

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



April 24, 2003

Regulation Package #0702-16

CDSS MANUAL LETTER NO. EAS-03-05

TO: HOLDERS OF THE EAS MANUAL, DIVISION 40

Regulation Package #0702-16**Effective 5/1/03****Sections 40-187, 40-188 and 40-190**

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/Eligibilit_617.htm.

The regulations change the procedure by which CalWORKs cash aid overpayments are collected when recipients move from one county to another. Previously, when a CalWORKs recipient moves from County A to County B, County B collected any overpayments originated in County A and reimbursed County A the amount collected. Discussions with county staff indicated that overpayments were not being collected by County B on behalf of County A. These amendments allow County B to retain any monies collected and the resulting incentive funds. This will serve as an incentive for counties to collect overpayments originated in another county, thereby increasing collections and reducing grant costs.

The regulations will also change the procedure for the recovery of food stamp overissuances when recipients move to another county. Previously, when a recipient moved from County A to County B, County A initiated or continued an overissuance collection. If County A was unable to initiate an action, then County B initiated collection procedures and received the resulting incentive. These amendments, in all instances, require that County B initiate or continue the collection action until the overissuance is fully repaid or the recipient moves to a subsequent county. County B will report the collection and be entitled to any collection incentive.

These amendments to the CalWORKs and Food Stamp program regulations benefit the Department of Social Services through increased collections and CalWORKs grant cost savings. Counties will also benefit through increased overpayment collections, CalWORKs grant cost savings, and increased incentive funds.

These regulations were adopted and became effective May 1, 2003 and were considered at the Department's public hearings held on December 17 and 18, 2002.

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 EAS changes was EAS-03-03.

Page(s)120 through 123
128 through 129Replace(s)Pages 120 through 123
Pages 128 through 129.1

Attachments

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40-183 INTRAPROGRAM STATUS CHANGE (Continued) 40-183

.5 Change From Medically Needy to Cash Grant Recipient

Application for AFDC as specified in Section 40-121, and determination of eligibility to receive an AFDC cash grant are necessary before the status of a medically needy person may be changed to that of an AFDC recipient. A new Statement of Facts (CA 2) is required only when a periodic determination of eligibility is due or there has been some significant change in circumstances which gives a basis for questioning eligibility for AFDC. See Section 40-181.212. When all eligibility criteria are met for AFDC, the grant shall be authorized and the authorization document shall indicate a status change from medically needy to AFDC cash grant. Any necessary change in his/her certification from medical assistance, to reflect his/her change in status from a medically needy person to an AFDC cash grant recipient, shall be made.

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

40-185 INTERPROGRAM TRANSFERS 40-185

.1 Interprogram Transfer -- Defined

An Interprogram Transfer is a transfer from one cash grant program to another, which is completed without interruption in aid payment.

.2 When Interprogram Transfer Initiated

An interprogram transfer shall be made to AFDC when a recipient in one program applies for and is determined to be eligible for AFDC

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

40-187 INTERCOUNTY TRANSFER 40-187

.1 The following definitions pertain to intercounty transfer (ICT) and intercounty collection (ICC) procedures in Sections 40-188 through 40-197.

.11 30-Day Transfer Period The 30-day transfer period begins with the postmarked date or the date of the electronic transfer of the notification of the ICT. When the 30th day falls on a Saturday, Sunday or a legal holiday, the first business day following the weekend or holiday is considered to be the last day of the 30-day transfer period.

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

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

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

40-188 TRANSFER PROCEDURE (Continued) 40-188

- .12 Inform Recipient Inform the recipient in writing of his/her responsibility to immediately apply for a redetermination of eligibility in the second county to avoid a break in aid.
- .121 Foster Care For children receiving AFDC-FC, where there is a legal guardian for the child, the first county shall inform the legal guardian in writing of his/her responsibility to apply for a redetermination of eligibility in the second county.
- .13 Provide Documentation Provide the second county within seven working days from the date that the first county notifies the second county of a case transfer (per Section 40-188.11), with copies of the most recent:

 - .131 CalWORKs CA 1/SAWS 1 (Application for Cash Aid, Food Stamps and/or Medical Assistance).
 - .132 CalWORKs Welfare-to-Work plan (See Section 42-711.6).
 - .133 CalWORKs-Incap Medical verification of incapacity.
 - .134 Exempt AU Status Verification of the AU's MAP exempt status.
 - .135 Foster Care SAWS 1; FC 2/JA 2/KG2; SOC 158A; Birth Certificate/Alien Status; Social Security Number, FC 3/FC 3A; Voluntary Placement Agreement, Legal Guardianship Papers, or Court Order which establishes the authority for placement; Independent Living Plan; evidence supporting federal and/or state eligibility; and any other information necessary to determine eligibility.
- .136 Maximum Family Grant Informing Maximum Family Grant (MFG) informing notice or other documentation verifying that MFG informing requirements have been met (see Section 44-314).

40-188	TRANSFER PROCEDURE (Continued)	40-188
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.137	AU with Children Under Age 6	Verification of age-appropriate immunizations pursuant to Section 40-105.4(d), which the county has determined acceptable.
.138		Copies of any documents supporting the eligibility determination made by the first county when requested by the second county.
.139		Overpayment repayment record for overpayment(s) that will not be repaid before the end of the transfer period and will continue to be recouped by the second county through grant adjustment.
.14	Determine Eligibility	Determine continuing eligibility and amount of cash aid from the Monthly Eligibility Report due during the transfer period.
.15	Inform	Inform the second county of any changes in eligibility or payment level and send a copy of any resulting notice of action.
.16	Discontinue	Discontinue responsibility for the provision of aid at the end of the transfer period.
.17	Foster Care	Obtain notification, written or via electronic data transfer, from the second county of the receipt and disposition of the transfer.
.2	Second County	The second county shall:
.21	Contact Recipient	Provide or send an appointment letter to the recipient, if the address is known. The letter shall include the address and telephone number of the county welfare office, an appointment date and time, and inform the recipient that the appointment may be re-scheduled, if needed. Aid shall not be stopped or suspended for the recipient's failure to keep the first appointment during the transfer period. The county may also include with the appointment letter any additional forms needed to complete the redetermination of eligibility.

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

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

HANDBOOK BEGINS HERE

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

HANDBOOK ENDS HERE

- .24 Expiration of Transfer Period Upon the expiration of the transfer period, the second county is responsible for the payment of aid.
- .3 Exceptions to Payment Responsibility The following are exceptions to the payment responsibilities rule specified in Section 40-190.2.
- .31 Request for Homeless Assistance When an AU requests homeless assistance, see Section 44-211.515. The MAP amount for the county of residence is used.
- .32 Foster Care Placement No intercounty transfer is necessary when the first county places a child in a second county. The first county continues to be responsible for payment of aid.
- .4 Discontinuance During Transfer Period Responsibility of the first county ceases when payment of aid is discontinued during the transfer period.
- .5 Overpayment Adjustment During Transfer Period When the grant has been reduced to recoup an overpayment:

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

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| .51 | First County | If the overpayment adjustment will continue beyond the transfer period, then the first county shall transmit the current repayment record and notify the second county to continue the overpayment adjustment until repaid in full or aid is discontinued upon expiration of the transfer period. |
| .52 | Second County | The second county shall continue to recoup the overpayment until it is repaid in full, the recipient moves to a subsequent county, or payment of aid is discontinued When the intercounty transfer is completed, the second county shall continue to recoup the overpayment by grant adjustment until:- |
| .521 | Repaid in full | The overpayment is repaid in full, or |
| .522 | Interconty Transfer | The recipient moves to a subsequent county and, pursuant to an intercounty transfer, that county assumes responsibility for collection of the overpayment, or |
| .523 | Aid is Discontinued | Payment of aid is discontinued, at which time the second county is responsible for recouping the balance of the overpayment through appropriate collection procedures. |
| .53 | Retain Collections | Regardless of where the overpayment originated, the county that collects the overpayment will retain the amount collected and receive any collection incentives. |

HANDBOOK BEGINS HERE

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

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553, 10554, 10604, 11053, 11102, and 11369, Welfare and Institutions Code. Reference: Sections 10553, 10554, ~~and~~ 10604, and 11004, Welfare and Institutions Code.

40-191	DISCONTINUANCE DURING TRANSFER PERIOD	40-191
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.1 Recipient Responsibility

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

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

40-193	GRANT REDUCED DURING TRANSFER PERIOD	40-193
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Renumbered to Section 40-190 by Manual Letter No. EAS-97-07, effective 5/1/97.

40-195	TRANSFER PROCEDURE	40-195
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Renumbered to Section 40-188 by Manual Letter No. EAS-97-07, effective 5/1/97.

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