

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



Regulation Packages # 0306-02  
and # 0704-03

ERRATA FOR CDSS MANUAL LETTER NO. EAS-07-01

TO: HOLDERS OF THE EAS MANUAL

**Regulation Package # 0306-02**

**Effective 07/25/07**

This manual letter has been posted on the Office of Regulations Development website at [http://www.dss.cahwnet.gov/ord/Eligibilit\\_617.htm](http://www.dss.cahwnet.gov/ord/Eligibilit_617.htm).

It has been discovered that there were two pages missing from the manual letter when it was issued. Please replace the following:

Page(s)  
904 through 907

Replace(s)  
Pages 904 and 907

Attachment

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<b>82-808</b>	<b>CARETAKER RELATIVE REQUIREMENTS (Continued)</b>	<b>82-808</b>
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- Court records of parentage
- Court support records
- Day care center records
- Declaration of California Registered Domestic Partnership
- Divorce papers or termination of California registered domestic partnership
- Family Bible
- Hospital or public health records of birth and parentage
- Indian census records
- Insurance policy
- Juvenile court records
- Marriage licenses/ records
- Outpatient care records maintained by a hospital, clinic, or physician
- Paternity records maintained by a Child Support Agency
- School records
- Voluntary social service agency records

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| .142 | No Evidence | If all efforts to obtain other evidence have failed, a sworn statement signed by the caretaker relative is acceptable when: |
|      | (A)         | Evidence is not conflicting, and  |
|      | (B)         | The attempts to obtain verification are documented in the case record.  |

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| .143 | Conflicting Evidence | When evidence is conflicting, the principles of gathering evidence in Section 40-157 shall apply. |
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| .2 | Determining the Caretaker Relative | The county shall determine who the caretaker relative is by reviewing actual circumstances in each case to determine who exercises care and control responsibility for a child. |
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| .3   | Care and Control Factors | The following factors shall be considered when determining responsibility for care and control. A single factor may not be determinative. The factors include, but are not limited to:                                       |
| .31  |                          | Deciding where the child attends school or child care.   |
| .32  |                          | Dealing with the school on educational decisions and problems.   |
| .33  |                          | Controlling participation in extracurricular and recreational activities.  |
| .34  |                          | Arranging medical and dental care services.  |
| .35  |                          | Claiming the child as a tax dependent.   |
| .36  |                          | Purchasing and maintaining the child's clothing.   |
| .4   | Alternating Arrangements | The determination of the caretaker relative relationship, when the child stays alternately with different persons, shall be made as follows:   |
| .41  | Less than One Month      | If a child stays alternately for periods of one month or less with each of his/her parents who are separated or divorced, the caretaker relative shall be determined as follows:   |
| .411 | Where Child Stays        | In most circumstances, the parent with whom the child stays for the majority of the time shall be the caretaker relative. The temporary absence of the parent or the child from the home does not affect this determination. |
| (a)  |                          | The parent with whom the child stays for less than the majority of the time may be the caretaker relative, if that parent can establish that he/she has majority responsibility for care and control of the child.           |

**82-808**      **CARETAKER RELATIVE REQUIREMENTS (Continued)** **82-808**

- .412    Applying Parent                      When the child spends an equal amount of time with each parent and each parent exercises an equal share of care and control responsibilities, the parent who applies for aid shall be the caretaker relative, providing that the child's other parent is not currently applying for or receiving aid for the child.
- .413    Equal Time                              When each parent exercises an equal share of care and control responsibilities, and each has applied for aid for the child, the caretaker relative shall be determined in the following order:
- (a)                                      The parent designated in a current court order as the primary caretaker for purposes of public assistance, under Civil Code Section 4600.5(h).

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Civil Code Section 4600.5(h) states:

In making an order of joint physical custody or joint legal custody, the court may specify one parent as the primary caretaker of the child and one home as the primary home of the child, for the purposes of determining eligibility for public assistance.

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- (b)                                      When no court order designation exists and only one parent would be eligible for aid, the parent who would be eligible shall be the caretaker relative.
- (c)                                      When both parents would be eligible, the parents shall designate one parent as the caretaker relative. The agreement shall be documented by a CA 13.
- (d)                                      If the parents cannot reach agreement on the designation of a caretaker relative, the parent who first applied for aid for the child shall be the caretaker relative.

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| .414 | Remains<br>Caretaker               | The parent who has been determined to be the caretaker relative of a child who stays with the other parent for alternating period of one month or less shall remain the caretaker relative while the child is with the other parent.  |
| .42  | One Full Calendar<br>Month or More | When a child stays alternately for periods of one full calendar month or more with different persons who are not living together, the caretaker relative shall be the person with whom the child is staying at the time. That person will have to apply for aid on behalf of the child. |

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See Section 82-812.5 for definition of one full calendar month.

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| .5 | Number of Caretaker<br>Relatives   | An AU may have more than one caretaker relative. However, an eligible child shall have only one caretaker relative at one time. |
| .6 | Minor Parent/Caretaker<br>Relative | A child who is a caretaker relative shall not be considered a child to establish eligibility for a senior parent.               |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 USC 408(a)(10); 42 USCA 606; 45 CFR 206.10; 45 CFR 206.10(a)(8); 45 CFR 233.90; 45 CFR 233.90(c)(1)(iii); 45 CFR 233.90(c)(1)(v); 45 CFR 233.90(c)(1)(v)(A); and 45 CFR 233.90(c)(2); Federal Register, Vol. 45, Page 58125, September 2, 1980; 45 CFR 237.50(b)(2); SSA-AT-86-01; ACF-AT-91-33; and Sections 10553, 10554, 10604, 11203, 11269, and 11450, Welfare and Institutions Code; and Sections 297 and 297.5(a)-(d), Family Code.