any time during the QR Payment Quarter, a voluntary request can be made to discontinue the entire AU or any individual AU member who is no longer in the home or is an optional person.

(SAR) (c) Request Discontinuance for Aid to Existing AU Members

(SAR) At any time during the SAR Payment Period, a voluntary request can be made to discontinue the entire AU or any individual AU member who is no longer in the home or is an optional person.

(1) If a voluntary request for discontinuance is made verbally, the county shall discontinue cash aid at the end of the month in which timely and adequate notice can be provided.

(2) If the request for discontinuance was made in writing, the county shall discontinue cash aid at the end of the month with adequate notice.

(3) If an individual requests discontinuance from an existing AU, the county shall discontinue the individual even when that individual's request results in a decrease in aid for the remaining AU members.

(QR) (A) The county shall not presume that a mid-quarter report of an individual leaving the home is a voluntary request for discontinuance of that AU member. In such circumstances, the county shall verify with the AU if the AU is seeking to discontinue that individual, and shall inform the AU that such a discontinuance shall result in decreased cash aid to the remaining AU members.

**44-316 REPORTING CHANGES AFFECTING ELIGIBILITY AND
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(SAR) (A) The county shall not presume that a mid-period report of an individual leaving the home is a voluntary request for discontinuance of that AU member. In such circumstances, the county shall verify with the AU if the AU is seeking to discontinue that individual, and shall inform the AU that such a discontinuance shall result in decreased cash aid to the remaining AU members.

(QR) (B) If an individual AU member who has left the home requests a discontinuance, but the AU has not voluntarily reported the departure, the individual's request for discontinuance takes precedence over the AU's decision to not make this voluntary mid-quarter report.

(SAR) (B) If an individual AU member who has left the home requests a discontinuance, but the AU has not voluntarily reported the departure, the individual's request for discontinuance takes precedence over the AU's decision to not make this voluntary mid-period report.

(d) Request for Recurring Special Needs

(QR) (1) Recurring special needs that have been requested mid-quarter and have been verified and approved will begin the first of the month in which either the need was reported or the verification substantiates that the need exists, whichever is later, and shall remain in effect until the end of the quarter in which the special need is expected to end, except as provided in Section 44-211.641(QR).

(SAR) (1) Recurring special needs that have been requested mid-period and have been verified and approved will begin the first of the month in which either the need was reported or the verification substantiates that the need exists, whichever is later, and shall remain in effect until the end of the SAR Payment Period in which the special need is expected to end, except as provided in Section 44-211.641 (SAR).

(QR) (2) When an AU member becomes pregnant mid-quarter, the county shall make payment according to existing pregnancy special need rules (see Sections 44-211.6 et seq.) and will continue payment of the special need until the end of the quarter in which the child is expected to be born.

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(SAR) (2) When an AU member becomes pregnant mid-period, the county shall make payments according to existing pregnancy special need rules (see Sections 44-211.6 et seq.) and will continue payment of the special need until the end of the SAR Payment Period in which the child is expected to be born.

(QR) (A) If the pregnancy is verified to extend beyond the estimated date of confinement and extends into the next QR Payment Quarter, the county shall continue the pregnancy special need payment until the end of the QR Payment Quarter in which the new estimated date of confinement is established or until the newborn is added to the AU. See Section 44-318.15 for when to add the newborn.

(SAR) (A) If the pregnancy is verified to extend beyond the estimated date of confinement and extends into the next SAR Payment Period, the county shall continue the pregnancy special need payment until the end of the SAR Payment Period in which the new estimated date of confinement is established or until the newborn is added to the AU. See Section 44-318.15 (SAR) for when to add the newborn.

(QR) .32 Recipient Mid-Quarter Mandatory Reports

(QR) Recipients shall report in person, verbally or in writing, specific changes during the QR Payment Quarter within ten days of when the change becomes known to the AU.

(SAR) .32 Recipient Mid-Period Mandatory Reports

(SAR) Recipients shall report in person, verbally or in writing, specific changes during the SAR Payment Period within ten (10) days of when the change becomes known to the AU.

.321 The following occurrences shall be reported by the recipient to the county:

- (a) Drug felony convictions
- (b) Fleeing felon status
- (c) Violation of conditions of probation or parole
- (d) Address changes

(1) The act of failing to report an address change shall not, in and of itself, result in a reduction in aid or a termination of benefits.

(QR) (e) Income exceeding the Income Reporting Threshold (IRT)

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- (SAR) (e) Income exceeding the lowest of three levels of the Income Reporting Threshold (IRT)

- .322 The county shall discontinue cash aid to the recipient at the end of the month in which timely and adequate notice can be provided when changes specified in Sections 44-316.321(a), (b), and (c) are reported.

- .323 The county shall act on address changes, in accordance with regulations and procedures regarding changes of residence.

- .324 Income Reporting Threshold (IRT)

- (QR) (a) The level of income that triggers the need for a CalWORKs AU to report a mid-quarter change in income. The IRT is the greater of 130 percent of the Federal Poverty Level or the level at which an AU becomes financially ineligible.

- (SAR) (a) The level of income that triggers the need for a CalWORKs AU to report a mid-period change in income. There are three tiers of the IRT under semi-annual reporting, the lowest of which will be the AU's current IRT amount:
 - (SAR) (1) 55 percent of the Federal Poverty Level for a family of three, plus the amount of income last used to calculate the AU's monthly grant amount.

 - (SAR) (2) The amount of income likely to render the AU ineligible for CalWORKs benefits.

 - (SAR) (3) 130 percent of the Federal Poverty Level or the level at which a household becomes financially ineligible for federal SNAP benefits (called CalFresh in California).

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Handbook Section 44-316.324(a)(SAR) will become operative in a county on the date that SAR is implemented in the county, pursuant to the County's SAR Declaration.

(SAR) There are three tiers of the IRT under SAR, the LOWEST of which will be the AU's current IRT:

- 1) **Tier one:** 55 percent of the monthly income of a family of three at the Federal Poverty Level (FPL) plus the amount of income last used to calculate the AU's grant. (100 percent of the current FPL for a family of 3 as of 12-1-12 is \$1,590.83. 55 percent of \$1,590.83 = \$875. This figure will be updated annually when the FPL is updated.)

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- a. This tier is an INCREASE in income of \$875.
- b. This tier is the same for all AU sizes, exempt and non-exempt, in Region 1 and 2.
- c. Income over tier one of the IRT will usually only result in a decrease to the benefit amount and will not usually result in the AU losing eligibility for aid.

Example: Tier One of the CalWORKs IRT based on various income amounts	
Income	IRT (\$875 + income)
\$0	\$875 (\$875 + \$0 = \$875)
\$50	\$925 (\$875 + \$50 = \$925)
\$100	\$975 (\$875 + \$100 = \$975)
\$200	\$1,075 (\$875 + \$200 = \$1,075)
\$300	\$1,175 (\$875 + \$300 = \$1,175)
\$400	\$1,275 (\$875 + \$400 = \$1,275)
\$500	\$1,375 (\$875 + \$500 = \$1,375)
\$600	\$1,475 (\$875 + \$600 = \$1,475)
\$750	\$1,625 (\$875 + \$750 = \$1,625)
\$1,000	\$1,875 (\$875 + \$1,000 = \$1,875)
\$1,500	\$2,375 (\$875 + \$1,500 = \$2,375)

- 2) **Tier two:** The level likely to render an AU ineligible for CalWORKs benefits:

Assistance Unit Size	*Maximum Earned Income Limit Region 1, Non-Exempt	*Maximum Earned Income Limit Region 1, Exempt
0	\$ 112	\$ 112
1	\$ 746	\$ 814
2	\$1,144	\$1,266
3	\$1,388	\$1,540
4	\$1,636	\$1,810
5	\$1,844	\$2,044
6	\$2,056	\$2,284
7	\$2,250	\$2,496
8	\$2,440	\$2,714
9	\$2,628	\$2,922
10 or more	\$2,814	\$3,132

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Assistance Unit Size	*Maximum Earned Income Limit Region 2, Non-Exempt	*Maximum Earned Income Limit Region 2, Exempt
0	\$ 112	\$ 112
1	\$ 712	\$ 780
2	\$1,092	\$1,212
3	\$1,328	\$1,474
4	\$1,562	\$1,730
5	\$1,762	\$1,958
6	\$1,964	\$2,182
7	\$2,144	\$2,386
8	\$2,330	\$2,590
9	\$2,508	\$2,792
10 or more	\$2,684	\$2,990

*Formula: MAP X 2 + \$112

(Example: Non-exempt MAP for an AU of 3 in Region 1 is \$638. $638 \times 2 + 112 = \$1388$.)

- 3) **Tier Three:** The level likely to render a family ineligible for federal SNAP benefits. (130 percent of FPL. This Chart will be updated annually.)

Household Size	Income Reporting Threshold
1	\$1,180
2	\$1,594
3	\$2,008
4	\$2,422
5	\$2,836
6	\$3,249
7	\$3,663
8	\$4,077
9	\$4,491
10 or more	\$4,905

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**44-316 REPORTING CHANGES AFFECTING ELIGIBILITY AND
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(QR) (b) If any member of the AU or person included in the family MAP, when the AU's current grant was determined, has earned income or begins receiving earned income, the AU must report to the county when the family's combined gross monthly income, earned and unearned, exceeds the AU's IRT during the QR Payment Quarter.

(SAR) (b) If any member of the AU or person included in the family MAP, when the AU's current grant was determined, has earned income or begins receiving earned income, the AU must report to the county when the family's combined gross monthly income, earned and unearned, exceeds the AU's IRT during the SAR Payment Period.

(1) An AU that has earned income only or a combination of earned and unearned income shall report when the family's combined gross monthly income exceeds the AU's IRT.

(2) An AU that has no income or has unearned income only shall report if they begin to receive earned income that, once combined with other family income, exceeds the AU's IRT.

(QR) (c) When an AU reports income in excess of the IRT, the county shall redetermine the AU's financial eligibility for the QR Payment Quarter.

(SAR) (c) When an AU reports income in excess of the IRT, the county shall redetermine the AU's financial eligibility and grant amount for the SAR Payment Period.

(QR) (1) When the AU reports income in excess of the IRT in the first or second month of the current QR Payment Quarter, the county shall determine if the reported income is reasonably anticipated to continue and whether the AU's net nonexempt monthly averaged income for the remainder of the current QR Payment Quarter will exceed the AU's MAP. If the averaged income is reasonably anticipated to continue to exceed the AU's MAP for the remainder of the QR Payment Quarter, the county shall determine the AU financially ineligible and shall discontinue the AU at the end of the month in which the AU first received the income that exceeded the AU's MAP, with timely and adequate notice (see Section 44-207.23(QR)).

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- (SAR) (1) When the AU reports income in excess of the IRT in the first through fifth month of the current SAR Payment Period, the county shall determine if the reported income is reasonably anticipated to continue and whether the AU's net nonexempt monthly income determined for the remainder of the current SAR Payment Period will result in a lower grant amount or will exceed the income eligibility limits for CalWORKs. If the income is reasonably anticipated to continue to result in a lower grant amount for the remainder of the SAR Payment Period, the county shall recalculate the AU's grant amount for the remainder of the SAR Payment Period. If the income is reasonably anticipated to continue to exceed the AU's income eligibility limits for the remainder of the SAR Payment Period, the county shall determine the AU financially ineligible and shall discontinue the AU at the end of the month in which the AU first received the income that exceeded the AU's eligibility limits, with timely and adequate notice (see Section 44-207.23(SAR)).
- (QR) (A) If the AU reports that the income will no longer exceed the IRT prior to the effective date of the discontinuance, and the county determines that this is reasonably anticipated, the county shall rescind the discontinuance.
- (SAR) (A) If the AU reports that the income will no longer exceed the IRT prior to the effective date of the decrease or discontinuance, and the county determines that this is reasonably anticipated, the county shall rescind the decrease or discontinuance.
- (QR) (B) If the AU requests restoration of cash aid after the QR Payment Quarter in which the discontinuance takes effect, financial eligibility shall be determined in accordance with Sections 40-125.91 and .92(QR).
- (SAR) (B) If the AU requests restoration of cash aid after the SAR Payment Period in which they were discontinued for income over IRT, financial eligibility shall be determined in accordance with Sections 40-125.91 and .92(SAR).
- (QR) (2) When an AU reports income in excess of the IRT in the third month of the current QR Payment Quarter, the county shall determine if the reported income is reasonably anticipated to continue. If the income will continue, the county shall use that information together with the QR 7 information to prospectively determine eligibility and cash aid amount for the next QR Payment Quarter.

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- (SAR) (2) When an AU reports income in excess of the IRT in the sixth month of the current SAR Payment Period, the county shall determine if the reported income is reasonably anticipated to continue. If the income will continue, the county shall use that information together with the SAR 7 or SAWS 2 information to prospectively determine eligibility and cash aid amount for the next SAR Payment Period.
- (QR) (d) If income that was reported as being in excess of the IRT is only expected to exceed the IRT for that one month and will not continue to exceed the IRT, the county shall not take action to discontinue cash aid. If the recipient's report indicates there will also be a decrease in the income previously anticipated for the QR Payment Quarter, the county shall treat this additional information as a mid-quarter report.
- (SAR) (d) If income that was reported as being in excess of the IRT is only expected to exceed the IRT for that one month and will not continue to exceed the IRT, the county shall not take action to decrease or discontinue cash aid. If the recipient's report indicates there will also be a decrease in the income previously anticipated for the SAR Payment Period, the county shall treat this additional information as a mid-period report.

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- (QR) Example: An AU is in the April/May/June Quarter. In April, the AU reports timely to the county that their earned income exceeded the IRT due to overtime. When determining the reasonably anticipated income for May and June for the AU due to the IRT report, it is discovered that the AU will have no income for those months. Since the income over the IRT will not continue, the AU is not discontinued. The county shall treat this information as a mid-quarter report and recalculate the cash aid amount, after verification is received, for the decreased income for May and June. If the recalculation results in an increase of cash aid, a supplement will be issued for May and the grant increased for June.

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**(QR) Income Reporting Threshold (IRT)
for Recipient Family**

Region One	
*Reporting Size	Income Reporting Threshold
0	\$227
1	\$1009
2	\$1362 Oct. & Nov. 2004) \$1394 (Dec.2004 forward)
3	\$1698
4	\$2043
5	\$2387
6	\$2732
7	\$3076
8	\$3421
9	\$3766
10 or more	\$4111

Region Two	
*Reporting Size	Income Reporting Threshold
0	\$227
1	\$1009
2	\$1354
3	\$1698
4	\$2043
5	\$2387
6	\$2732
7	\$3076
8	\$3421
9	\$3766
10 or more	\$4111

Effective 10/1/04

Effective 10/1/04

* The numbers in this column reflect the number of persons whose needs are included in the determination of eligibility for the AU. This number may be greater than the family's AU size.

(SAR) Example: An AU is in an April through September SAR Payment Period. In May, the AU reports timely to the county that their earned income exceeded the IRT due to overtime. When determining the reasonably anticipated income for the rest of the SAR Payment Period for the AU due to the IRT report, it is discovered that the AU will lose their job at the end of May and have no income for the remaining months of the SAR Payment Period. Since the income over the IRT will not continue, the AU's grant is not decreased or discontinued. The county shall treat the information about the decreased income as a mid-period report and recalculate the cash aid amount, after verification is received, for the remaining months of the SAR Payment Period (June through September).

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(QR) .33 County Initiated Mid-Quarter Changes

The county shall take mid-quarter action on certain specified changes in eligibility and grant status at the end of the month in which the change occurred even if it results in a decrease in cash aid.

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(SAR) .33 County-Initiated Mid-Period Changes

The county shall take mid-period action on certain specified changes in eligibility and grant status at the end of the month in which the change occurred even if it results in a decrease in cash aid.

(QR) .331 County-initiated actions include:

- (QR) (a) An adult in the AU reaches the 48-month time limit;
- (QR) (b) The county imposes a sanction or financial penalty on an individual member of the AU;
- (QR) (c) The county removes the sanction of an individual who corrects his/her welfare-to-work participation problem, in accordance with Section 42-721.48;
- (QR) (d) The county removes the penalty for an AU that complies with the CalWORKs program requirements;
- (QR) (e) A Cal-Learn participant earns a Cal-Learn bonus or sanction;
- (QR) (f) A child in the AU reaches the age limit (see Section 42-101);
- (QR) (g) A child in the AU is placed in Foster Care;
- (QR) (h) A Refugee Cash Assistance (RCA) recipient reaches the eight-month RCA time limit;
- (QR) (i) Aid is authorized for an individual who is currently aided in another AU;
- (QR) (j) Late QR 7 adjustment;
- (QR) (k) State Hearing decision resulting in mandatory changes mid-quarter;
- (QR) (l) When an AU becomes a Family Reunification case;
- (QR) (m) An AU member is no longer a California resident;
- (QR) (n) County acts on redetermination information in accordance with Section 40-181.1(QR).

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- (QR) (o) Adjustments to correct erroneous payments caused by (1) incorrect or incomplete recipient QR 7 or mid-quarter reporting; or (2) incorrect action or lack of action by the county on QR 7 or mid-quarter information reported by the recipient;
- (QR) (p) When it becomes known to the county that an AU member is deceased;
- (QR) (q) An AU is transferred to a Tribal TANF program;
- (QR) (r) Cost-of-living adjustments for Minimum Basic Standards of Adequate Care (including income in-kind), Maximum Aid Payment, and Social Security;
- (QR) (s) When it becomes known to the county that an individual is confined in a correctional facility on the first of a month and is expected to remain for a full calendar month or more (see Section 82-812.61).

(SAR) .331 County-initiated actions include:

- (SAR) (a) An adult in the AU reaches the 48-month time limit;
- (SAR) (b) The county imposes a sanction or financial penalty on an individual member of the AU;
- (SAR) (c) The county removes the sanction of an individual who corrects his/her welfare-to-work participation problem, in accordance with Section 42-721.48;
- (SAR) (d) The county removes the penalty for an AU that complies with the CalWORKs program requirements;
- (SAR) (e) A Cal-Learn participant earns a Cal-Learn bonus or sanction;
- (SAR) (f) A child in the AU reaches the age limit (see Section 42-101);
- (SAR) (g) A child in the AU is placed in Foster Care;
- (SAR) (h) A Refugee Cash Assistance (RCA) recipient reaches the eight-month RCA time limit;
- (SAR) (i) Aid is authorized for an individual who is currently aided in another AU;
- (SAR) (j) Late SAR 7 adjustment;

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- (SAR) (k) State Hearing decision resulting in mandatory changes mid-period;
- (SAR) (l) When an AU becomes a Family Reunification case;
- (SAR) (m) An AU member is no longer a California resident;
- (SAR) (n) County acts on redetermination information in accordance with Section 40-181.1(SAR).
- (SAR) (o) Adjustments to correct erroneous payments caused by (1) incorrect or incomplete recipient SAR 7, SAWS 2 or mid-period reporting; or (2) incorrect action or lack of action by the county on SAR 7, SAWS 2 or mid-period information reported by the recipient;
- (SAR) (p) When it becomes known to the county that an AU member is deceased;
- (SAR) (q) An AU is transferred to a Tribal TANF program;
- (SAR) (r) Cost-of-living adjustments for Minimum Basic Standards of Adequate Care (including income in-kind), Maximum Aid Payment, and Social Security;
- (SAR) (s) When it becomes known to the county that an individual is confined in a correctional facility on the first of a month and is expected to remain for a full calendar month or more (see Section 82-812.61).
- (SAR) (t) Nine-month real property exemption expires (see Section 42-213.12).

NOTE: Sections 10553, 10554, and 11369, Welfare and Institutions Code. Reference: Section 10063, 11265, 11265.1, 11265.2, 11265.3, 11450.5, 11454, and 11454.2, Welfare and Institutions Code; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12 (a)(1)(vii)].

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When the applicant is found eligible, the following are beginning dates of aid:

.1 Beginning Date of Aid Determination

.11 The beginning date of aid (BDA) shall not precede the date of application. Aid shall begin on the date of application, or the date on which the applicant meets all eligibility conditions, whichever is later.

.111 "The date of application" means the date on which the county receives a signed and dated application.

(a) In the event the CWD is closed during the regular eight hours of a working day as defined in Sections 11-601.214 and .215, and an application for CalWORKs benefits is deposited in a drop box, mail slot, or other reasonable accommodation in accordance with Section 11-601.311(b), the "date of application" shall be the date the application is deposited.

(b) In the event the CWD is closed during the regular eight hours of a working day as defined in Sections 11-601.214 and .215, and an applicant calls to make a request for emergency benefits in accordance with Section 11-601.313, the date of application shall be the date the telephone call is received.

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(c) Example: On Friday, when the CWD is closed, an applicant deposits an application for CalWORKs benefits in a mail slot designated for that purpose. The application will be date stamped with Friday's date or it will be otherwise indicated on the application that it was received on Friday, the date of application. Had the applicant made a request for Homeless Assistance, CalFresh Expedited Services, Medi-Cal, or CalWORKs Immediate Need via the local telephone service on Friday, the date of application would be Friday and the application would have to be processed within established time frames.

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.112 "The date on which the applicant meets all eligibility conditions" means the date all linking and nonlinking factors of eligibility are met (see Section 40-107.3), even though verification or documentation of the eligibility condition is received at a later date. Technical conditions of eligibility, as specified in MPP 40-129.214, met at a later date are considered to be met on the date of application as long as they are completed by the date of authorization except for social security enumeration. Social security enumeration requirements must be met within 30 days of the application for assistance if aid is to begin on the date of application. (For social security enumeration requirements, see Section 40-105.2.)

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- (a) At the time these regulations were promulgated, social security enumeration, application for unconditionally available income (including UIB), work registration of the principal earner who is exempt from WTW due to remoteness, work registration of the nonfederal principal earner, and cooperation with the District Attorney in accordance with MPP 43-201.1 were the only technical conditions of eligibility. If any new technical conditions of eligibility are established, this handbook section will be amended.

- (b) Example: A family applies for CalWORKs on April 3. The county schedules the face-to-face interview on April 10. At that time the county determines that on April 3 the applicant had \$2,200 in a bank account, but on April 6 the bank account was down to \$1,900. The beginning date of aid for this family is April 6, since it was on that date that the family met the eligibility requirement for CalWORKs.

- (c) Example: A family applies for CalWORKs on November 10. All family members meet the eligibility requirements except for the youngest child who does not have an SSN. On November 20, the CWD authorizes aid for everyone but the one child because verification of a completed application for an SSN had not been received. On December 10, the CWD received a copy of the MC 194 which indicated that an application for an SSN was completed on November 15 and is being processed. The county rescinds the denial for the child and authorizes aid effective November 10.

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.113 The beginning date of aid for each member of the AU may vary.

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- (a) Example: A family applies for CalWORKs on November 10. All family members meet the eligibility requirements except for the youngest child who does not have an SSN. On November 20, the CWD authorizes aid for everyone but the one child because verification of a completed application for an SSN had not been received. On December 20, the CWD receives a copy of the MC 194 which indicated that an application for an SSN was completed on December 15 and is being processed. The CWD authorizes aid for the youngest child effective December 15.

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- .114 The BDA shall be the date of application or date of eligibility, whichever is later, for persons whose eligibility determination remains pending and aid is granted to the remaining AU.

- .2 Aid Begins on a Specified Date
 - .21 For a pregnant woman with no other eligible children, the beginning date of aid shall be the date of application, providing the pregnant woman is eligible on that date.

 - .22 When the mother of a newborn is being aided as a pregnant woman in accordance with Sections 44-205.1 and 82-836 or is receiving a pregnancy special need payment in accordance with Section 44-211.6 in the month of birth, the newborn and the father of the newborn shall be added to the case as described in Sections 44-318.15 and .16.

- .3 Aid is Granted on Intercounty Transfer

Aid is paid from the first of the month following discontinuance by the other county.

- .4 Change in Type of Assistance

Aid is paid from the first of the month following the effective date of discontinuance under the previous program.

- .5 Applicant to Leave Public Institution Where He is Ineligible – (Repealed -- Manual Letter No. 77-001)

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.6 Intraprogram Status Changes

| .61 Transfer from Medically Needy to CalWORKs Recipient

.611 The cash grant shall be paid from the date of application or date all eligibility conditions are met, whichever is later.

| .62 Transfers Between CalWORKs and AFDC-FC

| .621 The BDA for a child converting from AFDC-FC to CalWORKs shall be the date he/she is placed in his/her parent's or relative's home or the date eligibility conditions are met, whichever is later.

| .622 When a child in an CalWORKs AU is moved to foster care, the effective date of AFDC-FC assistance is the date he/she is placed in an AFDC-FC eligible facility and is otherwise AFDC-FC eligible.

| .623 When a child is transferring from AFDC-FC to CalWORKs, or vice versa, but remains in the home of the same related caretaker, the effective date of program transfer is the first of the month following the request for change of program. (See Section 45-202.212(a).)

| .63 Transfers from AFDC-FC to Kin-GAP

| .631 When a child is transferring from AFDC-FC to Kin-GAP, but remains in the home of the same caretaker relative, the BDA of Kin-GAP is the first of the month following the dismissal of the dependency (see Section 90-105.132). AFDC-FC shall be paid until the Kin-GAP payment begins.

| .64 Transfers Between CalWORKs and Kin-GAP

| .641 When a child is transferring from CalWORKs to Kin-GAP, or vice versa, but remains in the home of the same related caretaker, the effective date of the program transfer is the first of the month following the request for change of program or the dismissal of the dependency (see Section 90-105.132).

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.7 Aid Granted on Basis of Immediate Need After Determining Eligibility or Apparent Eligibility -- Has been Deleted per Manual Letter No. 79-58.

.8 Previously Denied Application is Approved

.81 Aid shall be paid from the date it would have been paid in accordance with the beginning date of aid regulations in effect at the time the application was denied.

.9 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

.10 Effective Date of Medical Assistance Certification

The effective date of the certification for Group I Medical Assistance for the applicant who has been found eligible for a cash grant is whichever of the following is later: (a) the first of the month of application, or (b) the first of the month in which there is eligibility (linkage).

NOTE: Authority cited: Sections 10553, 10554, 10604, 11209, and 11369, Welfare and Institutions Code. Reference: Sections 10553, 10554, 10604, and 11056, Welfare and Institutions Code; 45 CFR 205.42(d)(2)(A), as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808; 45 CFR 206.10; 45 CFR 233.10(a)(1); 45 CFR 233.20(a)(1)(ii); 45 CFR 233.60; 45 CFR 233.90(c)(2)(i); and Blanco v. Anderson Court Order, United States District Court, Eastern District of California, No. CIV-S-93-859 WBS, JFM, dated January 3, 1995.

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

- | | | |
|----|----------------------------------|--|
| .1 | Beginning Date of Aid | The BDA shall be: |
| | .11 Mandatorily Included Persons | When mandatorily included persons added result in a cash aid: |
| | .111 Increase | The first of the month after the change is reported and all conditions of eligibility have been met. |
| | .112 Decrease | Section 44-318.112(QR) shall become inoperative and Section 44-318.112(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration. |

44-318	BEGINNING DATE OF AID (BDA) FOR PERSONS BEING ADDED TO THE AU (Continued)	44-318
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	(QR)	The first day of the QR Payment Quarter following the required reporting of the individual on the QR 7 provided all conditions of eligibility have been met.
	(SAR)	The first day of the SAR Payment Period following the required reporting of the individual on the SAR 7 or SAWS 2 provided all conditions of eligibility have been met.
.12	Optional Persons	When optional persons added result in a cash aid:
	.121 Increase	The first of the month after the change is reported and all conditions of eligibility have been met.
	.122 Decrease	Section 44-318.122(QR) shall become inoperative and Section 44-318.122(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
	(QR)	The first day of the QR Payment Quarter following the required reporting of the individual on the QR 7 provided all conditions of eligibility have been met.
	(SAR)	The first day of the SAR Payment Period following the required reporting of the individual on the SAR 7 or SAWS 2 provided all conditions of eligibility have been met.
.13	Sanction/ Noncooperating Persons	Section 44-318.13(QR) et seq. shall become inoperative and Section 44-318.13(SAR) et seq. shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
	(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:

44-318	BEGINNING DATE OF AID (BDA) FOR PERSONS BEING ADDED TO THE AU (Continued)	44-318
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	(QR) (a)	All conditions of eligibility have been met (see Section 44-316.331 (c) (QR)); and
	(QR) (b)	The activities in accordance with Section 42-721.43 have been successfully completed.
	(SAR)	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:
	(SAR) (a)	All conditions of eligibility have been met (see Section 44-316.331(c)(SAR)); and
	(SAR) (b)	The activities in accordance with Section 42-721.43 have been successfully completed.
	.14 Unreported Mandatorily Included Persons	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.
	.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.
	.15	Section 44-318.15(QR) et seq. shall become inoperative and Section 44-318.15(SAR) et seq. shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
	(QR) Newborn Child and MFG Child	
	(SAR) 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)).

44-318	BEGINNING DATE OF AID (BDA) FOR PERSONS BEING ADDED TO THE AU (Continued)	44-318
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	(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)).
(SAR) .151		Newborn Child	When a newborn child is added results in a cash aid:
	(SAR) (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(SAR)).
	(SAR) (b)	Decrease	The first day of the next SAR Payment Period after the change is reported on the SAR 7 or the SAWS 2 and after all conditions of eligibility have been met (see Section 44-211.6(SAR)).
(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.
(SAR) .152		Newborn MFG Child	When an MFG newborn child is added results in no change or a decrease in cash aid.
	(SAR) (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.

44-318	BEGINNING DATE OF AID (BDA) FOR PERSONS BEING ADDED TO THE AU (Continued)	44-318
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	(SAR) (b)	PSN/Decrease	The first day of the next SAR Payment Period 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.
.16		Father of a Newborn	When a father of a newborn added, in accordance with Section 44-205.122, results in a cash aid:
.161		Increase	The first of the month after the report of the birth and all conditions of eligibility have been met.
.162		Decrease	Section 44-318.162(QR) shall become inoperative and Section 44-318.162(SAR) shall become operative in a county on date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
	(QR)		The first day of the next QR Payment Quarter after the report of the birth and all conditions of eligibility have been met.
	(SAR)		The first day of the next SAR Payment Period after the report of the birth and all conditions of eligibility have been met.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11056, 11265.1, 11265.2, 11265.3, and 11327.5(d), Welfare and Institutions Code; 45 CFR 233.10 and .20(a)(13); Federal Register, Vol. 57, No. 131; and SSA-AT-86-01; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

44-319	INITIAL PAYMENTS	44-319
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- .1 Initial Payment -- Defined -- An initial payment is:
 - .11 The first payment made on new applications and restorations;
 - .12 The first payment for a child transferred from a boarding home to a family budget unit;
 - .13 The first payment for the addition of a child to a family budget unit already receiving AFDC, or for the addition of a needy relative (if none has been included before) whether or not the actual payment is increased.

44-319	INITIAL PAYMENTS (Continued)	44-319
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.2 When Initial Payment is Made

An initial payment shall be delivered within the month for which aid is granted or restored, or not later in the following month than the time such payment is required to be delivered in accordance with Section 45-303.1.

.3 Retroactive Initial Payment

An initial payment includes aid for prior months if retroactive aid is authorized because:

- .31 Aid was granted on appeal to the State Department of Social Services;
- .32 The State Department of Social Services concurs in a county recommendation that retroactive aid be paid to adjust an appeal;
- .33 An application for aid has been denied and corrective action is being taken;
- .34 The investigation was not completed by the end of the month following the date on which the application was made or the end of the month following the date on which the applicant became eligible if such is later than the date of application.

44-325	CHANGES IN AMOUNT OF PAYMENT	44-325
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.1 When Change is Effective

Section 44-325.1(QR) shall become inoperative and Section 44-325.1(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) When any change in the recipient's circumstances requires a change in grant, or a discontinuance of aid, the appropriate change or discontinuance is to be made effective in accordance with Section 44-316(QR) as soon as notice can be given pursuant to Sections 22-071(QR) and 22-072(QR).

(SAR) When any change in the recipient's circumstances requires a change in grant, or a discontinuance of aid, the appropriate change or discontinuance is to be made effective in accordance with Section 44-316(SAR) as soon as notice can be given pursuant to Sections 22-071(SAR) and 22-072(SAR).

44-325	CHANGES IN AMOUNT OF PAYMENT (Continued)	44-325
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.2 Discontinuance

Section 44-325.2(QR) shall become inoperative and Section 44-325.2(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) If a recipient's circumstances change to the extent that he no longer meets the eligibility requirements, aid shall be discontinued in accordance with Section 44-316.3(QR). (See Section 40-183.4 regarding appropriate action when the recipient is no longer eligible for cash grant but remains eligible for medical assistance as a medically needy person).

(SAR) If a recipient's circumstances change to the extent that he no longer meets the eligibility requirements, aid shall be discontinued in accordance with Section 44-316.3(SAR). (See Section 40-183.4 regarding appropriate action when the recipient is no longer eligible for cash grant but remains eligible for medical assistance as a medically needy person).

.3 Cancellation or Reduction of the Second Installment of a Month's Aid Payment

.31 The second installment of a month's aid payment is normally not cancelled or reduced, except when:

.311 Ineligibility for the first installment was discovered too late to give proper notice under Section 22-022; or

.312 Payment of the first installment was made because the payment date was within the termination notice period. For example, see Section 41-440.71; or

.313 An overpayment would occur if the second installment is not cancelled or decreased.

.32 Any cancelled or reduced payment is subject to all notice requirements as outlined in Section 22-022.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11006.2, 11265.1, 11265.2, and 11265.3, Welfare and Institutions Code.

44-327 DELAYED PAYMENT**44-327**

When a public assistance payment is delayed because of changes in circumstances not related to continuing eligibility or to the correctness of grant, the county shall immediately take whatever action is necessary to determine the changed circumstances and issue the payment at the earliest possible date.

.1 Federal and State Participation

Federal and state participation in CalWORKs is available for the delayed payment only if it is released within whichever of the following occurs first:

- .11 One calendar month after the county receives information upon which it can act indicating there has been a change in circumstances, or
- .12 Two months succeeding the month for which the payment was issued.

.2 Factors Causing Delay in Payment

Factors which may cause delay in payment within the meaning of this section include:

- .21 Change of address of recipient -- warrant is returned to the auditor's office and the county is so notified.
- .22 A change in payee.
- .23 A transfer of county responsibility for aid payment -- the second county inadvertently fails to begin aid on the due date and pays retroactive aid from that date.
- .24 Death of a recipient -- when reissuance of the warrant or payment is appropriate but not possible until the person entitled to the warrant or payment is determined under Probate Law, the limitations specified in .11 and .12 above are not applicable (see Handbook Section 25-520.7).
- .25 Section 44-327.25(QR) shall become inoperative and Section 44-327.25(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) The complete QR 7 (see Section 40-181.241(QR)) is received after the tenth day prior to the end of the submit month regardless of good cause - the first warrant shall be mailed or electronic fund transfer made in accordance with Section 44-305.231(QR).

44-327 DELAYED PAYMENT (Continued) 44-327

(SAR) The complete SAR 7 (see Section 40-181.241(SAR)) is received after the tenth day prior to the end of the submit month or the SAWS 2 is received after the 15th day of the submit month, regardless of good cause - the first warrant shall be mailed or electronic fund transfer made in accordance with Section 44-305.231(SAR).

.26 Electronic Fund Transfer Accounts – If the direct deposit electronic fund transfer was incomplete due to, but not limited to, closed account, the failure of the direct deposit electronic fund transfer, or the payment inadvertently went to the wrong account, the county shall immediately take whatever action is necessary at the earliest possible date.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11006.2, and 11265.1, Welfare and Institutions Code.

44-340 UNDERPAYMENTS 44-340

.1 General

.11 An underpayment shall be corrected in accordance with the regulations in effect on the date of discovery.

.12 Underpayments occur when the applicant or recipient receives less than the amount to which he/she is entitled in a given month or months. Failure to apply for or request aid does not create an underpayment.

.13 The county shall take all reasonable steps necessary to correct promptly any underpayment that comes to the county's attention.

.131 Any underpayment which is due to the erroneous denial of an application for aid shall be corrected even though the applicant failed to perform an act constituting a condition of eligibility when such failure was caused by the denial. Acts which constitute conditions of eligibility shall include, but are not limited to those contained in Sections 40-105.21, 42-625, 43-106, 43-119.23, 44-103.23, and .24.

.132 For the purpose of determining the beginning date of aid for correcting an underpayment which is due to the erroneous denial of an application, see Section 44-317.8.

.133 Section 44-340.133(QR) shall become inoperative and Section 44-340.133 (SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

44-340	UNDERPAYMENTS	44-340
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(QR) If information reported on the QR 7 results in an increase of cash aid, and the county cannot increase the grant by the first day of the month of the next QR Payment Quarter, a supplement shall be issued for that month, and cash aid increased for the remaining months of that quarter provided that the recipient reported the information timely.

(SAR) If information reported on the SAR 7 or SAWS 2 results in an increase in cash aid, and the county cannot increase the grant by the first day of the month of the next SAR Payment Period, a supplement shall be issued for that month, and cash aid increased for the remaining months of that SAR Payment Period. A supplement will be provided for the month the decrease in income is reported or the month the change actually occurs, whichever is later, after all verification has been provided (see Section 44-316.31(SAR)).

.14 Section 44-340.14(QR) shall become inoperative and Section 44-340.14(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) A mid-quarter supplemental payment resulting from a voluntary mid-quarter report which was correctly computed based on a recalculation of reasonably anticipated income and/or other changed AU circumstances shall not be considered an underpayment and is not subject to an overpayment offset.

(SAR) A mid-period supplemental payment resulting from a voluntary mid-period report which was correctly computed based on a recalculation of reasonably anticipated income and/or other changed AU circumstances shall not be considered an underpayment and is not subject to an overpayment offset.

.2 Investigation of Underpayments

.21 When there is a reason to suspect that an underpayment may have occurred, the worker must investigate and determine whether an underpayment did occur.

.3 Calculating the Underpayments

The calculation of the underpayment is as follows:

.31 Calculate the correct grant for each month in question, compare the correct grant to the amount actually paid to the recipient for each month; and if the amount to the recipient in any month is less than the correct grant for that month, an underpayment exists.

44-340	UNDERPAYMENTS (Continued)	44-340
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.32 An underpayment occurs when the AU receives less cash aid than the AU was entitled to receive and would be based on regulations in effect at the time the underpayment occurred.

.321 The county shall not reconcile actual verified income against prospectively budgeted income that was used in the grant calculation as income that was reasonably anticipated at the time benefits were calculated.

.33 Section 44-340.33(QR) shall become inoperative and Section 44-340.33(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) No underpayment shall be established when a change in circumstances occurs or actual income received is less than what was reasonably anticipated during the QR Payment Quarter and the recipient did not voluntarily report the change in circumstances or the decrease of income during the QR Payment Quarter in accordance with Section 44-316.31(QR).

(SAR) No underpayment shall be established when a change in circumstances occurs or actual income received is less than what was reasonably anticipated for the SAR Payment Period and the recipient did not voluntarily report the change in circumstances or the decrease of income during the SAR Payment Period in accordance with Section 44-316.31(SAR).

.4 Correction of the Underpayment

.41 Underpayments are corrected through retroactive payments.

.42 If an assistance unit has both an underpayment and an overpayment, the county shall balance one against the other before making a retroactive corrective payment.

.43 (Repealed by Manual Letter No. 82-26, effective 04/02/82.)

.44 The month of discovery is the month in which the county obtained any information which could have reasonably led to a determination that an underpayment occurred.

.45 (Repealed by Manual Letter No. 82-26, effective 04/02/82.)

.5 (Repealed by Manual Letter No. 82-26, effective 04/02/82.)

.6 For purposes of determining continued eligibility and amount of assistance, retroactive payments shall not be considered as income or as a resource in the month paid nor in the next following month.

.7 Repealed by DSS Manual Letter No. EAS-89-06, effective 10/1/89.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11004.1, 11265.1, 11265.2, 11265.3, and 11450.5, Welfare and Institutions Code.

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44-350	OVERPAYMENTS -- GENERAL	44-350
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.1 General

- .11 Any overpayment which occurred prior to April 2, 1982 and which is determined to be nonwillful, in accordance with regulations in effect during the month that the overpayment occurred, shall not be recouped except through voluntary repayment.
- .12 For any willful overpayment which was discovered prior to April 2, 1982 and the maximum adjustment period had not expired prior to April 1982, adjustment shall be continued as long as necessary to recover the overpayment.
- .13 For any overpayment, except those described in 44-350.11, which is discovered on or after April 2, 1982, the overpayment shall be recouped in accordance with regulations in effect on the date of discovery.
- .14 When the overpayment is determined to be due to excess property, the overpayment is to be recouped in accordance with the regulations in Section 44-352.11.
 - .141 For cases in which an overpayment caused by excess property was recouped under former MPP Section 44-352.11, which was effective on April 2, 1982, the county shall take the following steps:
 - (a) Recompute the overpayment in accordance with the April 1986 amendments to Section 44-352.11;
 - (b) Determine if the revised overpayment is less than the overpayment computed under the April 2, 1982 regulations.
 - (c) If the revised overpayment is less, issue a payment to correct the underpayment for any amount which has actually been recouped which exceeds the revised overpayment amount.

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Note: In accordance with the Edwards v. McMahan final court order, payments are to be issued to correct underpayments even when the family is not currently aided.

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- .142 The case review, recomputation, and correction of any underpayments shall be completed as soon as possible and not later than the deadlines set forth below:
- (a) The date of the next annual redetermination of eligibility or the date of termination, whichever is earlier, for all current recipients on the effective date of this regulation;
 - (b) Sixty days from the date aid is granted for reapplications and requests for restoration of aid within one year of the effective date of this regulation;
 - (c) Sixty days from the date of a request for review in all other cases.
- .15 An overpayment is any amount of any aid payment an AU received to which it was not eligible. An overpayment may be all or a portion of an aid payment. This includes, but is not limited to, an immediate need payment, a special need payment or aid paid pending a state hearing.
- .151 An overpayment shall not include aid paid where all four of the following prerequisites are met:
- (a) An applicant or recipient fails to perform an act constituting a condition of eligibility for aid. Acts which constitute conditions of eligibility shall include, but are not limited to those contained in Sections 40-105.21, 42-625, 43-106, 43-119.23, 44-103.23, and .24.
 - (b) The applicant's/recipient's failure to perform an act constituting a condition of eligibility is caused by a state agency error or by a County Welfare Department (CWD) error, and not by an applicant/recipient error.
 - (1) "State agency error," for purposes of this section is the agency's failure to promptly notify the CWD that the applicant/recipient does not or no longer meets a specific condition of eligibility.

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- (A) For example: EDD fails to notify the CWD that an applicant/recipient has been deregistered from Job Services (JS).

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- (2) "CWD error," for purposes of this section, is the CWD's failure to inform an applicant/recipient that he/she must perform an act which constitutes a condition of eligibility.
- (3) "Applicant or recipient error," for purposes of this section, shall occur only when the applicant or recipient was notified, either verbally or in writing, of the need to perform the act which constitutes a condition of eligibility and did not perform the act in question after notification, within a reasonable period of time under the circumstances.

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- (A) For example, where a child becomes six years old on April 6 and the CWD informs the parent of the requirement to WIN register on July 12, the parent's failure to WIN register in July would probably be a "recipient error" and, therefore, cause an overpayment for July. However, if the parent is informed of the WIN registration requirement on July 29, a failure to register within that month would probably not be a "recipient error" and there would be no overpayment for July because the recipient did not have a reasonable period of time to WIN register before the end of the month. In either case, there is no overpayment for April, May and June.

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- (c) The amount of aid paid would have been the same had the act constituting the condition of eligibility been performed.
 - (d) The state agency or CWD error is discovered or an overpayment is being calculated or an overpayment is being recouped on or after January 1, 1985.
- .16 The county shall take all reasonable steps necessary to promptly correct and collect any overpayments that are known to the county including recovery of overpayments due to either applicant/recipient and/or county administrative errors, with the following exceptions:
- .161 The county shall not demand collection of nonfraudulent overpayments totaling less than \$35 from individuals no longer receiving aid. Where the nonfraudulent overpayment amounts owed by the individuals no longer receiving aid is \$35 or more, the county shall send a demand notice for repayment. No further collection efforts shall be made if the county determines that the cost to collect the overpayment exceeds the amount to be recovered.

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- (a) Counties shall maintain information regarding the uncollected overpayments to enable recoupment should any individuals from the prior overpaid AU reapply.
- (b) Costs which counties shall consider when determining the cost effectiveness to collect are total administrative and personnel costs, legal filing fees, investigative costs, and any other costs which are applicable.

.162 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

.17 A supplemental payment which was correctly computed, based on the county's determination of reasonably anticipated income, shall not be subject to an overpayment determination provided that the recipient's report, upon which the county based its determination, was complete and accurate. If there is a computational error, the supplemental payment shall be corrected.

.18 Section 44-350.18(QR) shall become inoperative and Section 44-350.18(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) An overpayment shall not be assessed based on any differences between the amount of income the county reasonably anticipated the recipient would receive during the QR Payment Quarter and the income the recipient actually received during that period, provided the recipient's reports were complete and accurate.

(SAR) An overpayment shall not be assessed based on any differences between the amount of income the county reasonably anticipated the recipient would receive during the SAR Payment Period and the income the recipient actually received during that period, provided the recipient's reports were complete and accurate.

.2 Definitions (in Alphabetical Order)

- a) Action for Civil Judgment - The action taken by the appropriate county official to take the recipient or former recipient to court.
- b) Administrative Error Overpayment - Except as provided in Section 44-350.151, an overpayment caused by error on the part of the county when all information necessary to a correct determination of the grant was in the possession of the county.
- c) Aid - The amount of assistance issued to a recipient.

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- d) Balancing - A method for the recovery of all or a portion of an overpayment by applying it against a repayable underpayment.
- e) Demand for Repayment - The notification to a recipient or former recipient that an overpayment occurred for which there is a right for judicial restitution. Where demand for repayment is appropriate, it may be used concurrently with other methods of adjustment.
- f) Grant Adjustment - Recovery of an overpayment by reducing the grant of a presently eligible individual or family.
- g) (Reserved)
- h) (Reserved)
- i) Month of Discovery - The month of discovery is the month in which the county obtained, or could have obtained by taking prompt action, information sufficient to support a determination both that an overpayment occurred and the amount of such overpayment.
- j) Nonfraudulent Overpayment - An overpayment which is not determined to be fraudulent pursuant to MPP 20-003.1.

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MPP 20-003.1 provides that fraud exists when a person, on behalf of himself or others, has:

- (1) Knowingly and with intent to deceive or defraud made a false statement or representation to obtain benefits, obtain a continuance or increase of benefits, or avoid a reduction of benefits.
- (2) Knowingly and with intent to defraud failed to disclose a fact which, if disclosed, could have resulted in denial, reduction, or discontinuance of benefits.
- (3) Accepted benefits knowing he/she is not entitled thereto, or accepted any amount of benefits knowing it is greater than the amount to which he/she is entitled.
- (4) For the purpose of obtaining, continuing, or avoiding a reduction or denial of benefits, made statements which he/she did not know to be true with reckless disregard of the truth.

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- k) Recovery - Grant adjustment, voluntary grant offset, voluntary cash recovery, demand for repayment, action for civil judgment and balancing.

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- l) Unlocatable - Means either of the following:
 - (1) When the county is unable to determine the physical whereabouts of the caretaker relative; or
 - (2) When the county is able to locate the caretaker relative, but unable to execute a legal process to collect.
- m) Voluntary Cash Recovery - Repayment voluntarily made to the county by a recipient who has incurred an overpayment.
- n) Voluntary Grant Offset - Voluntary repayment made to the county by a recipient's foregoing all or a portion of a grant for which he or she is eligible.

.3 Investigation of Overpayments

When information indicates that an overpayment may have occurred, the county shall take the following actions:

- .31 Review the eligibility and grant factors to find what the correct grant amount should have been;
- .32 Calculate the overpayment;
- .33 Determine from whom the overpayment may be recovered (see Section 44-352.3);
- .34 Determine the appropriate recovery method and the amount to be recovered.
- .35 If appropriate (see Section 44-352.5), initiate any referrals to the SIU for an investigation.

.4 Aid Paid Pending

Aid paid pending a state hearing decision (see Section 22-022) is a recoverable overpayment except to the extent that the claim is granted. However, the amount of a proposed overpayment adjustment which is stopped because of a recipient's timely request for a state hearing is not an overpayment.

44-350 OVERPAYMENTS -- GENERAL (Continued) 44-350

.5 Overpayments Due to the Inability to Provide Ten-Day Notice of Adverse Action

Section 44-350.5(QR) shall become inoperative and Section 44-350.5(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) An overpayment shall be assessed when the AU receives more cash aid than the AU was entitled to receive because the county was unable to provide ten-day notice of an adverse action following receipt of a mandatory recipient report, including the QR 7.

(SAR) An overpayment shall be assessed when the AU receives more cash aid than the AU was entitled to receive because the county was unable to provide ten-day notice of an adverse action following receipt of a mandatory recipient report, including reports on the SAR 7, the SAWS 2, or mandatory mid-period reports of income over the IRT.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11004 (Ch. 270, Stats. 1997), 11004.1, 11056, and 11265.1, Welfare and Institutions Code; Section 37 of AB 444 (Ch. 1022, Stats. 2002); 45 CFR 233.20(a)(13); and Administration for Children and Families (ACF) Action Transmittals (AT) 94-11 and 94-20; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

44-351 METHODS OF OVERPAYMENT RECOVERY 44-351

In addition to grant adjustment and demand for repayment which are discussed in Section 44-352.4 the following methods of recovery apply to all overpayments:

.1 Voluntary Cash Recoveries

Voluntary cash recovery should be explained by the county to a recipient (or former recipient) but no request for voluntary payment should be made.

.11 If a recipient or former recipient offers to repay all or a portion of an overpayment which is not subject to grant adjustment or a demand for repayment and action for civil judgment, the following apply:

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- .111 An agreement made with the recipient shall be in writing and shall clearly indicate to the individual that the repayment is voluntary.
- .112 The recipient is not required to fulfill any voluntary agreement he/she enters into and may suspend at any time payments he or she has agreed to make.

.2 Voluntary Grant Offset

Voluntary grant offset should be explained by the county to those recipients who have available income and resources when the overpayment could not be recovered in the appropriate adjustment period. However, no request may be made for voluntary repayment.

- .21 If the recipient offers to repay the remaining overpayment by foregoing all or a portion of a grant to which he or she is eligible, the following apply:
 - .211 The county shall obtain in writing an agreement to repay. Such agreement shall clearly indicate to the individual that repayment is voluntary.
 - .212 The recipient is not required to fulfill any agreement he/she enters into and may request payment of the full grant to which he/she is eligible at any time.

.3 Balancing

When an assistance unit has both an overpayment and an underpayment, the county shall offset one against the other.

44-352	OVERPAYMENT RECOUPMENT	44-352
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.1 Calculation of the Overpayment

When it is determined that an overpayment exists, calculate the amount of the overpayment and determine the appropriate methods of recovery.

- .11 Overpayment due to "excess property"
 - .111 Section 44-352.111(QR) shall become inoperative and Section 44-352.111 (SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

44-352	OVERPAYMENT RECOUPMENT (Continued)	44-352
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(QR) Unless the excess property was spent down prior to the first day of the next QR Payment Quarter, which followed the QR 7 on which the excess property should have been reported, the county shall determine an excess property overpayment based on an accurate report and/or correct county action when:

(QR) (a) Property information that should have been reported on the QR 7 was not reported; or

(QR) (b) The county failed to act correctly on property information reported on the QR 7. Also see Section 40-125.951.

(SAR) Unless the excess property was spent down prior to the first day of the next SAR Payment Period, which followed the SAR 7 or SAWS 2 on which the excess property should have been reported, the county shall determine an excess property overpayment based on an accurate report and/or correct county action when:

(SAR) (a) Property information that should have been reported on the SAR 7 or SAWS 2 was not reported; or

(SAR) (b) The county failed to act correctly on property information reported on the SAR 7 or SAWS 2. Also see Section 40-125.951.

.112 When a recipient has held property in excess of eligibility limits, the overpayment shall be calculated as follows:

(a) Determine the period of time in which the recipient held property exceeding the property maximums.

(1) For the purposes of this section, the period that the recipient held excess property includes all months in which the total property value of the same items of property exceeds limits on the first day of the month, even though there may be intervening months in which the total property value is below limits. Fluctuations in the value of individual items of property shall not affect the determination of the period of time that the recipient held excess property, so long as the same items of property are included in the total property valuation. If the recipient disposes of an item of property or acquires an item of property, a new period begins and separate calculation is required.

(2) Section 44-352.112(a)(2)(QR) shall become inoperative and 44-352.112(a)(2)(SAR) shall become operative in a county on the date that SAR becomes effective in that county pursuant to the County's SAR Declaration.

44-352 OVERPAYMENT RECOUPMENT (Continued)

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- (QR) The first month that can be determined for this period of excess property is the first month of the QR Payment Quarter following the QR 7 in which the excess property was required to be reported.
- (SAR) The first month that can be determined for this period of excess property is the first month of the SAR Payment Period following the SAR 7 or SAWS 2 in which the excess property was required to be reported.
- (b) Determine the month within the period in which the property value, on the first day of the month, was the highest and calculate the amount by which the property exceeded the eligibility limit.
- (c) Calculate the total amount of aid actually paid to the recipient during the months excess property was held, subtracting any money, excluding child support recoupment, received by the county which was credited against the aid payment for those months.
- (d) Determine whether the recipient received aid in "good faith". The determination of "good faith" receipt of aid shall be based on a preponderance of evidence establishing that the recipient believed himself/herself to be eligible to the aid received. The county shall consider information in the case record and all other available information, including an interview with the recipient if he/she is available and willing to cooperate. The determination of "good faith" receipt of aid shall be reasonable, objective, and drawn from all available information.
- (1) The county shall not determine that a recipient has received aid in "good faith" in cases where the county has informed the recipient of his/her reporting responsibilities and, under the circumstances, the recipient knew of his/her reporting responsibilities and failed to report within his/ her competence. See Section 40-105.

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- (A) The following are examples of questions to be considered in making the determination. Not all questions necessarily apply in all situations.
1. How was the recipient informed of his/her reporting responsibilities? E.g., Mass Mailing? Personal Intake Interview? Home Visit? Never?

HANDBOOK CONTINUES

HANDBOOK CONTINUES

2. Is there information in the case record which indicates the recipient's apparent understanding of his/her reporting requirements with regard to property?
3. What is the recipient's history of reporting?
4. Did the recipient know the value of the property in question?
5. Did county actions contribute to the situation causing the overpayment?
6. Is there other information about the recipient's situation that would have an influence on the determination (i.e., language/age barrier)?

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- (e) If the county determines that the recipient received aid in "good faith", in accordance with .112(d) above, the amount of the overpayment is the lesser of the amount of excess property calculated in .112(b) above or the total grant paid as calculated in .112(c) above.

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- (1) Recipient owned several stocks which fluctuated in value. At the time of her eligibility determination in January the combined value of her property, including stocks, was computed to be \$1,850. She was granted aid of \$100 per month. At her redetermination the following January, her property was investigated in detail. It was found that twice during the prior year her total property value had exceeded the property limit, both times due to fluctuations in stock value. However, neither occurrence had taken place in a Data Month, so the recipient was not mandated to report this fluctuation in income. There is no overpayment in this situation.
- (2) Handbook Section 44-352.112(e)(2)(SAR) shall become operative in a county on the date that SAR becomes effective in that county pursuant to the County's SAR Declaration.

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(SAR) Recipient is in an August through January SAR Payment Period and receives a \$400 monthly grant. She owns several stocks which fluctuate in value, but have always been reported as worth less than \$2,000. At the time of her annual redetermination in January, her property is investigated in detail. It is discovered that beginning in April of the previous year, her stocks increased in worth to \$2,500. On her June SAR 7, submitted timely on July 8, she should have reported the increased value of the stocks and the county would have taken action to discontinue the recipient effective July 31, the end of that SAR Payment Period, for being over the property limit. The stocks dropped down in value to \$1,800 in October. The ineligible months are August through October. The county determines that the recipient did not know that she was over the property limits and that she received aid in "good faith."

The total grant paid for the ineligible months is \$1,200. The amount by which the excess property exceeded the property limit in the month the property value was the highest was \$500. The overpayment to be recouped is the lesser amount, in this case, \$500.

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- (f) If the county determines that the recipient did not receive aid in "good faith", the amount of the overpayment shall be the total grant paid during the month(s) the excess property was held, as calculated in .112(c) above.

.12 Overpayment due to income or need or circumstances other than excess property.

An overpayment shall be assessed when an AU receives more cash aid than entitled to as a result of not reporting income or circumstances timely, or the county does not act correctly on a recipient report, or the county did not act timely. The county shall redetermine the cash aid the recipient should have received based on the required report and correct county action.

- .121 Compute the correct grant amount based on correct information for the month involved in the overpayment. If the recipient was totally ineligible for that month, the correct grant amount is zero (0).

44-352 OVERPAYMENT RECOUPMENT (Continued)

44-352

In this computation, allow all income disregards which would have been allowed if the grant had been computed correctly. The regulations in effect at the time the overpayment occurred shall be used to determine the correct amount of the grant, with the following exceptions:

- (a) Regulations subsequently invalidated by a court decision shall not be used in determining the correct grant for the applicable period(s) as required by the court decision. Instead, the instructions (e.g., All-County Letter, regulations, etc.) implementing the court decision shall be used.
 - (1) If a recipient fails to report income timely or the county fails to act correctly or timely on a recipient report, the county shall redetermine the cash aid the recipient should have received based on an accurate report and correct county action. If the recalculation results in an overpayment, the date that the overpayment begins is the first date that the change would have been made if timely and correct action had been taken based on the complete, timely and accurate recipient report.
 - (2) When recomputing cash aid results in an overpayment, the county shall recreate case circumstances using the correct county processing time frames based on what the recipient should have reported.

HANDBOOK BEGINS HERE

Handbook Section 44-352.121(a)(2)(QR) shall become inoperative and Handbook Section 44-352.121(a)(2)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to County's SAR Declaration.

- (QR) In the quarter designated as October/November/December 2004, the county determines through an IEVS match that an AU had income that exceeded the IRT early January 2005 (January 5). (The quarter in which the income was received was January/February/March). The AU is still receiving the same level of income in the current July/August/September 2005 quarter and has never reported the income in a mid-quarter report or on any of the QR 7s that have been submitted. The county determines that the AU should have reported this change by January 15, and should have been discontinued due to financial ineligibility effective January 31. The AU should be discontinued with a 10-day notice and an overpayment would be established beginning February 1 through the month of discontinuance.

HANDBOOK CONTINUES

44-352 OVERPAYMENT RECOUPMENT (Continued)**44-352**

HANDBOOK CONTINUES

(SAR) In the SAR Payment Period designated as July through December, an AU has no income and is receiving the Maximum Aid Payment amount. On October 10, the county determines through an IEVS match that the AU got income that exceeded the IRT beginning on January 5 of the previous SAR Payment Period. The AU is still receiving the same level of income in the current SAR Payment Period and has never reported the income on a mid-period report or on the SAR 7 that was submitted in June. The county determines that the AU should have reported this change by January 15, and should have had their grant decreased due to the increased income effective January 31. The AU's grant shall be decreased on November 1, with a 10-day notice, and an overpayment would be established for February through October.

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- (b) If the overpayment occurred prior to January 1, 1998, and if the overpayment is due to any earned income that the recipient failed, without good cause, to report timely, no earned income disregards shall be allowed for that individual in that month.

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Earned income disregards in effect prior to January 1, 1998 were: 1) \$90 standard work expense disregard, 2) \$30 and 1/3 earned income disregard, 3) extended \$30 income disregard, and 4) child and dependent care disregard (\$200 per month for children under 2 and \$175.00 per month for older children and other dependents).

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- .122 Subtract the correct grant amount from the amount of aid actually paid.
- .123 Subtract any money, excluding child support recoupment, received by the county and credited against the aid payment from the aid actually paid.
- .124 The total overpayment for each month is the lesser of the amount computed in Sections 44-352.122 or .123.
- .125 The total overpayment is the sum of all amounts calculated in Section 44-352.124.

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EXAMPLES

<u>Factors</u>	<u>Computations</u>	(.121)	(.125)
	<u>Aid Paid</u>	<u>Correct Grant</u>	<u>Overpayment</u>
1. Earned Income		\$1,025	
Reported Income		1,025	
Income Disregard		<u>- 112</u>	
Subtotal		913	
50% Earned Income Disregard		<u>- 457</u>	
Total Net Nonexempt Income		456	
MAP for Five	\$860	\$ 860	
Total Net Nonexempt Income		<u>- 456</u>	
Aid Payment	\$860	\$ 336	
Potential Overpayment (Aid Paid Less Correct Grant)			\$ 860
			<u>- 336</u>
			\$ 524
2. Earned Income		\$ 500	
Reported Income		\$ 500	
Income Disregard		<u>- 112</u>	
Subtotal		388	
50% Earned Income Disregard		<u>- 194</u>	
Total Net Nonexempt Income		194	
MAP for Three	\$638	\$ 638	
Total Net Nonexempt Income		<u>- 194</u>	
Aid Payment	\$638	444	
Overpayment (Aid Paid Less Correct Grant)			\$ 638
			<u>-444</u>
			\$ 194

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.2 Amount That Can Be Recovered

The amount that can be recovered is the total amount calculated under 44-352.11 or 44-352.12, with the following exceptions:

.21 Collection of overpayments shall not be demanded from any individual of the overpaid AU no longer receiving aid when:

.211 The overpayments are nonfraudulent; and

.212 The total amount of the overpayments is less than \$35.

.22 Where the nonfraudulent overpayments owed by any individual no longer receiving aid totals \$35 or more, the county shall send a demand notice for repayment. No further collection efforts shall be made if the county determines it is not cost effective to collect the overpayment (see MPP 44-350.161[b]).

.3 Priority Order For Overpayment Recoupment

Overpayments shall be recouped in the following priority order unless specifically exempted under Section 44-352.2.

.31 Caretaker Relative Recipient

When the caretaker relative was a member of the AU at the time of the overpayment, the county shall first seek recoupment from the caretaker relative recipient.

.311 Recovery

The county shall continue to seek recovery of the overpayment from the caretaker relative even when he/she:

(a) Moves to another AU, or

(b) Is no longer on aid.

.312 Members of the AU

The county shall only initiate recovery of the overpayment from the other members of the overpaid AU after all efforts to collect from the caretaker relative recipient have been exhausted, and the caretaker relative recipient:

44-352	OVERPAYMENT RECOUPMENT (Continued)	44-352
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- (a) Dies and the county cannot collect the entire unpaid balance of the overpayment from the caretaker relative's estate; or
- (b) Is unlocatable; or

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- (1) In locating former recipients who have outstanding overpayments, appropriate data sources include, but are not limited to: State Employment Insurance Records; State Department of Revenue Records; State Department of Motor Vehicle Records; and Payment Verification System.

HANDBOOK ENDS HERE

- (c) Has the overpayment discharged in bankruptcy; or
- (d) Is no longer on aid; the overpayment is less than \$35 pursuant to Section 44-352.211, and there are other members of the overpaid AU who remain on aid; or
- (e) Is no longer on aid, and the county has determined that it is not cost effective to collect the overpayment from the caretaker relative pursuant to Section 44-352.22.

.32 Unaided Caretaker Relative

When the caretaker relative was not a member of the AU at the time of the overpayment, the county shall seek recovery from the members of the overpaid AU as specified under Section 44-352.33, unless Section 44-352.34 applies.

.33 Recovery from AU Members

There shall be no priority order in seeking collection of the overpayment from members of the overpaid AU who were not the caretaker relative.

.331 Sequential/Concurrent

Collection may occur in sequence against any one member at a time or concurrently from any of the members, when in separate AUs or when not receiving aid.

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44-352	OVERPAYMENT RECOUPMENT (Continued)	44-352
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.34 CalWORKs Overpayment Recovery from Child AU Members

The county shall not collect an overpayment from an individual who was a non-head-of-household child-member of the overpaid AU at the time of the overpayment, under the following circumstances:

.341 The child moves to another AU,

.342 The child attains the age of 18 years or is an emancipated minor.

.35 Section 44-352.34 shall not apply to collections of overpayments made under the former AFDC program, as required by federal law.

.4 Methods of Recovery

All of the following methods may be used concurrently. However, those methods should be used that will result in the maximum recovery.

44-352	OVERPAYMENT RECOUPMENT (Continued)	44-352
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.41 Grant Adjustments

Section 44-352.41(QR) shall become inoperative and Section 44-352.41(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Under QR/PB, recoupment by grant adjustment shall only be initiated at the beginning of a QR Payment Quarter. Grant adjustment shall be discontinued mid-quarter when the debt is paid in full. A new overpayment collection may continue mid-quarter by grant adjustment if the new collection of the overpayment does not decrease aid mid-quarter.

(SAR) Under SAR, recoupment by grant adjustment shall only be initiated at the beginning of a SAR Payment Period. Grant adjustment shall be discontinued mid-period when the debt is paid in full. A new overpayment collection may continue mid-period by grant adjustment if the new collection of the overpayment does not decrease aid mid-period.

.42 If the overpayment is to be recovered by grant adjustment, the following method shall be used:

.421 Agency Error

For overpayments caused by agency error,

(a) The AU's adjusted grant amount is the AU's computed grant amount for the payment month minus 5% of the MAP amount for the AU rounded to the next lower dollar.

.422 Other

For all other overpayments,

(a) The AU's adjusted grant amount is the AU's computed grant amount for the payment month minus 10% of the MAP amount for the AU rounded to the next lower dollar.

.423 Step Five

The overpayment shall be adjusted from the current aid payment. The adjustment shall be the lesser of the following:

- (a) The overpayment balance, or
- (b) The maximum adjustment amount, or
- (c) The current aid payment.

44-352	OVERPAYMENT RECOUPMENT (Continued)	44-352
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.424 Step Six

Any remaining overpayment balance shall be applied to succeeding months and the adjustment process shall be repeated.

.43 Balancing - See Section 44-351.3.

.44 Demand for Repayment

Using the appropriate Notice of Action form, the county shall demand repayment of any amount not recovered by grant adjustment, or otherwise repaid, except that no demand shall be made for nonwillful overpayment due to factors other than excess property that occurred prior to April 2, 1982.

.45 Civil Judgment

.451 If the recipient or an individual no longer receiving aid refuses or is unable to repay the amount demanded, the county shall refer the case to the appropriate county official for action on a civil judgment, unless specifically exempted under MPP 44-352.2.

(a) An abstract of civil judgment shall be recorded pursuant to Section 674, Code of Civil Procedure, in any county in which the recipient or former recipient owns real property.

(b) If a recipient is ineligible for further aid due to current income, property or other factors affecting eligibility, the county shall take all appropriate action pursuant to Section 681, et seq., Code of Civil Procedure, to execute the judgment.

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(c) Except that if the recipients' sources of income include Social Security or SSI/SSP benefits, these benefits are exempt from collection and will not be used to repay an overpayment unless agreed to by the client.

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.46 Nothing in .44 or .45 above shall preclude the county from arriving at a reasonable settlement of its demand for repayment with the recipient or former recipient.

.47 Voluntary Cash Recovery - See Section 44-351.1.

.48 Voluntary Cash Offset - See Section 44-351.2.

44-352	OVERPAYMENT RECOUPMENT (Continued)	44-352
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.5 Referral to Special Investigative Unit (SIU).

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.51 Chapter 20-000 through 20-009 discusses referrals to the Special Investigative Unit and referrals to law enforcement officials. Chapter 20-350 discusses referrals made in cases of alleged IPV.

HANDBOOK ENDS HERE

.511 All overpayments determined to be caused by an applicant's or recipient's failure to report information shall be referred to the SIU, including overpayments caused by an alleged IPV.

.52 The Determination of Failure to Report.

.521 A failure to report occurs when the recipient has:

- a. Made oral or written misstatements in response to oral or written questions from the county or state concerning his/ her income, resources or other circumstances which may affect the eligibility or grant amount; or
- b. Failed to report changes in income, resources or other circumstances which may affect the amount of the grant; or
- c. Failed to report receipt of a grant amount which he/she knew represented an erroneous payment.

NOTE: Authority cited: Sections 10553, 10554, and 11004(h), Welfare and Institutions Code. Reference: Sections 10553, 10554, 11004, 11004.1, 11008 (Ch. 270, Stats. 1997), 11017, 11155, 11155.1, 11155.2, 11257, 11265.1, 11265.2, 11450, 11450.5, 11451.5, 11452, 11453, and 11453.2, Welfare and Institutions Code; Darces v. Woods (1984) 35 Cal.3rd 871:201 Cal.Rptr. 807, and Ortega v. Anderson, Case No. 746632-0 (Alameda Superior Court) July 11, 1995.

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Repealed by CDSS Manual Letter No. EAS-01-01, effective 1/8/01.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11056 and 11008.13, Welfare and Institutions Code; 8 U.S.C. 1183a; and 8 CFR 213a.

44-355	MANDATORY INCLUSION OVERPAYMENT/UNDERPAYMENT	44-355
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| .1 | Mandatory Person -
Presence Unknown | The county shall complete the following when a person required to be included in the AU is discovered in the home. |
| .11 | Reinform AU | Upon discovery, reinform the AU in writing that the discovered person is required to be included on the appropriate Statement of Facts. The reinforming date is the date the reinforming notice is mailed. |
| .12 | Retroactive Period | The period beginning with the date the person was required to be included in the AU and ending with the date the AU was reformed. |
| .13 | Redetermine Eligibility | Redetermine the eligibility of the AU for each month the person was required to be included in the AU but was not included. |
| | .131 Income/Resources | Include the person's income and resources. |
| | .132 Needs | Include the person's needs. |
| .14 | Recompute Grant | For the period specified in Section 44-355.12, recompute the grant for the AU. |
| | .141 Income | Include the person's income and resources. |
| | .142 Needs | Include the person's needs. |
| .15 | Recover Overpayment | Initiate recovery of an overpayment as specified in Section 44-352 for any month in which aid was overpaid. |

44-355 (Cont.)	STANDARDS OF ASSISTANCE AID PAYMENTS	Regulations
44-355	MANDATORY INCLUSION OVERPAYMENT/UNDERPAYMENT (Continued)	44-355
.16	Correct Underpayment	Correct an underpayment as specified in Section 44-340 for any month in which aid was underpaid. Payment shall be made only for months in which all technical conditions of eligibility, as defined in Section 44-317.112(a), are met. Technical conditions of eligibility are considered to be met as of the date the person who was required to be included in the AU provided:
.161	Cooperates	The person is cooperating in meeting those conditions and
.162	Reporting Responsibilities	The caretaker relative has fulfilled his/her reporting responsibilities with regard to making timely and accurate reports of AU composition in accordance with Section 40-105.14.
.2	Current Eligibility	Redetermine eligibility for the AU as of the date the AU was reformed in accordance with Section 44-355.11 that the additional person is required to be in the AU. Use the additional person's income, resources and needs when making this redetermination.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11056, Welfare and Institutions Code; 45 CFR 233.20(a)(13); and SSA-AT-86-01.

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HARDSHIP SUPPLEMENTAL PAYMENTS**

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**STANDARDS OF ASSISTANCE
REDUCED INCOME SUPPLEMENTAL PAYMENTS**

44-400 REDUCED INCOME SUPPLEMENTAL PAYMENTS 44-400

| Repealed by Manual Letter No. EAS-13-02, effective 7/1/13.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section Section 37 of AB 444 (Chapter 1022, Statutes of 2002).

44-401 ELIGIBILITY FOR A REDUCED INCOME SUPPLEMENTAL PAYMENT 44-401

| Repealed by Manual Letter No. EAS-13-02, effective 7/1/13.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section Section 37 of AB 444 (Chapter 1022, Statutes of 2002).

**44-402 COMPUTATION OF A REDUCED INCOME
SUPPLEMENTAL PAYMENT 44-402**

| Repealed by Manual Letter No. EAS-13-02, effective 7/1/13.

NOTE: Authority cited: Sections 10553, 10554, 11450, and 11453, Welfare and Institutions Code. Reference: Sections 11008, 11017, 11255, 11450, 11450.015, 11450.12, 11450.2, and 11451.5, (Ch. 270, Stats. 1997), Welfare and Institutions Code; Section 37 of AB 444 (Chapter 1022, Statutes of 2002); 45 CFR 237.27; Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; and Letters from the Department of Health and Human Services, Administration for Children and Families, dated February 29, 1996, March 11, 1996, and March 12, 1996.

44-403 CWD RESPONSIBILITIES 44-403

| Repealed by Manual Letter No. EAS-13-02, effective 7/1/13.

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