



CDSS

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GOVERNOR

Regulation Package # 0308-02

CDSS MANUAL LETTER NO. EAS 08-03

TO: HOLDERS OF THE ELIGIBILITY AND ASSISTANCE STANDARDS MANUAL

**Regulation Package # 0308-02**

**Effective 07/1/08**

**Sections 42-721, 42-780, 44-303, 44-307, 44-318 and 82-812**

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG1717.htm> .

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

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

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

These regulations were adopted on an emergency basis and was considered at the Department's public hearing held on August 13, 2008.

## FILING INSTRUCTIONS

**Revisions to all manuals are indicated by a vertical line in the left margin.** The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Eligibility and Assistance Standards Manual changes was EAS-08-02.

<u>Page(s)</u>	<u>Replace(s)</u>
272 through 277.1	Pages 272 through 277
278 through 279.2	Pages 278 through 279.2
326 and 327	Pages 326 and 327
463.1 and 464	Pages 464.1 and 464
469 and 469.1	Pages 469 and 469.1
496 through 497.1	Pages 496 through 497.1
911.1 through 911.4	Pages 911.1 through 911.4

Attachment

NH

<b>42-721</b>	<b>NONCOMPLIANCE WITH PROGRAM REQUIREMENTS</b> (Continued)	<b>42-721</b>
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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.

<b>42-721</b>	<b>NONCOMPLIANCE WITH PROGRAM REQUIREMENTS</b>	<b>42-721</b>
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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.

<b>42-721</b>	<b>NONCOMPLIANCE WITH PROGRAM REQUIREMENTS</b>	<b>42-721</b>
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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.

<b>42-721</b>	<b>NONCOMPLIANCE WITH PROGRAM REQUIREMENTS</b> (Continued)	<b>42-721</b>
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- .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 60-month time limit in accordance with Section 42-302.115.
  - .412 Section 42-721.41(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.
    - (QR) A financial sanction is a county-initiated mid-quarter change pursuant to Section 44-316.331(b)(QR).
- .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.

<b>42-721</b>	<b>NONCOMPLIANCE WITH PROGRAM REQUIREMENTS</b>	<b>42-721</b>
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(Continued)

- .43 Financial sanctions for failing or refusing to comply with program requirements without good cause shall result in a reduction in the family's grant by removing the noncomplying family member from the assistance unit until the noncomplying individual performs the activity(ies) he or she previously refused to perform; or if the activity that the noncomplying individual originally failed to perform is no longer available or appropriate, the county must specify another appropriate activity for the individual to perform.
  
- .44 The discontinuance from aid shall become effective on the first day of the first payment month that the sanctioned individual's needs are removed from aid following the CWD's timely and adequate notification (see Section 22-072.1), except as specified in Section 42-721.441.
  - .441 If the recipient appeals the sanction through the state hearing process within the period of timely notification, no sanction shall be imposed until the hearing decision is reached.
    - (a) If the CWD's action is sustained, the discontinuance shall be effective at the end of the payment month in which the state hearing decision is received.
      - (1) If the CWD is unable to discontinue aid at the end of such month, aid shall be discontinued at the end of the following payment month.
  
- .45 In a two-parent assistance unit whose basis for deprivation is unemployment, the sanctioned parent shall be removed from the assistance unit.
  - .451 If the sanctioned parent's spouse or the assistance unit's second parent is not participating in the program, except as provided in Section 42-721.453, both the sanctioned parent and the spouse or second parent shall be removed from the assistance unit.
  
  - .452 The CWD shall notify the spouse of the noncomplying participant or second parent in writing at the commencement of the compliance procedures of his or her own opportunity to participate and the impact on sanctions of that participation.

<b>42-721</b>	<b>NONCOMPLIANCE WITH PROGRAM REQUIREMENTS</b>	<b>42-721</b>
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- .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, once the activities in accordance with Section 42-721.43 have been successfully completed, if the individual is determined to be in compliance with program requirements, and is otherwise eligible; or
  - .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 operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB 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).

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

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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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.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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- (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).

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<b>42-721</b>	<b>NONCOMPLIANCE WITH PROGRAM REQUIREMENTS</b>	<b>42-721</b>
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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.

<b>42-721</b>	<b>NONCOMPLIANCE WITH PROGRAM REQUIREMENTS</b>	<b>42-721</b>
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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

.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, and 16501.1(d), (e), (f), and (g), Welfare and Institutions Code



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<b>42-722</b>	<b>LEARNING DISABILITIES PROTOCOLS AND STANDARDS</b>	<b>42-722</b>
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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.

<b>42-722</b>	<b>LEARNING DISABILITIES PROTOCOLS AND STANDARDS</b>	<b>42-722</b>
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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.

**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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<b>42-780</b>	<b>COUNTY PLANS FOR CALWORKS</b>	<b>42-780</b>
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- .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.

<b>42-781</b>	<b>CAUSE DETERMINATIONS AND CONCILIATION</b>	<b>42-781</b>
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Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

<b>42-782</b>	<b>GAIN GOOD CAUSE CRITERIA</b>	<b>42-782</b>
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Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

**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



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

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

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

**44-307 VOUCHER/VENDOR PAYMENTS 44-307**

- .1 Voucher/Vendor Payments A county shall issue vouchers or vendor payments for at least rent and utilities payments in the following instances:
- .11 Felony Conviction A member of the AU becomes ineligible for aid due to a felony conviction after December 31, 1997, related to the possession, use, or distribution of a controlled substance, or
- .12 Sanction Any time a parent or caretaker relative has been subject to sanction for at least three consecutive months. A county shall establish when to begin to issue vouchers or vendor payments 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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**HANDBOOK BEGINS HERE**

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

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<b>44-318</b>	<b>BEGINNING DATE OF AID (BDA) FOR PERSONS BEING ADDED TO THE AU (Continued)</b>	<b>44-318</b>
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|-----------|--|---|
| .13       | Sanction/<br>Noncooperating Persons        | Section 44-318.13(MR) shall become inoperative and Section 44-318.13(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.   |
| (MR)      |  | The date the person meets the requirement which caused that person to be excluded from the AU, or the date the person meets all eligibility conditions, whichever is later.   |
| (QR)      |  | The first of the month following the date the person meets the requirement which caused that person to be excluded from the AU, after all conditions of eligibility have been met (see Section 44-316.331(c)(QR)).  |
| .14       | Unreported Mandatorily<br>Included Persons | Section 44-318.14(MR) shall become inoperative and Section 44-318.14(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.   |
| (MR)      |  | The date the person meets all requirements for eligibility when he/she is required to be included in the AU but aid was not requested. Eligibility conditions are considered to have been met from the date the individual was discovered in the home, providing he/she is cooperating in meeting those conditions. |
| (QR)      |  | The date the person meets all requirements for eligibility when he/she is required to be included in the AU but aid was not requested.  |
| (QR) .141 |  | Eligibility conditions are considered to have been met from the first day of the month following the date the individual was discovered in the home, providing he/she is cooperating in meeting those conditions.   |

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

<b>44-318</b>	<b>BEGINNING DATE OF AID (BDA) FOR PERSONS BEING ADDED TO THE AU (Continued)</b>	<b>44-318</b>
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| .16       | Father of a Newborn | Section 44-318.16(MR) shall become inoperative and Section 44-318.16(QR) et seq. shall become operative in a county on date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration. |
| (MR)      |                     | The date the newborn child becomes eligible, or the date the father meets eligibility conditions, whichever is later.   |
| (QR)      |                     | When a father of a newborn added, in accordance with Section 44-205.632, results in a cash aid:   |
| (QR) .161 | Increase            | The first of the month after the report of the birth and all conditions of eligibility have been met.   |
| (QR) .162 | Decrease            | The first day of the next QR Payment Quarter 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.

<b>44-319</b>	<b>INITIAL PAYMENTS</b>	<b>44-319</b>
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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. |  |

.2	When Initial Payment is Made
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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.

<b>44-319</b>	<b>INITIAL PAYMENTS (Continued)</b>	<b>44-319</b>
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.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.

<b>44-325</b>	<b>CHANGES IN AMOUNT OF PAYMENT</b>	<b>44-325</b>
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.1 When Change is Effective

Section 44-325.1(MR) shall become inoperative and Section 44-325.1(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.

(MR) 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 as soon as proper notice can be given in accordance with Sections 22-022 and 22-021.2.

(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).

.2 Discontinuance

If a recipient's circumstances change to the extent that he no longer meets the eligibility requirements, aid shall be discontinued effective the last day of the month for which the last payment was made (see EAS 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:

<b>82-812</b>	<b>TEMPORARY ABSENCE (Continued)</b>	<b>82-812</b>
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.684 Reunification parents are eligible for welfare-to-work services as described in Section 42-700 et seq.

.685 Reunification parents are eligible for supportive services pursuant to Section 42-750.

.686 Reunification parents are subject to the rules regarding supportive services underpayments and overpayments as set forth in Section 42-751.

.687 The following are eligibility and reporting requirements that will apply to the family reunification parent.

(a) Section 82-812.687(a)(MR) shall become inoperative and Section 82-812.687(a)(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.

(MR) Monthly eligibility reporting requirements for reunification cases are set forth in Section 40-181.223(MR).

(QR) Quarterly eligibility reporting requirements for reunification cases are set forth in Section 40-181.223(QR).

(b) The reunification case will be subject to an eligibility redetermination every six months pursuant to Section 40-181.1(e)(4).

(c) An eligibility redetermination pursuant to Section 40-181.1(e)(5) will be conducted to restore cash aid to the CalWORKs case when an AU is reunified.

<b>82-812</b>	<b>TEMPORARY ABSENCE (Continued)</b>	<b>82-812</b>
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(d) Pursuant to Section 42-711.61, the county may utilize the county child welfare services agency reunification plan as defined in Section 80-301(r)(5) as the required welfare-to-work (WTW) plan or amend the WTW plan and include all or part of the WTW activities in the reunification plan.

(e) Pursuant to Section 42-711.512 and Section 42-721.413, reunification parents who are in a WTW sanction, are not precluded from receiving CalWORKs reunification services.

(f) For Maximum Family Grant purposes and pursuant to Section 44-314.2, a month in which children are temporarily absent from the home shall be considered a month in which the AU did not receive aid.

.688 The county child welfare services agency may grant a good cause extension to the 180-day temporary absence in the following situations:

(a) An extension is needed for the number of days between the date of the children's removal and the date the court orders a reunification plan.

(b) The county child welfare services agency determines that additional time is needed, beyond the 180 days, to complete the reunification plan. This extension can be in effect until termination of the family reunification plan.



<b>82-820</b>	<b>INCLUDED PERSONS (Continued)</b>	<b>82-820</b>
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| .2   | Minimum Requirements                 | An AU shall have at least one of the following:   |
| .21  | Child                                | One eligible child.   |
| .22  | Caretaker<br>Relative                | A caretaker relative of an SSI/SSP child, Kin-GAP child or of a child receiving federal, state or local foster care maintenance payments. For purposes of this section, local foster care maintenance payments are payments made with county-only funds for the board and care costs of children in 24-hour out-of-home care who have an open child welfare services case file. |
| .23  | Pregnant Woman                       | A pregnant woman.   |
| .24  | Relative of GAIN<br>Sanctioned Child | A relative of a child who is sanctioned by GAIN.  |
| .3   | Mandatory Inclusion                  | Section 82-820.3(MR) shall become inoperative and Section 82-820.3(QR) shall become operative in a county on the date that QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.  |
| (MR) |                                      | The AU shall include the following persons when living in the same home and eligible:   |
| (QR) |                                      | The AU shall include the following persons when living in the same home and eligible at the time of initial family application (see Section 44-317) or at the beginning of the QR Payment Quarter following the mandatory reporting of the individual on the QR 7 (see Section 44-318):   |
| .31  | Applicant Child                      | The applicant child.  |
| .32  | Siblings                             | Any eligible sibling or half-sibling of the applicant child who meets the age requirement.  |
| .33  | Parents                              | Any parent, except for alternatively sentenced parents, of:   |