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Regulation Package No. 0513-05

CDSS MANUAL LETTER NO. EAS 13-03

TO: HOLDERS OF THE ELIGIBILITY AND ASSISTANCE STANDARDS MANUAL

Regulation Package # 0513-05

Effective 9/30/13

Sections 40-105, 42-422, and 82-504

This manual letter has been posted on the Office of Regulations Development website at <http://www.cdss.ca.gov/ord/PG3153.htm>.

Current law requires California Work Opportunity and Responsibility to Kids (CalWORKs) non-minor dependents (NMDs) to comply with the requirements for Statewide Fingerprint Imaging System (SFIS), child support referral, and residency. NMDs must be fingerprinted and photo imaged, referred to the local child support agency for the collection or enforcement of child support, and be placed with approved relatives in-state.

Effective January 1, 2013, Assembly Bill (AB) 1712 (Chapter 846, Statutes of 2012):

- 1) exempts NMDs from the SFIS requirements,
- 2) exempts parenting NMDs from referral to the local child support agency for the payment of child support while in foster care, and
- 3) allows NMDs to receive extended CalWORKs benefits even if they are placed with an approved relative in another state.

Effective October 4, 2011, AB 212 (Chapter 459, Statutes of 2011) exempts parents of NMDs from referral to the county for child support payments.

These proposed regulations amend the California Department of Social Services Manual of Policies and Procedures to extend CalWORKs benefits to NMDs placed with approved relatives out-of-state and exempt NMDs from the SFIS and child support referral requirements.

The Department anticipates that these proposed regulations will benefit CalWORKs NMDs by expanding their placement options and reducing barriers to eligibility. Also, by not referring parenting NMDs to the local child support agency, AB 1712 will allow

NMDs to retain more of their benefits. These, in turn, will ease the transition to adulthood while improving well-being and outcomes for NMDs.

The Department finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting AB 1712 and AB 212, as well as with existing state regulations.

FILING INSTRUCTIONS

Revisions to all manuals are indicated by a vertical line in the left margin. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Eligibility and Assistance Standards Manual changes was EAS-13-02.

<u>Page(s)</u>	<u>Replace(s) Page(s)</u>
50 and 51	50 and 51
56 and 57	56 and 57
200 and 201	200 and 201
873 through 874.1	873 and 874

Attachment

KJ

40-105	APPLICANT AND RECIPIENT RESPONSIBILITY (Continued)	40-105
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- .251 Once a recipient has been discontinued for not cooperating, aid may not be granted until the recipient has demonstrated that he/she is cooperating.

- .3 Statewide Fingerprint Imaging System (SFIS) Requirements
 - .31 As a condition of eligibility, persons listed in Section 40-105.32 must supply through the SFIS two fingerprint images and a photo image at the time of application. Failure to provide the required images will result in ineligibility for the entire assistance unit.

 - .32 The following persons must provide fingerprint and photo images:
 - .321 Each parent and/or caretaker relative of an aided or applicant child when living in the home of the child; and

 - .322 Each parent and/or caretaker relative receiving or applying for aid on the basis of an unaided excluded child; and

 - .323 Each aided or applicant adult; and

 - .324 The aided or applicant pregnant woman in an AU consisting of the woman only.

 - .33 The following persons are exempted from the rule in Section 40-105.32:
 - .331 The following persons shall be temporarily excused for a period of not more than 60 days:
 - (a) Persons with both hands damaged so as to preclude fingerprint imaging shall be excused from fingerprint imaging. A photo image will be taken as part of the normal SFIS process.

 - (b) Persons with other medically verified physical conditions which preclude them from coming into the office shall be excused from fingerprint and photo imaging.

 - .332 Persons missing all ten fingers shall be permanently excused from fingerprint imaging. A photo image will be taken as part of the normal SFIS process.

 - .333 Non-minor dependents are exempt from providing fingerprint and photo images as long as they meet the non-minor dependent eligibility criteria and continue to be aided as a non-minor dependent in the CalWORKs program.

 - .34 SFIS information shall be considered confidential under Section 10850 of the Welfare and Institutions Code.

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

HANDBOOK BEGINS HERE

- (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.

HANDBOOK ENDS HERE

(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.

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.

HANDBOOK BEGINS HERE

- (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).

HANDBOOK ENDS HERE

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

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

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

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

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

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:

CHAPTER 82-500 CHILD SUPPORT ENFORCEMENT PROGRAM REGULATIONS

82-501	(Reserved)	82-501
82-502	CHILD SUPPORT ENFORCEMENT PROGRAM	82-502

HANDBOOK BEGINS HERE

.1 Child Support Enforcement Program

The Child Support Enforcement Program has been established to identify and locate absent parents, establish paternity, and establish and enforce the child and spousal support obligation. The California Department of Social Services is the state agency designated to implement this program pursuant to state law. The county District Attorney is responsible for administering the Child Support Enforcement Program at the local level. The county welfare department (hereafter "county") is responsible for administering public assistance at the local level. This chapter specifies the responsibilities of applicants/recipients as well as the county and the District Attorney in the administration of the Child Support Enforcement Program.

Section 82-512 provides that, unless exempted, applicants for and recipients of AFDC are required to cooperate with the District Attorney in identifying and locating the absent parent, establishing paternity, securing a support order, and identifying any third parties who may be liable for medical care or services. Applicants/recipients are exempted when such cooperation may reasonably be anticipated to result in serious physical or emotional harm to the applicant/recipient or child or when: 1) The child for whom aid is sought was conceived as a result of incest or rape; or 2) Legal proceedings for the adoption of the child are pending; or 3) A public or private agency is counseling the applicant regarding keeping the child or relinquishing the child for adoption.

HANDBOOK CONTINUES

82-502 CHILD SUPPORT ENFORCEMENT PROGRAM 82-502
(Continued)

HANDBOOK CONTINUES

Section 82-512.4 provides that an applicant/recipient claimant exemption from cooperation requirements is required to supply evidence in support of the circumstance for which exemption is claimed. This chapter specifies the types of evidence an applicant/recipient can provide. This chapter also provides guidelines for evaluating claims for exemption and specifies the actions the District Attorney is to take upon determination that the claim for exemption is invalid.

HANDBOOK ENDS HERE

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

82-503 (Reserved) 82-503

82-504 **ASSISTANCE UNITS SUBJECT TO THE PROVISIONS** **82-504**
OF THE CHILD SUPPORT ENFORCEMENT PROGRAM

- .1 Applicability All assistance units (AUs) are subject to the provisions of the Child Support Enforcement Program and the requirements of this section except those in which:
 - .11 Married Parents Both married natural or adoptive parents of the child for whom aid is requested or received reside in the home with the child, or
 - .12 One or Both Parents Deceased One or both natural or adoptive parents are deceased, or
 - .13 Paternity Established Both unmarried parents are living in the home and paternity has been legally established, or
 - .14 Non-minor Dependent (NMD)
 - .141 The supported child for whom support would be owed is a NMD and has reached age 19, or
 - .142 The parent with a duty to support is a NMD and resides with his/her child in foster care.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11476, Welfare and Institutions Code; and Sections 17552(e) and 17552(f), Family Code.

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