

Amend Sections 69-201.1, 2, .3, and .4 to read:

69-201 GENERAL STATEMENT

69-201

.1 These regulations implement the Federal Immigration and Nationality Act (INA), as amended by the Refugee Act of 1980 (P. L. 96-212), federal regulations 45 CFR Part 400, and additional instructions issued by the Federal Office of Refugee Resettlement (ORR), in order to provide financial assistance, medical assistance and social services to all refugees in the United States regardless of national origin.

~~.2 A refugee resettlement plan was submitted by the Department of Social Services (DSS) and approved by the U.S. Department of Health and Human Services (DHHS). The DSS was designated to supervise the administration of the Refugee Resettlement Program (RRP) according to the terms of the plan.~~

The California Department of Social Services (CDSS) is the designated state agency responsible for development of the State Plan for Refugee/Entrant Assistance and for the administration of the plan in accordance with 45 CFR Section 400.5.

.3 County Welfare Departments (CWDs) shall determine the eligibility of refugees in the Refugee Resettlement Program (RRP) for AFDC CalWORKs or Refugee Cash Assistance (RCA). Eligibility for SSI/SSP shall be determined by the Social Security Administration. The CWD shall administer these programs according to federal policy under the supervision of CDSS for financial assistance and social services, and the State Department of Health Services (DHS) for medical services.

.4 All current AFDC CalWORKs program regulations relating to financial eligibility and payments apply (except for Diversion Services payments [See MPP Section 81-215.31]) unless specifically superseded by RCA regulations contained herein.

~~HANDBOOK BEGINS HERE~~

~~.41 All provisions in Chapter 42-700, except as otherwise specified, apply to RCA GAIN participants. In addition, RCA GAIN participants must follow requirements contained in Chapter 42-800.~~

~~HANDBOOK ENDS HERE~~

The following regulations shall be followed in implementing the program for financial assistance.

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

Reference: 45 CFR 400 and 400.5.

Renumber Section 69-203 to Section 69-202, amend section title and amend Sections 69-202.1 through .4 to read:

69-2032 Definitions Immigration and Naturalization Service (INS) 69-2032
Status Requirements

.1 For purposes of determining eligibility for cash ~~and medical~~ assistance and social services under RRP, a person must provide proof, in the form of documentation issued by the INS, of one of the following statuses the following persons have been identified by the Federal government as meeting the definition of a refugee:

.11 ~~An individual from Cambodia, Laos, or Vietnam who was paroled under Section 212(d)(5) of the Immigration and Nationality Act (INA), and who possesses a Form I-94 indicating that parole status. If the Form I-94 was issued on or after June 1, 1980, it must clearly indicate that the person has been p~~Paroled as a refugee or anyone who has been granted asylum (asylee) under Section 212(d)(5) of the INA.

.12 ~~An individual from Cuba who entered the United States on or after October 1, 1978, and was paroled under Section 212(d)(5) of the INA as is indicated on Form I-94. If the Form I-94 was issued on or after April 21, 1980, it must clearly indicate that the person has been paroled as a refugee or asylee.~~

Cuban and Haitian entrants, in accordance with requirements in Section 69-302.

.13 ~~An individual from any country other than Cambodia, Laos, Vietnam or Cuba who was paroled under Section 212(d)(5) of the INA as a refugee or asylee.~~

.14 ~~An individual from any country admitted as a conditional entrant, prior to April 1, 1980, under Section 203(a)(7), of the INA as is indicated on Form I-94. All persons with this status are defined as refugees.~~

~~Conditional entry status under Section 203(a)(7) is not related to the status which Immigration and Naturalization Service (INS) has granted to certain "Cuban/Haitian Entrants" who are not eligible under RRP. (Refer to Chapter 69-300.)~~

.153 ~~An individual from any country a~~Admitted as a refugee under Section 207 of the INA as indicated on Form I-94.

.164 ~~An individual from any country who has been g~~Granted asylum under Section 208 of the INA as indicated on Form I-94.

.15 Certain Amerasians from Vietnam who are admitted to the United States as immigrants pursuant to Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in Section 101(e) of Public Law 100-202 and amended by the 9th proviso under Migration and Refugee Assistance in Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1989 (Public Law 100-461 as amended)).

~~.176 An individual from any country who is now a~~ Admitted for permanent residence ~~alien as indicated by a Form I-151 or I-551 (Resident Alien forms), who provided the individual previously held one of the statuses specified in Section 11 through 16 identified above. The person must provide sufficient documentation to substantiate that he/she held one of these statuses prior to the adjustment of his/her status to that of resident alien.~~

.2 (Continued)

.21 (Continued)

HANDBOOK BEGINS HERE

.211 Cubans and Haitians are assisted under the Cuban/Haitian Entrant Program (CHEP) and receive cash assistance under the Entrant Cash Assistance (ECA) Program.

HANDBOOK ENDS HERE

.22 Those persons who are 1) actually dependent upon a repatriated United States citizen, except as provided in Section 69-2032.221, and 2) who meet one of the following categories of relationship with such citizen; spouse, parents, grandparents, unmarried minor (under 18 years), children including adopted children and stepchildren, unmarried adult children who are dependent because they are handicapped, including adopted children and stepchildren, spouse's parents, spouse's grandparents and minor siblings of the repatriate and spouse. Repatriated United States citizens and their dependents as defined above are included in the Repatriate program. (See [MPP] Division 68.)

.221 (Continued)

.3 Children of Refugees

.31 In a number of cases, children have been born in the United States to refugee parents, or have been born to a refugee and a United States citizen. These children are considered to be United States citizens by birth. However, under the following circumstances, such children are eligible for assistance (AFDC CalWORKs, SSI/SSP, RCA, and medical assistance), and social services funded under RRP. (Continued)

.32 United States citizen children born of a refugee and a United States citizen are not eligible for assistance or services funded by RRP if the household unit includes the United States citizen parent. In these situations, the refugee parent if eligible may receive RRP funded assistance (~~AFDC~~ CalWORKs, SSI/SSP, RCA, and/or medical assistance), and social services); and the United States citizen parent and the children if eligible may be aided under the regular (non-RRP funded) ~~AFDC~~ CalWORKs, SSI/SSP, medical assistance and/or social services programs.

.33 In any household unit consisting of a refugee and a non-refugee alien, the “non-refugee alien” should be considered as the “United States citizen” for purposes of Sections 69-2032.31 and .32.

.34 (Continued)

.35 (Continued)

.4 RCA

.41 For purposes of determining eligibility for RCA, RCA means cash assistance provided to refugees who have been determined to be ineligible for ~~AFDC~~ CalWORKs or SSI/SSP and who have resided in the United States for no longer than the period of time required by federal regulations contained in 45 CFR Sections 400 et seq. or official issuances from the Director of the Federal Office of Refugee Resettlement. This period of time is referred to as time eligibility.

HANDBOOK BEGINS HERE

.411 Federal regulations, effective October 1, 1991, set RCA time eligibility at 8 months (45 CFR Sections ~~400.2, 400.5, 400.203, 400.204,~~ and ~~400.209~~11).

HANDBOOK ENDS HERE

.42 Repealed by Manual Letter No. SP-91-01, effective 2/1/91.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: U.S.C. 1182(d)(5)(B) and 45 CFR 400.43.

.236 (Continued)

.247 Where there is an emergency need for financial assistance, or the VOLAG fails to respond in a timely manner, the requirements in .21 and .22 above shall be temporarily waived in order to meet the emergency or case approval needs.

.25 Some applications for cash assistance may be made when the sponsor is unable or unwilling to meet the total needs of the refugee(s) for whom he/she has accepted responsibility. When this occurs, aid is to be grant in an amount sufficient to meet the unmet needs as determined by the ~~AFDC~~ CalWORKs standard.

.26 If, following the loss of contact with a sponsor and subsequent to the granting of aid to the refugee, the resettlement agency secures a new sponsor for the refugee who accepts the responsibilities of sponsorship, and meets the needs of the refugee(s) in full, in accordance with the ~~AFDC~~ CalWORKs standard of assistance, cash assistance shall be terminated. Only if the subsequent sponsor fails to meet the full needs of the refugee will the county again grant cash assistance to the refugee.

.3 Repealed by Manual Letter No. SP-91-01, effective 2/1/91.

Authority eCited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; and 45 CFR 400.66.

Renumber Section 69-205 to Section 69-204 and amend Sections 69-204.1 through .44 to read:

69-2054 ELIGIBILITY FOR SSI/SSP AND AFDC CALWORKS 69-2054
PROGRAMS

.1 ~~SSI/SSP and AFDC~~

~~Regulations contained in Sections 69-201 through 69-203 shall also be applied to those refugees who are aided under the AFDC and SSI/SSP Programs.~~

.21 SSI/SSP (Continued)

.32 AFDC CalWORKs

Refugees who qualify for assistance under the ~~federal AFDC~~ CalWORKs program shall be aided under the federal AFDC CalWORKs program. Those who do not qualify for ~~the AFDC CalWORKs~~ shall have their eligibility determined for RCA per Section 69-205. ~~For purposes of State only AFDC U program priority and transition, the CWD shall refer to refugee program instructions and directives issued by DSS.~~ The refugee has no option as to program preference.

.4 ~~Time Eligibility for AFDC and SSI/SSP~~ [Reserved]

~~Federal RRP funds are available for reimbursement of the normal nonfederal share of AFDC, SSI/SSP and Medi-Cal program costs for eligible refugees who are time-eligible. Determination of time-eligibility is as follows:~~

.41 ~~A refugee who has resided in the United States for not more than the period of time allowed by the federal regulations contained in 45 CFR Sections 400 et seq. shall be considered an AFDC or SSI/SSP time-eligible refugee.~~ [Reserved]

.411 Repealed by Manual Letter No. SP-96-01, effective 6/27/96.

.42 ~~A refugee who has lived in the United States for more than the period allowed in Section 69-205.41 from date of entry shall be considered an AFDC or SSI/SSP time-expired refugee.~~

.43 ~~Children born in the United States of refugee parents shall be considered time-expired upon time expiration of the most recently arrived parent or at the end of the period allowed in Section 69-205.41 from the child's birth date, whichever occurs sooner.~~

.44 ~~The month of arrival, as indicated on the INS form I-94, or the month of birth is counted as the first month in determining time-eligibility.~~

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 400.203.

Renumber Section 69-206 to Section 69-205 and amend Sections 69-205.1 through .5 to read:

69-2065 ELIGIBILITY FOR REFUGEE CASH ASSISTANCE (RCA) 69-2065

.1 RCA Eligibility Factors

.11 Requirements of categorical relatedness applicable to the ~~AFDC~~ CalWORKs program are waived for assistance under RCA (see Section 69-2032.41) and aid shall be granted without regard to the presence of children, age or number of hours worked. Factors which must be considered in determining eligibility are: time eligibility (Section 69-2065.2124); refugee status (Section 69-2032.1); income and resources (Section 69-2076); attendance in an institution of higher education (Section 69-2065.4); and registration, employment and employment-directed educational/training requirements (Section 69-2087). In addition to these factors, as a condition for receiving assistance, the applicant/recipient shall, if applicable, provide the name of his/her sponsor or responsible VOLAG.

~~.111 RCA eligibles who reside in areas in which the county plan provides for their participation in the GAIN program, shall be required to participate in GAIN. See Chapter 42-800 provisions.~~

.2 Eligibility Determination

.21 The eligibility of each RCA applicant shall be determined as promptly as possible within no more than 30 days from the date of application.

.211 The date of application is the date to use for the beginning date of RCA.

.22 Counties shall not deny RCA applicants cash assistance based on the applicant's refusal to disclose his/her social security number.

.221 Counties may request that an RCA applicant voluntarily provide his/her social security number. If a county selects to make this request, it must:

(a) Inform the applicant the disclosure is voluntary; and

(b) Tell the applicant how the county will use the number.

.23 CWDs shall make available to RCA applicants the written policies of the RCA program, including agency policies regarding eligibility standards, the duration and amount of cash assistance payments, the requirements for participation in services, the penalties for non-cooperation, and client rights and responsibilities to ensure that refugees understand what they are eligible for, what is expected of them, and what protections are available to them. The CWD shall ensure that agency policy materials and all notices required are made available in written form in English and in appropriate languages where a significant number or proportion of the recipient population needs information in a particular language.

For refugee groups that make up only a small number of the recipient population, CWDs, at a minimum, shall use an alternative method, such as verbal translation in the refugee's native language, to ensure that the content of the policies is effectively communicated to each refugee.

~~.24~~ Time Eligibility

~~.241~~ Eligibility for RCA is limited to the number of months required in Section 69-203~~2~~.41 following the refugee's date of entry in the United States. The month of entry, as indicated on the INS Form I-94, is counted as the first month. Time-eligibility exceptions to this provision include asylees who are eligible for RCA beginning on the date they are granted asylum and Unaccompanied refugee minors (Section 69-213) who are not subject to the time-eligibility limitation.

- (a) A refugee who is within the number of months required in Section 69-203~~2~~.41 following date of entry in the United States is referred to as a RCA time-eligible refugee for purposes of RCA.
- (b) A refugee who has lived in the United States for more than the number of months required in Section 69-203~~2~~.41 is referred to as a RCA time-expired refugee.
- (c) Children born in the United States of refugee parents (Section 69-203~~2~~.3) shall be considered time-expired based on the most recently arrived parent's expiration date or at the end of the number of months required in Section 69-203~~2~~.41 from the child's birth date, whichever occurs sooner.
- (d) (Continued)
- (e) ~~All refugee recipients aided under RCA shall have their time-eligibility reviewed to determine if they are still RCA time-eligible. RCA time-expired refugees shall be aided under other federal, state and/or county-funded programs, if otherwise eligible.~~

~~.22~~ Redetermination of Eligibility

~~A periodic redetermination of RCA eligibility shall be made in accordance with the procedures outlined in AFDC regulations.~~

.3 (Continued)

.4 Income Eligibility Exceptions

~~Income eligibility determinations shall be made in accordance with AFDC except the \$30 and 1/3 or, as applicable, the \$30 disregard and sponsored alien provisions shall not apply in determining net nonexempt income.~~

.54 Full-time Student in an Institution of Higher Education

.541 (Continued)

.5411 (Continued)

.5412 An “institution of higher education” is a:

(a) (Continued)

(b) Proprietary institution of higher education which provides at least a six-month program of training to prepare students for gainful employment in a recognized occupation; or (Continued)

.542 (Continued)

.543 (Continued)

.544 If an employed RCA recipient is a professional in need of professional refresher training and other services in order to qualify to practice his/her licensed profession in the United States, the training may consist of full-time attendance in a college or professional training program, provided that such training:

.5441 ~~i~~s approved as part of the individual’s employability plan as developed by the CWD or its designee;

.5442 ~~d~~Does not exceed one year’s duration (including any time enrolled in such program in the United States prior to the refugee’s application for assistance. If there is no documentation available the CWD shall accept client declaration as an acceptable method for determining if the refugee has received higher education in the United States prior to application for aid); and

.5443 ~~i~~s specifically intended to assist the individual in becoming relicensed in his/her profession; and, if completed, can realistically be expected to result in such licensing.

Authority cited: Section 10554, Welfare and Institutions Code.

Reference: Section 10553, Welfare and Institutions Code; 45 CFR 400.55; 45 CFR 400.66; and 45 CFR 400.81(b).

Renumber Section 69-207 to Section 69-206 and amend Sections 69-206.1 and .2 to read:

69-2076 INCOME AND RESOURCES

69-2076

.1 Income

Income shall be considered on the same basis as in the AFDC CalWORKs program for determining need and computing the assistance payment, except that the ~~\$30 and 1/3 or, as applicable, the \$30 disregard~~ and sponsored alien provisions as it applies in the AFDC CalWORKs program shall not be applied to RCA cases.

.11 Any reception and placement cash received by a refugee after their arrival into the U.S. shall not be considered in determining income eligibility.

.2 Resources

Real and personal property limitations shall be those prescribed in AFDC CalWORKs program regulations, except that the sponsored alien provisions in the AFDC CalWORKs program shall not be applied to RCA cases.

.21 Any resources remaining in the applicant's country of origin shall not be considered in determining income eligibility.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10553, Welfare and Institutions Code.

Renumber Section 69-208 to Section 69-207 and amend Sections 69-207.1 through .5 to read:

.1 General Requirements

.11 (Continued)

.12 As a condition for receipt of cash assistance, an applicant/recipient, who is not exempt under Section 69-2087.3 shall, except for good cause shown:

(A).121 Register and participate with a CDSS-funded, CDSS-approved or other CWD-approved and referred employment-directed education/training program; or(B).122 ~~Register and maintain registration with the State Employment Development Department (EDD);~~ Participate in any refugee-funded employability service program which provides job or language training in the area in which the refugee resides and which is determined to be available and appropriate for that refugee; or if such a program is not available or appropriate in the area in which the refugee resides any other available and appropriate program in such area.

(C).123 (Continued)

(D).124 (Continued)

(E) ~~Carry out job search in accordance with the criteria of Section 69-208.2.~~(F) ~~Appear for employment interviews by the resettlement agency which was responsible for the initial resettlement of the refugee.~~(G).125 Report to the CDSS-funded, CDSS-approved or CWD-approved employment-directed program when requested to by the program.(H).126 Accept referrals to employment interviews arranged by the CDSS-funded, CDSS-approved or CWD-approved employment-directed program.(I).127 ~~Accept at any time, from any source, a bona fide offer of employment.~~ a job offered without regard to whether such job would interrupt a program of services planned or in progress, unless the refugee is participating in a program in progress of on-the-job training or vocational training which is being carried out as part of an approved employability plan.

.13 (Continued)

- .14 Unless the order of priority is waived by CDSS, CWDs shall, when referring RCA applicants/recipients to education/training programs, give priority first to CDSS-funded or CDSS-approved programs and second to other CWD-approved programs. If no available education/training program can accept the applicant/recipient, the CWD shall refer the refugee to EDD for registration. Once the applicant/recipient has completed all available education/training programs, the CWD shall refer the refugee to EDD for registration.
- .15 The CWD shall refer all nonexempt (see Section 69-2087.4 for exempt criteria) RCA applicants and recipients to the local CDSS-funded or CWD-approved project(s) providing employment-directed education/training for refugees. Such training must meet local employers' requirements so as to be likely to lead to employment within the local labor market. CWD referrals shall be accomplished in accordance with instructions and directives issued by CDSS.
- .16 As a condition of continued receipt of RCA, a nonexempt recipient who is employed 302 hours a week or less shall accept part-time employment-directed services, provided that such services do not interfere with the recipient's job.
- .17 (Continued)
- .18 (Continued)

~~.2 RCA Job Search Requirements~~

- ~~.21 An RCA recipient who meets the criteria in Sections 69-206.12 and 42-800.1 and who is not exempt under Section 69-208.4 shall carry out a job search if it is a required service in the recipient's employability plan.~~
- ~~.22 For counties which have an RCA caseload, but do not have RESS and/or TAPs available, the job search requirement shall be met by mandatorily referring RCA recipients to EDD Job Services.~~

.32 EDD Registration Requirements

.321 When it is determined that no available CDSS-funded or CWD-approved project(s) providing employment-directed services can accept the applicant or recipient, the CWD shall refer these nonexempt (see Section 69-2087.4) RCA applicants and recipients to EDD for registration. The CWD shall use EDD-approved forms for referral, and clearly indicate on the form that the person is a refugee.

.322 If a nonexempt RCA applicant or recipient fails to do any of the following, he/she has not met or maintained the EDD registration requirements:

.3221 (Continued)

.3222 (Continued)

.3223 (Continued)

.3224 (Continued)

.3225 (Continued)

.43 Refugees Exempt from Registration, Employment and Employment-directed Education/Training Requirements:

a. (Continued)

b. A person age ~~65~~ 60 or older.

c. A person 16 or 17, or 18 years of age who is a full-time student as defined by the age chapter of the ~~AFDC~~ CalWORKs regulations.

d. A person 18 years of age who is a full-time student in a secondary school (12th grade or below) or in equivalent level of vocational or technical training as defined by the age chapter of the ~~AFDC~~ CalWORKs regulations, if the person is expected to complete 12th grade or the training program prior to his/her 19th birthday.

e. through h. (Continued)

i. A person or other caretaker relative of a child under ~~age three~~ six months of age who is personally providing full-time care for the child with only very brief and infrequent absences from the child. Only one parent or other relative in a case may be exempt.

j. A person who is working more than 302 hours a week in unsubsidized employment which is expected to last a minimum of 30 days. This exemption

continues to apply if there is a temporary break in full-time employment which is expected to last no longer than 10 workdays.

- k. A ~~person~~ woman who is pregnant and ~~it has been medically verified that the child is expected to be born in the month in which registration would otherwise be required or within the next six months~~ provides medical verification that the pregnancy impairs her ability to be regularly employed or participate in employment/training related activities. 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.

.4 [Reserved]

.5 Renumbered to Section 69-208.1 by SDSS Manual Letter No. SP-90-01, effective 4/2/90.

Authority eCited: Section 10554, Welfare and Institutions Code.

Reference: 45 CFR 400.75, .76, 76(a)(7), and (9), .77, and .78₂; and 45 CFR 400.80(a)(1), (b) and (c).

Renumber Section 69-209 to Section 69-208 and amend Sections 69-208.1 through .7 to read:

69-2098 CAUSE DETERMINATIONS 69-2098

.1 If a recipient fails or refuses to participate/cooperate in the RCA program as required, the CWD shall make a cause determination.

.2 Conditions Under Which Cause Determination Shall Be Made

Using the criteria found in Section 69-2098.3, the CWD shall make a cause determination within 20 working days of learning or being advised that the nonexempt refugee who is an RCA applicant or recipient has:

.21 Failed or refused to register or participate with a CDSS-funded or CWD approved or referred employment-directed program as required; or

.22 (Continued)

.23 Failed or refused to meet the requirements contained in Section 69-2087.11; or

.24 Failed or refused to comply with the requirements contained in Sections 69-2087.12, 69-2087.16 and 69-2087.17; or

.25 Failed or refused to comply with the requirements contained in Section 69.2087.222; ~~or~~

.3 Factors That Must Be Considered in Cause Determinations (Continued)

.31 There must be a determination that a bona fide offer of employment or employment-directed education/training was made to the individual. A bona fide offer of employment or employment-directed education/training may originate from any source, approved or referred by the CWD (including CDSS-funded program) or the responsible agency for the initial resettlement of the refugee and may be temporary, permanent, full-time, part-time, or seasonal work.

.32 There must be a determination that the individual:

.321 ~~f~~Failed or refused to register or participate with a CWD approved or referred employment-directed program or the initial responsible resettlement agency, or;

.322 ~~f~~Failed or refused to accept the bona fide offer of employment or employment-directed education/training as planned, or ~~that~~

.323 ~~t~~The individual quit or was discharged from employment or employment-directed education/training.

.33 There must be a determination that a) EDD either arranged an employer interview for the refugee or, ~~b) EDD~~ requested the refugee to report to EDD.

.34 There must be a determination that the refugee: a) failed or refused to register or maintain registration with EDD; b) failed or refused to accept a referral to or appear for an employment interview arranged by EDD; or c) failed or refused to report to EDD when requested.

.35 The individual must be given an opportunity to explain why: a) the offer was not accepted; b) the employment or employment-directed education/training was discontinued; or c) ~~why~~ he/she failed or refused to comply with the EDD registration requirements or the requirements of the education/training program.

.36 (Continued)

.4 Good Cause for Failure or Refusal to Meet or Comply with the Registration, Employment and Employment-Directed Education/Training Requirements.

Good cause exists when: (Continued)

- i. The individual was ill or was required to care for an ill member of the ~~FBU~~ assistance unit because no other care arrangements were feasible; or
- j. The total daily commuting time to the employment of ~~r~~ educational/training site and return, would normally exceed two hours, not including the transporting of a child to and from a child care facility, unless a longer commuting distance is generally accepted in the community, in which case the round trip commuting time shall not exceed the generally accepted community standards; or
- k. (Continued)
- l. The individual had other substantial and compelling reasons for failure to meet or comply with the requirements of Section 69-209~~8~~. (Continued)

.5 [Reserved]

.6 Renumbered to Section 69-210.2 by SDSS Manual Letter No. SP-90-01, effective 4/2/90.

.612 Repealed by SDSS Manual Letter No. SP-90-01, effective 4/2/90.

- .7 If the CWD determines that the individual does not have good cause for failing or refusing to comply with program requirements, the CWD shall develop a compliance plan to correct the instance of nonparticipation prior to sanctioning the individual.
- .71 The CWD and the individual will develop the plan either over the telephone or face-to-face. 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.
- .8 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.

Authority eCited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; 45 CFR 400.75(a)(7)83(a)(2); ~~ORR waiver letter from Philip A. Holman to Linda McMahon, dated July 6, 1989;~~ and Dang, et al. v. McMahon, et al., Alameda County Superior Court, No. 623839-9.

Adopt Section 69-209 (Title) and amend Section 69-209 to read:

69-209 PENALTIES FOR FAILURE OR REFUSAL TO ACCEPT 69-209
EMPLOYABILITY SERVICES OR EMPLOYMENT

~~69-210~~

~~.231~~ 1 The ~~noncomplying~~ individual who is no longer exempt in an RCA assistance unit shall be ineligible for RCA benefits until he/she has registered ~~as required~~ with the employment/training programs or EDD and participates in the employment services within 30 days of receipt of aid. Other nonexempt individuals in the assistance unit who fail or refuse to register shall be ineligible for RCA benefits.

~~69-210.21~~

2 ~~If the~~ When, without good cause, an employable nonexempt RCA applicant or recipient has refused or failed, ~~without good cause,~~ to meet or comply with the requirements of Sections ~~69-2087.1 through 69-208.3 and .2,~~ and Sections 69-2408.6, .61, and .7, the CWD shall deny or ~~discontinue benefits for that individual~~ terminate assistance.

~~69-210~~

~~.213~~ 3 Except as provided in Sections ~~69-2087.11 and 69-210.23,~~ a noncomplying recipient shall be ineligible for RCA benefits for three payment months for the first occurrence ~~and six payment months for the second and subsequent occurrences~~ from the date of discontinuance for refusal or failure to comply without good cause. Aid continues to the rest of the assistance unit if the members are otherwise eligible.

~~69-210~~

~~.224~~ 31 (Continued)

~~69-210~~

~~.213~~ 2 If the noncomplying refugee is a caretaker relative, assistance in the form of protective payments will be provided to the remaining members of the ~~budget~~ assistance unit in accordance with ~~AFDC~~ CalWORKs regulations, MPP Sections ~~42-691.221 42-721.46 and .461.~~

4 Notice of Intended Termination

.41 In cases of proposed action to reduce, suspend, or terminate assistance, the CWD shall give timely and adequate notice in accordance with Section 69-210.

.42 The CWD shall provide written procedures in English and in appropriate languages, in accordance with requirements in Section 69-205.22, for the determination of good cause, the sanctioning of refugees who do not comply with the requirements of the program, and for the filing of appeals by refugees.

.43 In addition to the requirements in Section 69-210, the written notice shall include:

.431 An explanation of the reason for the action and the proposed adverse consequences; and

.432 Notice of the recipient's right to a hearing.

.44 The CWD shall send or provide a written notice in English and a written translated notice, or a verbal translation of the notice, in accordance with Section 69-211, to a refugee at least 10 days before the date upon which the action is to become effective.

~~69-210.232~~

.45 Repealed by Manual Letter No. SP-91-01, effective 2/1/91.

~~69-210.233~~

.46 Repealed by Manual Letter No. SP-91-01, effective 2/1/91.

Authority Cited: Section 10554, Welfare and Institutions Code.

Reference: 45 CFR 400.54; 45 CFR 400.55; 45 CFR 400.82; 45 CFR 400.83(a)(2); 45 CFR 400.211; and Federal Register dated September 1, 1983, 68 FR 46089.

Renumber Section 69-210.21 to Section 69-209.2, Section 69-210.211 to Section 69-209.3, Section 69-210.224 to Section 69-209.31, and Section 69-210.231 to Section 69-209.1; repeal Section 69-210 (Section Title) and Sections 69-210.1 through .2, .22, .221 through .223, and .23, .232 and .233 as follows:

69-210 CONCILIATION

69-210

- ~~.1 If the CWD determines that no good cause existed for the failure or refusal to meet program requirements, the CWD shall try to resolve the recipient's failure or refusal to cooperate before the Notice of Action is issued. This process known as conciliation shall begin as soon as possible, but no later than 20 days following the date that the CWD becomes aware of an RCA recipient's failure to cooperate/participate, whichever occurs first. CWDs must complete the conciliation process within 30 days from the date conciliation begins.~~
- ~~.11 If the recipient contacts the CWD worker prior to the scheduled conciliation interview to request a rescheduling, the individual shall be permitted one rescheduling of the interview. This rescheduled interview shall take place within ten working days following the date that the CWD becomes aware of a recipient's failure to cooperate/participate, or within thirty days of the date that the recipient failed to cooperate/participate, whichever occurs first.~~
- ~~.12 The CWD shall be permitted to conduct the conciliation appointment by telephone if the CWD determines it is appropriate and the recipient agrees. Language interpretation by the CWD, when necessary shall be provided in accordance with MPP Section 21-115.~~
- ~~.13 The recipient attending the conciliation appointment or otherwise contacted by the CWD during conciliation shall be informed of the right to request that a CWD supervisor review the determination of no good cause. Language interpretation by the CWD, when necessary shall be provided in accordance with MPP Section 21-115.~~
- ~~.14 Conciliation may be terminated sooner by either the CWD or by the recipient's written request if at any time it is apparent to either that the dispute cannot be resolved.~~
 - ~~.141 The CWD may end the conciliation early if it is apparent that the recipient will not cooperate, e.g., continues to refuse or to fail to report to CIU and/or training and employment services, or otherwise demonstrates unwillingness to cooperate. A timely Notice of Action shall be sent.~~
 - ~~.142 The CWD shall inform the recipient of the right to terminate the conciliation and to receive assistance from the CWD in preparing the written request.~~

HANDBOOK BEGINS HERE

- ~~.15 In order to resolve the dispute during conciliation, the CWD may have to coordinate with the CIU and/or service provider.~~

HANDBOOK ENDS HERE

- ~~.16 The CWD shall develop a written conciliation plan specifying the actions the recipient shall take to demonstrate cooperation with registration, employment, and employment-directed education/training requirements.~~
 - ~~.161 The recipient has the right to propose an alternate conciliation plan. However, the CWD shall make the final decision regarding the terms of the plan.~~
 - ~~.162 The CWD shall give a copy of the plan to the recipient.~~
- ~~.17 If the recipient follows the terms of the conciliation plan, he/she shall continue to participate in the RCA program.~~
- ~~.18 If the conciliation process is unsuccessful in resolving the conflict, see Section 69-210.2 (Penalties for Failure or Refusal to Comply with the Registration, Employment and Employment-Directed Education/Training Requirements).~~
- ~~.2 Penalties for Failure or Refusal to Comply with the Registration, Employment and Employment-Directed Education/Training requirements~~
 - ~~.21 [Renumbered to Section 69-209.2.]~~
 - ~~.211 [Renumbered to Section 69-209.3.]~~
 - ~~.22 In the event aid is denied or discontinued, the following actions are required:~~
 - ~~.221 The refugee shall be given at least ten days advance written notice of the termination of assistance and the reason(s) therefore. (See MPP Section 22-001.)~~
 - ~~.222 Discontinuance shall be effective at the end of the month in which the ten days expire.~~

~~.223~~ [Renumbered to Section 69-209.32.]

~~.224~~ [Renumbered to Section 69-209.31.]

~~.23~~ There is no durational penalty attached to a failure or refusal to register with the employment education/training program(s) or EDD.

~~.231~~ [Renumbered to Section 69-209.1.]

~~.232~~ [Renumbered to Section 69-209.45.]

~~.233~~ [Renumbered to Section 69-209.46.]

Authority Cited: ~~Section 10554, Welfare and Institutions Code.~~

Reference: ~~45 CFR 400.82(b)(3)(iii); ORR waiver letter from Philip A. Holman to Linda McMahon, dated July 6, 1989; and Dang, et al. V. McMahon, et. Al., Alameda County Superior court, No. 6238939-9.~~

Adopt Section 69-210 to read:

69-210 NOTICES AND HEARINGS

69-210

.1 Notices

Notices shall be sent or provided to a recipient at least 10 days before the date upon which RCA will be reduced, suspended, or terminated.

.11 In providing notice to an applicant or recipient to indicate that assistance has been granted, denied, reduced, suspended, or terminated, the written notice shall clearly state the action that will be taken, the reasons for the action, and the right to request a hearing.

.12 In providing notice to an applicant or recipient to indicate that assistance has been granted, denied, reduced, suspended, or terminated, the CWD shall specify the program(s) to which the notice applied, clearly distinguishing between RCA and other assistance programs.

.13 When a recipient is notified of termination because of reaching the time limit on RCA, the CWD shall review the case file to determine possible eligibility for CalWORKs or General Assistance due to changed circumstances. The notice to the recipient must indicate the result of that determination as well as the termination of RCA.

.2 Hearings

All applicants for and recipients of RCA shall be provided an opportunity for a hearing to: defend by confronting any adverse witnesses; present his/her own argument and evidence orally; and to contest adverse determinations.

.21 The written notice of any hearing determination shall adequately explain the basis for the decision and the refugee's right to request any further administrative or judicial review.

.22 An RCA's benefits may not be terminated prior to completion of final administrative action, but are subject to recovery by the CWD if the action is sustained.

.23 A hearing need not be granted when:

.231 Federal law requires automatic grant adjustments for classes of recipients unless the reason for an individual appeal is an incorrect grant computation.

.232 Assistance is terminated because the eligibility time period imposed by law has been reached, unless there is a disputed issue of fact.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; and 45 CFR Sections 400.54(a) and (b).

Amend Section 69-211 to read:

69-211 AID PAYMENTS

69-211

Aid payments for RCA cases shall be based on ~~AFDC~~ CalWORKs regulations ~~except that the \$30 and 1/3 or, as applicable, the \$30 disregard shall not be allowed in determining net nonexempt income.~~

- .1 Refugees ~~will be~~ are eligible for recurring special needs allowances in accordance with ~~AFDC~~ CalWORKs regulations. Eligibility for nonrecurring special needs allowances exists but may be paid only for loss ~~which that~~ that has occurred subsequent to their arrival in California. Assistance for nonrecurring special needs is not to replace items of property ~~which that~~ that were left in the refugee's country of ~~nationality~~ origin.

~~HANDBOOK BEGINS HERE~~

- ~~.11 RCA cases are not eligible to receive AFDC homeless assistance as provided in MPP 44 211.5. [See MPP 44 211.312(a).]~~

~~HANDBOOK ENDS HERE~~

- .2 Where there is an urgent need for assistance, the CWD shall in accordance with ~~AFDC~~ CalWORKs regulations make such provisions as are necessary to cope with the emergency by speeding up the application process and by issuing the initial grant to the refugee on an immediate need basis where apparent eligibility and immediate need exists.
- .3 If the CWD is unable to confirm refugee status after checking the individual's documentation, which suggests eligibility, the CWD shall provide cash assistance to the individual verifying refugee status. Aid pending verification of refugee status shall not be authorized for RCA. The CWD shall follow Systematic Alien Verification Entitlements (SAVE) system procedures for complete a CA 6 Form on any refugee who presents questionable documentation for eligibility purposes, unless the refugee him/herself chooses to secure the appropriate documentation by contacting INS directly. If the CWD is not connected to the SAVE system, a G-845 form (Verification Request - Non-Save agencies) shall be submitted by the CWD to the local INS office.
- .4 Eligibility for pregnancy special needs shall be determined in accordance with ~~AFDC~~ CalWORKs regulations.
- .5 Payments for unaccompanied refugee minors shall be paid at the foster care rate calculations as determined in ~~Operations Manual, Chapter 11-400 of the Manual of Policies and Procedures~~ MPP, Chapter 45-300 (AFDC-FC Payee, Payment and Delivery).

.6 (Continued)

~~.7 Payments to adult refugees, who are not eligible for SSI/SSP and who in the county's judgment require non-medical out of home care, shall be at the SSI/SSP non-medical out of home care standards.~~

Authority eCited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; and 45 CFR 400.52; and 45 CFR 400.66.

Amend Section 69-212 to read:

69-212 OVERPAYMENT/UNDERPAYMENT ADJUSTMENTS
AND FRAUD REFERRALS

69-212

The methods outlined in ~~AFDC~~ CalWORKs regulations concerning the recoupment of overpayments, the correction of underpayments and the procedures concerning fraud shall be followed in RCA ~~except that the \$30 and 1/3 or, as applicable, the \$30 disregard shall not be allowed in determining the net nonexempt income.~~

Authority ~~e~~Cited: Sections 10553 and 10554, Welfare and Institutions Code

Reference: Sections 10553 and 10554, Welfare and Institutions Code; and 45 CFR Section 400.52.

Amend Sections 69-213.12, .22, .4, .5, .63, .631, .631(c)(1) and (2) and (d)(2), .7, and .8 to read:

69-213 UNACCOMPANIED REFUGEE MINORS (Continued)

69-213

.1 (Continued)

.12 (Continued)

.121 ~~a~~A parent or;

.122 ~~a~~A close nonparental adult relative who is willing and able to care for the child, or;

.123 ~~a~~An adult with a clear and court-verifiable claim to custody of the minor who has no parent(s) in the United States.

.2 (Continued)

.22 Is united with a nonparental adult, either relative or nonrelative, willing and able to care for the child to whom legal custody and/or guardianship is granted under state law; or (Continued)

.4 Responsibility for the care, custody and control of unaccompanied refugee minors shall be established under Welfare and Institutions Code Section 300 or ~~p~~Probate Code Sections 1500 or 1501.

.5 Placement of unaccompanied refugee minors in foster care shall be made in accordance with Foster Care regulations, Division 30 of the ~~Manual of Policies and Procedures (MPP)~~, and eligibility for foster care payments shall be made in accordance with MPP Division 45, Chapter 200.

.6 (Continued)

.63 Preparation of Refugee and Entrant Unaccompanied Minor Placement Report, ORR-3 (10/86), and annual Refugee and Entrant Unaccompanied Minor Progress Report, ORR-4 (10/86), to be sent to CSDSS for the purpose of aiding family reunification.

.631 The CWD shall send to ~~S~~CDSS: (Continued)

(c) An ORR-3 within 60 days of the date that:

(1) The minor's placement is changed; ~~or~~

(2) Legal responsibility of any kind for the minor is established or transferred; or

(d) (Continued)

(1) (Continued)

(2) Is united with a non-parental adult (relative or non-relative) to whom legal custody, guardianship, or adoption is granted under state law and who is willing and able to care for the minor; or (Continued)

.7 After the initial placement of an unaccompanied minor, the procedures for interstate movement, MPP Section 30-366, that govern the movement of non-refugee foster cases to other states also apply to the movement of unaccompanied minors to other states.

.8 Unaccompanied refugee minor cases shall be claimed under RCA. The time limit applicable to RCA cases required in Section 69-2032.41 does not apply.

Authority eCited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; and 45 CFR Part 400.120, Subpart H – Child Welfare Services.

Amend Sections 69-214.1 through .9 to read:

69-214 TERMINATION OF AID

69-214

Aid payments to refugees under the RCA program shall be discontinued in accordance with ~~AFDC~~ CalWORKs regulations and under the following circumstances except that the number of hours worked shall not be a basis for terminations:

- .1 A sponsor is meeting the full needs of the refugee or refugee family, in accordance with AFDC CalWORKs standards of assistance.
- .2 A refugee marries a United States citizen or other non-refugee, including a time-expired refugee, who is able to meet the refugee's needs. In these circumstances, aid shall be discontinued for the refugee parent. Aid for the minor child(ren) in the assistance unit shall be continued unless the United States citizen or other non-refugee stepparent is able to meet all needs of the child(ren) in accordance with ~~AFDC~~ CalWORKs standards of assistance.
- .3 A refugee becomes time-expired (per Section 69-2065.21), ~~becomes a naturalized United States citizen~~ or otherwise loses refugee status.
- .4 A refugee fails to meet, without good cause, the registration, employment and educational/training requirements (see Section 69-2087).
- ~~.5 A refugee fails to cooperate in providing sponsor or VOLAG information for purposes of determining eligibility for RCA.~~
- ~~.6~~ (Continued)
- ~~.7~~ A refugee becomes a full-time student in a college program in an institution of higher education, except as provided in Sections 69-2065.52, .53, and .54.
- ~~.7~~ [Reserved]
- .8 Renumbered to Section 69-214.7 by Manual Letter No. SP-91-01, effective 2/1/91.
- .9 Repealed by Manual Letter No. SP-91-01, effective 2/1/91.

Authority eCited: Section 10554, Welfare and Institutions Code.

Reference: Section 10553, Welfare and Institutions Code and 45 CFR 400.81(b).

Amend Section 69-215 to read:

69-215 INTERCOUNTY TRANSFERS

69-215

The procedures for intercounty transfers as outlined in ~~AFDC~~ CalWORKs program regulations shall be applied in RCA.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

Renumber Section 69-217 to Section 69-216 and amend Sections 69-216.1 and .2 to read:

69-217~~6~~

CASE RECORDS

69-217~~6~~

- .1 A case folder shall be set up for each refugee assistance case which shall contain a payment record and related documents. The authorization and payment process for all refugees shall be completed by using CDSS approved county procedures. (Continued)
- .2 The case record shall include the following information in addition to that required by AFDC CalWORKs program regulations:
 - .21 (Continued)
 - .22 The name and address of the local sponsor or voluntary resettlement agency which resettled the refugee.
 - ~~.23 The name and address of the local sponsor of the refugee.~~
 - .24~~3~~ The information obtained from the sponsor or voluntary resettlement agency as part of the eligibility determination process (per Section 69-204~~3~~.21).
 - ~~.25 The date of entry (month and year) into the United States (from the I-94 form) for each refugee in the budget unit.~~
 - .26~~4~~ A copy of the I-94 and any other INS documentation that identifies refugee status and date of entry for each refugee in the assistance unit.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

Renumber Section 69-219 to Section 69-217 and amend Sections 69-217.1 and .2 to read:

~~69-219~~ CLAIMING AND REIMBURSEMENT ~~69-219~~

.1 Cash Assistance

The federal legislation provides for reimbursement for aid payments and administrative costs as long as funds are available. Claims are to be submitted in accordance with instructions issued by CDSS.

.2 Case Numbers – General

.21 (Continued)

.22 Repealed by Manual Letter No. SP-91-01, effective 2/1/91.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

Repeal Section 69-221 to read:

~~69-221 FAIR HEARINGS~~

~~69-221~~

~~Applicants for and recipients of RCA shall have the right to appeal any action in accordance with MPP Chapter 22-000.~~

Amend Section 69-301 to read:

69-301 GENERAL STATEMENT

69-301

In accordance with Title V (Fascell-Stone Amendment) of the Refugee Education Assistance Act of 1980 (Public Law 96-422, October 10, 1980 as interpreted in 45 CFR Part 401), there is hereby established a Cuban/Haitian Entrant Program (CHEP) to provide eligible Cubans and Haitians with ~~medical~~ cash assistance, and social services.

CHEP is separate and apart from the Refugee Resettlement Program (RRP), however, the objectives, administration, the level of Federal Financial Participation, program eligibility criteria and case maintenance policies are identical to those of the RRP. There is a special cash assistance program within CHEP for Cuban and Haitian Entrants known as Entrant Cash Assistance (ECA). Eligibility criteria for ECA benefits shall be the same as those outlined in RRP regulations, MPP Chapter 69-200, except that the definition of a refugee is not applicable to CHEP or ECA. All current ~~AFDC~~ CalWORKs Program regulations relating to financial eligibility and payments apply unless superseded by the Entrant Cash Assistance Program regulations contained herein, or the RRP regulations in Chapter 69-200.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

Renumber Section 69-304 to Section 69-303 and amend to read:

69-3043 TIME-ELIGIBILITY

69-3043

Time eligibility for Cuban/Haitian Entrant²s, including entrant children born in United States resettlement camps, begins with their date of parole (release from INS custody).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

Renumber Section 69-305 to Section 69-304 and amend to read:

69-3054 TERMINOLOGY

69-3054

The term ECA refers to the federally-funded program of cash assistance which is available to Cuban or Haitian Entrants who do not meet the categorical requirements of other state/federal cash assistance programs (~~AFDC~~ CalWORKs or SSI/SSP).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

Renumber Section 69-311 to Section 69-305 and amend Section 69-305.3 to read:

69-31105 UNACCOMPANIED CUBAN/HAITIAN ENTRANT MINORS 69-31105

.1 (Continued)

.3 Provisions in Sections 69-2114.4 through ~~69-211.8~~, unaccompanied refugee minors, shall apply to unaccompanied entrant minors.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

Renumber Section 69-317 to Section 69-306 to read:

69-31706 CASE RECORDS (Continued)

69-31706

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.