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October 7, 2014

Regulation Package No. 0712-06

CDSS MANUAL LETTER NO. EAS 14-03

TO: HOLDERS OF THE ELIGIBILITY AND ASSISTANCE STANDARDS MANUAL

**Regulation Package # 0712-06**

**Effective 10/1/14**

**Sections 40-181, 40-188, 40-190, 42-101, 42-213, 42-302, 42-712, 44-133, 44-316, 80-301, 82-820 and 82-832**

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

These regulations implement Assembly Bill 12 (Chapter 559, Statutes of 2010) which established a new category of non-minor dependents (NMDs) eligible to receive extended California Work Opportunity and Responsibility to Kids (CalWORKs) benefits.

The NMDs living with a caretaker relative are eligible to receive extended CalWORKs cash aid provided that he or she is meeting one of the following requirements:

- Completing secondary education or a program leading to an equivalent credential,
- Being enrolled at least half-time in an institution which provides post-secondary or vocational education,
- Participating in a program or activity designed to promote or remove barriers to employment,
- Being employed for at least 80 hours per month, or
- Being incapable of doing any of the activities described above due to a documented medical condition.

These regulations were adopted, endorsed and approved by the Office of Administrative Law and filed with the Secretary of State on July 7, 2014, to be effective on October 1, 2014.

## 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-14-01.

<u>Page(s)</u>	<u>Replace(s) Page(s)</u>
107.1 and 107.2	107.1 and 107.2
118 and 119	118 and 119
122 through 123.2	122 through 123.2
126 through 129	126 through 129
162 through 163	162 through 163
178.11 through 181	178.11 through 181
188 and 189	188 and 189
191 through 193.3	191 through 193.3
240 and 241	240 and 241
242 through 245	242 through 245
408 through 409	408 and 409
416.1	416.1
490 and 490.1	490 and 490.1
853 through 858	853 through 858
911.3 through 916.2	911.3 through 916.2

Attachment

KJ

<b>40-181</b>	<b>CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY</b>	<b>40-181</b>
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(Continued)

- | (SAR) (1) Eligibility regarding deprivation, household/AU composition, property, and the transfer of assets for less than fair market value shall only be determined on a semi-annual basis based on the information reported on the SAR 7 or the SAWS 2. The county shall compare the information reported on the SAR 7 or the SAWS 2 with any mid-period recipient reports for accuracy. (See Sections 44-316(SAR) and 82-832.3(SAR).)
- (AR/CO) Eligibility regarding deprivation, property, and the transfer of assets for less than fair market value shall only be determined on an annual basis based on the information reported on the SAWS 2. The county shall compare the information reported on the SAWS 2 with any mid-period recipient reports for accuracy (See Section 44-316(AR/CO)).
- | (SAR) (2) The SAR 7 only asks for the recipient to report any changes since he or she last reported in regards to property, deprivation, and household/AU composition. If a recipient reports on the SAR 7 that there have been no changes since they last reported, the information on the last verified report (the SAWS 2 or any verified mid-period report) shall be used to determine continuing eligibility.

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**HANDBOOK BEGINS HERE**

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- | (SAR) (3) Example: A recipient is in a March through August SAR Payment Period. They make a voluntary mid-period report in April that they received an inheritance in the amount of \$5,000 and provide verification. The county sends the recipient a "no-change NOA" informing them that property is only evaluated once per SAR Payment Period. On the July SAR 7 submitted in August, the recipient reports that there have been no changes to their property since they last reported. The county discontinues the AU at the end of the SAR Payment Period for being over the property limit.
- | (AR/CO) Example: A recipient has a redetermination due in August. They make a voluntary mid-period report in April that they received an inheritance in the amount of \$5,000 and provide verification. The county sends the recipient a "no-change NOA" and does not take action until the annual redetermination in August.

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**HANDBOOK ENDS HERE**

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(b) Reserved

<b>40-181</b>	<b>CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY</b>	<b>40-181</b>
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(Continued)

- (c) Extended CalWORKs for Non-Minor Dependents
  - (1) For non-minor dependents, eligibility shall be established at the time of application with the county welfare department by use of the Six-Month Certification of Extended Foster Care Participation form (SOC 161, rev. 9/11) and the Mutual Agreement for Extended Foster Care form (SOC 162, rev. 10/11), incorporated in their entirety herein by reference. Eligibility shall be reestablished by use of the SOC 161 certifying eligibility at six-month intervals.
  
- (SAR) (d) Additional determinations shall be made as necessary if unexpected changes in income or other circumstances occur which affect the eligibility or grant level of the recipient in accordance with Section 44-316(SAR).
  
- (AR/CO) Additional determinations shall be made as necessary if unexpected changes in income or other circumstances occur which affect the eligibility or grant level of the recipient in accordance with Section 44-316(AR/CO).
  
- (e) Issuance of aid in the correct amount is a primary program objective. To achieve this objective it is essential that the county shall:
  - (SAR) (1) Give applicants and recipients at the time of application and at least once every 12 months thereafter complete explanations in writing regarding factors which may cause ineligibility, underpayments or overpayments, penalties due to an IPV, and their responsibility to report changes as prescribed by Section 40-105.14(SAR) (Applicant and Recipient Responsibility). The factors which are to be explained shall include changes in income and resources, changes in need, etc. These requirements are met by the use of the SAWS 2A in CalWORKs. These requirements are met by the use of the KG 2A in Kin-GAP. Verbal explanations shall also be given when necessary to assure understanding. The recipient shall signify his/her understanding of his/her responsibilities in writing.
  
  - (AR/CO) Give applicants and recipients at the time of application and at least once every 12 months thereafter complete explanations in writing regarding factors which may cause ineligibility, underpayments or overpayments, penalties due to an IPV, and their responsibility to report changes as prescribed by Section 40-105.14(AR/CO) (Applicant and Recipient Responsibility). The factors which are to be explained shall include changes in income and resources, changes in need, etc. These requirements are met by the use of the SAWS 2A in CalWORKs. These requirements are met by the use of the KG 2A in Kin-GAP. Verbal explanations shall also be given when necessary to assure understanding. The recipient shall signify his/her understanding of his/her responsibilities in writing.

**40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181**  
(Continued)

- .42 The county shall act on all information received through IEVS in accordance with the procedures specified in Section 20-006.4 and .5.
  
- .5 Determination of Eligibility During Absence From the State, County or Country
  - .51 A recipient who leaves the state, county, or country is responsible for informing the county paying aid immediately of his/her departure and of changes in his/her living plan, income, and needs. If absent from the state, he/she is also required to inform the county of his/her residence intent. If in the state but absent from the county paying aid, he/she is required to give information from which the county can determine if an intercounty transfer is in order (see Section 40-187). If the recipient leaves the state, the county shall immediately determine his/her residence intent and take appropriate action as provided in Chapter 42-400.
  
  - .52 Except for children receiving Kin-GAP, when a periodic determination of eligibility is due during a recipient's temporary absence from the state or county, the Statement of Facts (SAWS 2) shall be sent to a welfare agency in the locality. Such agency shall be requested to interview the recipient, secure the signed SAWS 2 and return it with a report on the recipient's plan regarding his/her living arrangements, current needs and income, if he/she is out of state.
  
  - .53 If it is not possible to secure the signed form and report through the agency within a reasonable time, direct request shall be made to the recipient to submit a completed form with a statement of his/her living arrangements, income and needs, and his/her intent as to residence out of state.
  
  - .54 If a periodic determination of eligibility is due within the transfer period (see Section 40-185) the county currently paying aid requests the county to which the case is being transferred to make the periodic determination.

NOTE: Authority cited: Sections 10553, 10554, 10604, 11203, 11265.1, 11369, and 18904, Welfare and Institutions Code. Reference: 42 U.S.C. 616(b) and (f); 45 CFR 233.28 and 233.29(c); and 45 CFR 235.112(b); 7 CFR 273.16(b); Sections 10063, 10553, 10554, 10604, 11008, 11203, 11253(b), 11253.5, 11254, 11265, 11265.1, 11265.2, 11265.3, 11265.8, 11280, 11403, 11450.12, 11451.5, 11486, and 11495.1, Welfare and Institutions Code; and Section 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193): California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

**40-183 INTRAPROGRAM STATUS CHANGE****40-183**

Each assistance program has the following integral parts:

- (a) cash grants for maintenance with medical assistance, and
- (b) medical assistance for the medically needy.

.1 Intraprogram Status Change -- Defined

An intraprogram status change means change in status from one part of the same program to the other, i.e., from cash grant to medically needy and vice versa within the same program and changes between CalWORKs and AFDC-FC, or AFDC-FC and Kin -GAP, or CalWORKs and Kin-GAP. (See Sections 40-183.5 and 44-317.6.)

.2 Using Same Case Number and Record

It is recommended that the same case number and the same case record be utilized for aid and/or medical assistance certifications under either part of the program. The case is then designated by program as cash grant or medically needy, according to which ever is appropriate at the time.

.3 Circumstances in Which Status Change is Appropriate

An intraprogram status change is appropriate under the following circumstances:

- .31 The recipient becomes ineligible for a continuing cash grant but is eligible for certification for medical assistance as a medically needy person within the same program or
- .32 Circumstances of the person who has been certified as medically needy change so that upon application for AFDC or request for restoration as specified in Section 40-121 he/she is eligible for cash assistance for his/her maintenance needs within the same program.

.4 Change From a Cash Grant Recipient to Medically Needy

When the recipient becomes ineligible to a continuing cash grant but remains eligible for medical assistance as a medically needy person, the cash grant shall be discontinued. The discontinuance notice shall indicate that only the cash grant is terminated and that the recipient continues eligible as medically needy. Any necessary change in his certification for medical assistance to reflect his change in status from recipient to a medically needy person, shall be made.

**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 SAWS 1 (Application for Cash Aid, CalFresh 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; SOC 161; SOC 162; 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).

<b>40-188</b>	<b>TRANSFER PROCEDURE (Continued)</b>	<b>40-188</b>
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|         | .137 AU with Children<br>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.  |
| (SAR).  | .14 Determine Eligibility            | Determine continuing eligibility and amount of cash aid from the most recent Semi-Annual Eligibility Report (SAR 7 or SAWS 2) due during the transfer period. Once eligibility is determined, cash aid shall continue until the end of the SAR Payment Period in which the transfer period ends. |
| (AR/CO) |                                      | Determine continuing eligibility and amount of cash aid from the most recent Statement of Facts (SAWS 2) during the transfer period. Once eligibility is determined, cash aid shall continue until the end of the AR/CO Payment Period in which the transfer period ends.                        |
|         | .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.   |

**40-188 TRANSFER PROCEDURE (Continued) 40-188**

- .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.
  - .211 Exemption Verify that non-needy caretaker relatives who are receiving CalWORKs on behalf of a child who is a dependent of the court (and who is not receiving federal Foster Care benefits) are approved pursuant to the standards of subdivision (d) of Section 309 of the Welfare and Institutions Code to care for the court dependent child. Once verified, this population is exempt from attending the ICT redetermination appointment with the second county.
  - .22 Redetermine Eligibility Eligibility and grant amount shall be determined based on current circumstances using continuing recipient criteria. The county shall follow the provisions of Section 40-126.3 when processing the ICT. Continuing eligibility determination must be completed by the end of the transfer period as specified in Section 40-187.12.
  - .23 Provide Information Provide the first county with any information which might affect eligibility or the amount of cash aid during the transfer period.
  - .24 Foster Care Legal Guardian For children receiving CalWORKs, where there is a legal guardian for the child, make an effort to secure the cooperation of the legal guardian.

<b>40-188</b>	<b>TRANSFER PROCEDURE (Continued)</b>	<b>40-188</b>
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| .25 | Foster Care Notification | Provide the first county with notification, written or via electronic data transfer, of the receipt and disposition of the transfer documentation. |
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NOTE: Authority cited: Sections 10553, 10554, 10605, 11052.6, 11053, 11102, and 11369, Welfare and Institutions Code. Reference: Sections 10553, 10554, 10605, 11265.1, and 11403(b), Welfare and Institutions Code; and Nickols v. Saenz Court Order Case Number 310867; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

**40-190 COUNTY RESPONSIBILITY 40-190**

- .1 Initiation of Intercounty Transfer      An intercounty transfer shall be initiated immediately when:
  - .11 First County is Notified of Move      The first county is notified that the recipient has moved his/her permanent residence to another county.
  - .12 Foster Care Transfer      Responsibility for the child welfare services case management function of a child receiving AFDC-FC is transferred from an agency in one county to an agency in another county.
    - .121 Legal Guardian      The child's legal guardian changes his/her county of residence, the first county shall transfer the AFDC-FC case to the second county.
  - .13 Court Jurisdiction      Court jurisdiction for a child receiving AFDC-FC is received by a court that is located in another county.
  - .14 Kin-GAP Transfer      A Kin-GAP child has been receiving aid from a county other than the county of responsibility as identified in Section 90-105.2, the case should be transferred to the county of responsibility.
  - .15 Non-Minor Dependent Transfer      A minor has been receiving aid in his/her caretaker relative's AU from a county other than the county with court jurisdiction over the minor. The non-minor dependent's case shall be transferred to the county with court jurisdiction.
- .2 Payment Responsibility      There shall be no interruption nor overlap in payment of aid when a recipient moves from one county to another county.
  - .21 Semi-Annual Reporting Cycle      The second county shall establish the recipient's semi-annual reporting cycle which may differ from the first county's semi-annual reporting cycle, but must remain aligned with the CalFresh recertification date.
  - .22 General Rule      The first county is responsible for continuing eligibility and aid payment during the transfer period.

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

| .23 Transfer of AU Members When a child(ren) moves to the home of a new caretaker relative, who resides in the second county, the first county's responsibility for payment of CalWORKs during the transfer period is as follows:

| .231 Creation of New AU When the transfer of a child(ren) results in the creation of a new AU which consists of the transferred child plus one or more applicants for aid, the first county is responsible for eligibility and aid payment during the transfer period. The first county is responsible for adding the applicants to the existing AU in the first county.

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(a) A child receiving CalWORKs from one county, the first county, moves to another county, the second county, to live with his mother. Also in the home are three of the mother's other children. The mother and the other children are unaided, but the mother requests aid for herself and also for these children.

The first county is responsible for eligibility and payment during the transfer period. The mother and children are added to the existing AU in the first county.

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| .232 Addition to Existing AU When a transferred child is added to an existing AU which consists of the transferred child and persons currently aided in the second county, the second county is responsible for eligibility and payment for the entire AU. The second county is responsible for adding the transferred persons to the existing AU in the second county.

**HANDBOOK BEGINS HERE**

- (a) A child receiving CalWORKs from the first county moves to a second county to live with his mother, who is receiving CalWORKs from the second county for her three other children. The mother requests aid for the transferred child. The second county becomes responsible for eligibility and payment. The first county discontinues its case with appropriate notice. The second county adds the transferred child to the existing AU in the second county if otherwise eligible. There is no break in aid for the transferred child.

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- .24 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**

- .241 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.

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- .25 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.

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

.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:
.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 upon expiration of the transfer period.
.52	Second County	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	Intercounty 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.

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

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NOTE: Authority cited: Sections 10553, 10554, 10604, 11053, 11102, and 11369, Welfare and Institutions Code. Reference: Sections 10553, 10554, 10604, 11004, 11265.1, and 11403(b), Welfare and Institutions Code; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

**DIVISION 42 NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY****CHAPTER 42-100 AGE****42-101 AGE REQUIREMENT****42-101**

- .1 A child meets the age requirement for CalWORKs eligibility until his/her 18th birthday. A child 18 years of age may be eligible if the requirements in Section 42-101.2 or .3 are met.
- .2 A child 18 years of age is eligible for CalWORKs only if he/she is enrolled as a full-time student (as defined by the school) in high school or, if he/she has not completed high school, in a vocational or technical training program which cannot result in a college degree, provided he/she can reasonably be expected to complete either program before reaching age 19.
  - .21 The requirements of this section cannot be met by correspondence course work.
  - .22 A student enrolled in a full-time program shall be considered attending on a full-time basis until enrollment is terminated by the school or the student.
  - .23 In addition, for a child in receipt of Kin-GAP, the child and placement agency must sign a mutual agreement (KG 1) prior to or within the month the child reaches age 18.
- .3 Non-Minor Dependents
  - .31 A non-minor dependent is eligible for CalWORKs beyond age 18 if he/she is in foster care and meets one or more of the following requirements:
    - (a) Enrolled in and working towards completing high school or an equivalency program.
    - (b) Enrolled at least half-time in post-secondary or vocational school, or enrolling for the next available term.
    - (c) Participating in a program or activity that promotes or removes barriers to employment.
    - (d) Employed at least 80 hours per month.
    - (e) Incapable of enrollment or participation in school or employment due to a documented medical (physical, mental, or emotional) condition.
  - .32 In addition, the non-minor dependent must sign a mutual agreement with the county welfare department documenting the non-minor dependent's agreement to comply with program requirements and eligibility conditions for extended CalWORKs benefits.
    - (a) A non-minor dependent is exempt from signing a mutual agreement if he/she is unable to give consent due to a documented medical condition (i.e., physical, mental, or emotional).

**42-101**      **AGE REQUIREMENT (Continued)** **42-101**

- | .4      Children who currently receive or have in the past received SSI/SSP benefits shall be considered disabled. Parent/caretaker relatives shall cooperate with the CWDs to obtain verification of receipt of SSI/SSP benefits. Past or present 18-year-old recipients of SSI/SSP benefits who attend school full-time shall be considered an eligible child in their parent/caretaker relative's AU and aid shall continue for the otherwise eligible parent/caretaker relative until the child completes the program, turns 19 or stops attending school full-time, whichever occurs first.
  - | .41      Verification may include a copy of a Social Security determination letter. To determine if the child who is turning 18-years-old is attending school full-time, verification shall be obtained in accordance with MPP Section 40-105.5 (b).
  
- | .5      Children who currently receive or have in the past received services through a Regional Center Program pursuant to the Lanterman Act shall be considered disabled. Parent/caretaker relatives shall cooperate with the CWD to obtain verification of receipt of services. Otherwise eligible 18-year-olds who attend school full-time and are considered disabled under this criterion shall be eligible for CalWORKs benefits until they complete the program, turn 19 or stop attending school full-time, whichever occurs first.
  - | .51      Verification may include a statement from the Regional Center stating that the child is currently receiving or has in the past received services. To determine if the child who is turning 18-years-old is attending school full-time, verification shall be obtained in accordance with MPP Section 40-105.5(b).
  
- | .6      Children who currently receive services at school in accordance with their Individual Education Plan (IEP) or receive services under/pursuant to Section 504 of the Rehabilitation Act (e.g., a Section 504 Plan or Section 504 Accommodation Plan) or have received such services in the past, shall be considered to be disabled. Parent/caretaker relatives shall cooperate with the CWD to obtain verification of receipt of services. Otherwise eligible 18-year-olds who attend school full-time and are considered disabled under this criterion shall be eligible for CalWORKs benefits until they complete the program, turn 19 or stop attending school full-time, whichever occurs first.
  - | .61      Verification may include a copy of the child's IEP or Section 504 Plan/Section 504 Accommodation Plan (MPP 40-105.5 (b)). To determine if the child who is turning 18 years-old is attending school full-time, verification shall be obtained in accordance with MPP Section 40-105.5 (b).

- .7 When a child's disability cannot be verified by the criteria described above, the parent/caretaker relative can provide independent verification or authorize the CWD to obtain documentation from a health care provider or a trained, qualified learning disabilities evaluation professional of a current or past disability. Otherwise eligible 18-year-olds who attend school full-time and are considered disabled under this criterion shall be eligible for CalWORKs benefits until they complete the program, turn 19 or stop attending school full-time, whichever occurs first. To determine if the child who is turning 18-years-old is attending school full-time, verification shall be obtained in accordance with MPP Section 40-105.5(b).

NOTE: Authority cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code. Reference: Sections 10063(a), 11253, and 11403(b), Welfare and Institutions Code, Fry v. Saenz 98 Cal.App.4th256, and Fry v. Saenz, (Sacramento County Superior Court), Case No. 00CS01350, Judgment and Peremptory Writ of Mandate, July 7, 2004.

**42-111 EVIDENCE OF AGE****42-111**

- .1 Determination of a child's age shall be based on acceptable evidence, including, but not limited to the following, which the county determines to be substantive and genuine:
- a. Birth certificate or hospital's, physician's or midwife's birth record.
  - b. Baptismal certificate or church record of baptism.
  - c. Confirmation papers or church record of confirmation.
  - d. School records.
  - e. Indian agency records (if applicable).
  - f. Immigration papers or governmental record of immigration.
  - g. Naturalization papers or governmental record of naturalization.
  - h. Adoption decree.
  - i. Passport.
  - j. State of Federal census record.
  - k. The affidavit of an adult if it is based on his personal knowledge of facts which would determine the probable age of the applicant and is not merely a statement of belief based on applicant's personal appearance. Such affidavit must contain statements of the circumstances upon which the affiant's knowledge is based.
  - l. Entries in a family Bible or other genealogical record or memorandum of such applicant.
- .2 The EW shall record in the case record the documentation used to establish age, the pertinent evidence contained in such document(s) and the date he reviewed the documentation.

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**42-213** **PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY** **42-213**  
**WHICH MAY BE RETAINED (Continued)**

(o) Establishing a Separate AU for Other Eligibles

A separate AU may be established for an otherwise eligible person whose needs were not considered in the calculation of the period of ineligibility.

(p) Termination of the Written Agreement

The written agreement for the restricted account terminates when:

- (1) the AU is discontinued from CalWORKs; or
- (2) the restricted account is closed; or
- (3) the AU does not provide timely verification of the account information as specified in Section 42-213.213(c); or
- (4) state or federal law changes the conditions or no longer permits these restricted accounts.

.24 All personal property and vehicles of non-minor dependents shall be excluded.

.3 A home, regardless of its value, occupied by the assistance unit shall be excluded in evaluating property which may be retained.

.31 Any house, mobile home, camper, trailer, houseboat or any other dwelling whether assessed as real or personal property by the county assessor is excluded if such an item or property is occupied by the AU as a home (place of residence). Property shall continue to be considered the home during temporary absence for reasons such as illness, seasonal employment, visits, extreme climatic conditions, etc., provided the recipient plans to, and it appears will be able to, return to the home when such circumstances no longer exist.

.32 The excluded home may be the unit of a multiple-dwelling unit that is occupied by the assistance unit as a home. A home and a separate unit adjacent to the home shall be treated as a multiple dwelling unit.

.321 The unit(s) of the multiple dwelling that is (are) not occupied by the assistance unit shall be treated as a resource and the value must be included in the property limit described in Section 42-207. See Section 42-215 for the method of determining the value of real property.

**42-213**     **PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY**     **42-213**  
**WHICH MAY BE RETAINED** (Continued)

- (a) If the assistance unit is making a good faith effort to sell the unit(s) that is (are) not occupied as a home, the unit(s) may be exempt from consideration in the resource limit for a period of time under the conditions specified in Section 42-213.12.
  - (b) If the unit(s) that is (are) not occupied as a home cannot be sold separately, the unit(s) is (are) unavailable to meet current needs and shall be excluded in evaluating property. (See Section 44-113.1 for the treatment of income received from the rental of real property.)
- .4 The home which was the usual home of an applicant/recipient who has entered into marital separation shall be treated as follows:
- .41 The usual home shall be exempt in determining an applicant's eligibility for CalWORKs and for three months following the end of the month in which aid begins.

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**HANDBOOK BEGINS HERE**

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See Section 44-317.

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- (SAR) .411 If the exemption period ends mid-period, the county shall not act on the information during the SAR Payment Period. The usual home shall be used to determine eligibility for the SAR Payment Period following the SAR Payment Period in which the exemption period ended.
  - (AR/CO) If the exemption period ends mid-period, the county shall not act on the information during the AR/CO Payment Period. The usual home shall be used to determine eligibility for the AR/CO Payment Period following the AR/CO Payment Period in which the exemption period ended.
- .42 The usual home shall be exempt in evaluating a recipient's retained property during the month of separation and for three months following the end of the month in which the separation occurs.
- (SAR) .421 If the exemption period ends mid-period, the county shall not act on the information during the SAR Payment Period. The usual home shall be used to determine eligibility for the SAR Payment Period following the SAR Payment Period in which the exemption period ended.

**42-213**     **PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY**     **42-213**  
**WHICH MAY BE RETAINED (Continued)**

- (AR/CO) If the exemption period ends mid-period, the county shall not act on the information during the AR/CO Payment Period. The usual home shall be used to determine eligibility for the AR/CO Payment Period following the AR/CO Payment Period in which the exemption period ended.
- .43 The applicant/recipient shall be informed when the exemption is granted that it is time-limited and that the expiration of the three month period may result in ineligibility.
- .44 See Sections 42-213.3 and 42-201.1 for situations which require the home to remain excluded from property evaluation following the three month exemption period.
- .5 Other property which is mandatorily and specifically exempt by federal law and shall be exempt from the effective date as specified in federal law.
- .51 Property which is mandatorily exempt under federal law includes, but is not limited to:
- .511 Public Law (PL) 92-254 or PL 94-540 which exempts any funds distributed per capita or held in trust for members of any Native American tribe under PL 92-254 or PL 94-540.
- .512 PL 93-134, PL 97-458 and PL 98-64 which exempt as property the funds of Native American tribes including interest earned from, investment income derived from and initial purchases made with such funds when the funds have been:
- (a) Distributed by the Secretary of the Interior on a per capita basis; or
  - (b) Held in trust by the Secretary of the Interior; or
  - (c) Individually owned trusts or restricted lands.
- .513 PL 100-241 which exempts distributions to a household, individual Native or descendent of a Native when received from a Native Corporation established pursuant to the Alaskan Native Claims Settlement Act (ANCSA). Exempt distributions include:
- (a) Cash (including cash dividends on stock received from a Native Corporation) to the extent it does not exceed \$2,000 total per person per anum, stock, a partnership interest, land or interest in land, and interest in a settlement trust.

<b>42-213</b>	<b>PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY BE RETAINED (Continued)</b>	<b>42-213</b>
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- .514 PL 100-383 which exempts payments received as restitution made to U.S. citizens and permanent resident aliens of Japanese ancestry, and payment received as restitution made to Aleuts as a result of being relocated by the United States government during World War II.
  
- .515 PL 100-707 which exempts federal major disaster and emergency assistance provided under the Disaster Relief Act and comparable disaster assistance provided by the state, local governments and disaster assistance organizations.
  
- .516 PL 101-201 and PL 101-239 which exempt payments received from all Agent Orange settlements.
  
- .517 PL 101-426 which exempts payments received under the Radiation Exposure Compensation Act.
  
- .518 PL 101-508 which exempts Earned Income Credit (EIC) payments for the month it is received and the following month.
  
- .519 PL 103-286 which exempts payments received by victims of Nazi persecution.

NOTE: Authority cited: Sections 10553, 10554, 10604, and 11155.2, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11155, 11155.2, 11155.5, 11253.3(a), 11257, 11265.1, 11265.2, 11450, and 11450.5, Welfare and Institutions Code; Sidwell v. McMahan, United States District Court (E.D. Cal.) May 7, 1990, civil no. S-89-0445; Public Laws 97-458, 98-64, and 103-286; and Federal Action Transmittal 91-23, 45 CFR 233.20(a)(3)(i)(B); Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

<b>42-215</b>	<b>DETERMINING VALUE OF PROPERTY</b>	<b>42-215</b>
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.1 Determination of Value of Real Property

For determination of CalWORKs eligibility, an applicant or recipient's net market value interest in real property is determined by subtracting any allowable encumbrance against it from its market value (42-215.21).

- .11 Acceptable evidence of allowable encumbrances on real property are listed below:
  - (a) Mortgages
  - (b) Notes
  - (c) Deeds of trust

**CHAPTER 42-300 GENERAL TIME LIMIT REQUIREMENTS**

**42-301 GENERAL TIME LIMIT REQUIREMENTS FOR ADULTS 42-301**

- .1 Time Limits Effective July 1, 2011, there shall be a 48-month time limit on the receipt of aid in California for certain adults as specified in Section 42-302.1. Prior to this date, there was a 60-month time limit on the receipt of aid for certain adults.
  
- .2 Ineligible Due to Time Limits Adults who are ineligible for aid based on the 48-month time limit provisions, specified in Section 42-302, shall be removed from the AU. See MPP Sections 44-133.8 and 82-833.1 for additional regulations pertaining to timed-out adults.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11450, 11454(a), (b), and (c), and 11454.2, Welfare and Institutions Code.

**42-302 48-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS 42-302**

- .1 48-Month Time Limit Except as specified in Section 42-302.11, no individual shall be eligible for aid when that individual has received aid as an adult, 18 years of age or older, for a cumulative total of 48 months. The 48-month time limit applies to aid received under CalWORKs. The 48-month time limit also applies to any aid received under another state's program funded by the federal Temporary Assistance to Needy Families (TANF) Program since January 1, 1998. The 48-month time limit shall not apply to children or non-minor dependents.
  
- .11 Exceptions When an individual has been aided as an adult for 48 months, additional months of aid may be provided to that adult when all parents, aided stepparents, and/or caretaker relatives residing in the home of the aided child(ren) meet any of the following conditions:
  - .111 Advanced Age The individual is 60 years of age or older.
  
  - .112 Providing Care The individual is exempt from welfare-to-work participation requirements due to:

42-302	<b>48-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS</b> (Continued)	<b>42-302</b>
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|      | (a)  | The need to care for an ill or incapacitated person residing in the home, and the caretaking responsibilities impair the individual's ability to be regularly employed or to participate in welfare-to-work activities.  |
|      | (b)  | Being a nonparent caretaker of either a dependent child of the court, a Kin-GAP child, or, as determined by the county, a child who is at risk of placement in foster care. For this exemption to apply, the county must also determine that the caretaking responsibilities are beyond those considered normal day-to-day parenting responsibilities so that they impair the individual's ability to be regularly employed or to participate in the welfare-to-work activities. |
| .113 | Disabled                                     | The individual is receiving benefits from State Disability Insurance, Worker's Compensation Temporary Disability Insurance, In-Home Supportive Services, or the State Supplementary Program, and the disability significantly impairs his/her ability to be employed on a regular basis or to participate in welfare-to-work activities.   |
| .114 | Unable to Maintain Employment or Participate | The county determines that the individual is not able to maintain employment or to participate in welfare-to-work activities, based on a current assessment of the individual as specified in MPP Section 42-302.114(b), and the county's finding that the individual has a history of participation and full cooperation in welfare-to-work activities.   |
|      | (a)  | An individual shall be found to have a history of participation and full cooperation in welfare-to-work activities if the individual meets the criteria in Section 42-302.114(a)(1) or (a)(2):   |

<b>42-302</b>	<b>48-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS</b>	<b>42-302</b>
	(Continued)	

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|  | (c) | Domestic Abuse   | The individual is a victim of domestic abuse and the county has determined that good cause exists for waiving the 48-month time limit. See Section 42-713.22.   |
|  | (d) | Teen Program   | The individual is eligible for, participating in, or exempt from Cal-Learn or another teen parent program approved by the CDSS. The exemption does not apply to an individual who is 19 years of age and is eligible for voluntary participation if the individual chooses not to participate in Cal-Learn. |
|  | (e) | Non-minor dependent                                      | The individual is exempt from welfare-to-work participation due to eligibility as a non-minor dependent.  |
|  | (f) | Advanced Age   | The individual is exempt from welfare-to-work participation requirements due to being 60 years of age or older.   |
|  | (g) | Unaided  | The individual is excluded from the AU for reasons other than exceeding the time limit.   |
|  | (h) | Aid is Reimbursed  | The cash aid is fully reimbursed as a result of child support collection whether collected in that month or any subsequent month.   |
|  | (1) | Process for Reimbursement of Months of Aid for Exemption | All assigned child support payments, including collections in a current month, arrears, and lump sum payments collected to reimburse aid in California from January 1998 forward, shall be applied cumulatively to repay aid payments in the following order:   |
|  | (A) |  | The cumulative child support recoupment will be applied to each month of aid beginning with the earliest unreimbursed month of aid, on or after January 1998, and moving forward as each month of aid is fully reimbursed.  |

<b>42-302</b>	<b>48-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS</b>	<b>42-302</b>
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(Continued)

- (B) Recoupment, as provided by the local child support agency, is all child support that has been assigned and collected to repay aid. Beginning October 1998, this includes the disregard payments pursuant to MPP Section 12-425(c)(1)(B).
- (C) Each month of aid that is fully reimbursed by child support shall be exempt and not counted toward the CalWORKs 48-month time limit of parents, aided stepparents, and/or aided caretaker relatives residing in the home of the child(ren.)
- (D) The child support recoupment shall be applied to all months of aid whether or not the month had been previously exempted for any reason, including any month(s) exempt because the individual was unaided for any reason, including a sanction.
- (E) The child support recoupment will be reviewed to determine if the cumulative amount is sufficient to reimburse and exempt a monthly grant amount. Any child support that remains but is insufficient to fully reimburse a monthly grant, whether collected in the current month or for a previous period of time, shall be carried forward and used for any subsequent unreimbursed month(s) of aid.
- (F) The recipient shall be informed of the exempt months due to child support recoupment pursuant to MPP Sections 40-107(a)(4)(A) through (a)(4)(I).
- (G) Information regarding the balance of child support recoupment and the number of months exempt due to the child support recoupment must be reported to any subsequent county(ies) to continue reimbursement of the subsequent months of aid.

<b>42-302</b>	<b>48-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS</b> (Continued)	<b>42-302</b>
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|      | (i) Living in Indian Country              | The individual lived in Indian country, as defined by federal law, or an Alaskan native village, in which at least 50 percent of the adults living in the Indian country or in the village are not employed.   |
|      | (1)                                       | Counties shall obtain the required information on unemployment rates through the governing body of each tribal land.   |
|      | (j) Receiving Supportive Services         | The individual is a former recipient of cash aid and is only receiving child care, case management or supportive services.   |
|      | (k) Grant Amounts Less Than \$10          | The recipient does not receive a cash aid payment for the month because the grant amount is less than \$10.  |
|      | (l) Lack of Necessary Supportive Services | The individual is excused from participation for good cause due to lack of necessary supportive services, as specified in Section 42-713.21. This paragraph is effective July 28, 2009 and shall become inoperative on July 1, 2012.   |
| .22  | Diversion Count                           | Diversion payments as set forth in Section 81-215 count toward the 48-month time limit unless they are recouped as provided in Section 42-302.223(a) or unless part or all of the diversion period is exempt as provided in Section 42-302.21 et seq. Count the months as follows:   |
| .221 | Diversion Payment Month                   | The month in which a lump sum diversion payment is made counts as one month toward the 48-month time limit unless the diversion recipient applies for CalWORKs cash aid during the diversion period, as specified in Section 81-215.41, and is determined to be eligible for CalWORKs. In that case, the diversion payment is treated in accordance with Section 42-302.223. |

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<b>42-302</b>	<b>48-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS</b> (Continued)	<b>42-302</b>
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- (b) A statement that the individual may need to provide documentation to substantiate some exemptions/exceptions.
- (c) A statement of exemptions from the time limit that do not require a written request.
- (d) A statement that the individual will be informed, in writing, whether the exemption/exception is granted or not and the reason if the exemption/exception is denied.
- (e) A statement that the individual may request a State hearing to appeal a denial of an exemption/exception request.

.32 Exemption/Exception Determination

The county shall inform the individual, in writing, of the exemption/exception determination no later than 15 calendar days from the date of completed request for an exemption/exception pursuant to Section 42-302.3. The specified response time may be exceeded in situations where completion of the determination is delayed because of circumstances beyond the control of the county, in which instances the case record must specify the cause for delay. These instances include:

- (a) Inability on the part of the recipient to provide the necessary verification.
- (b) Delay on the part of an examining physician to provide the necessary information.

.33 Documentation of Exemption/Exception

The county shall first research all available and relevant case records before requesting additional verification from the recipient. Pursuant to MPP Section 40-107(a), the county shall assist the applicant/recipient in obtaining the necessary records to verify the exemption/exception.

**42-302      48-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS      42-302**  
(Continued)

- .34 Determination Notice      The notice of action approving or denying a request for an exemption or exception shall state whether the request was granted or denied and if denied, the reason for the denial.
- (a)      Repealed by Manual Letter No. EAS-03-04, effective 4/9/03.
- (b)      Repealed by Manual Letter No. EAS-03-04, effective 4/9/03.
- (c)      Repealed by Manual Letter No. EAS-03-04, effective 4/9/03.

NOTE: Authority cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11253.3(a), 11266.5, 11320, 11320.3, 11454, 11454(e) and (e)(5), 11454.2, 11454.5, and 11495.1, Welfare and Institutions Code; Section 37 of AB 444 (Chapter 1022, Statutes of 2002); and 42 U.S.C. 608(a)(7)(a), (B) and (D).

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**42-712 EXEMPTIONS FROM WELFARE-TO-WORK PARTICIPATION 42-712**

- .1 Every individual is required to participate in welfare-to-work activities as a condition of eligibility for cash aid under CalWORKs, unless exempt in accordance with Sections 42-712.41 through .49 or excused from participation as specified in Section 42-712.11, .12 or .13:
  - .11 An individual who is required to participate in, is participating in, or is exempt from, the Cal-Learn Program described in Sections 42-762 through 42-769. These individuals are subject to Cal-Learn Program requirements in lieu of the welfare-to-work requirements, while the Cal-Learn Program is operative.
  - .12 A second parent in a two-parent assistance unit, whose basis for aid is unemployment, who is not required to participate in welfare-to-work activities because the first parent is meeting the required participation hours described in Section 42-711.42.
  - .13 A non-minor dependent is exempt if he/she meets one or more of the following requirements:
    - (a) Enrolled in and working towards completing high school or an equivalency program.
    - (b) Enrolled at least half-time in post-secondary or vocational school, or enrolling for the next available term.
    - (c) Participating in a program or activity that promotes or removes barriers to employment.
    - (d) Employed at least 80 hours per month.
    - (e) Incapable of enrollment or participation in school or employment due to a documented medical (physical, mental, or emotional) condition.
- .2 Exemptions specified in Sections 42-712.41 through 42-712.48 shall not apply to individuals who are required to participate in, are participating in, or are exempt from, the Cal-Learn Program described in Sections 42-762 through 42-769.
- .3 Recipients are required to provide the documentation that is necessary to substantiate any claim to an exemption.
  - .31 CWDs shall advise recipients about the range of documents that is acceptable to verify exemption.
- .4 Individuals who meet any of the criteria specified in Sections 42-712.41 through 42-712.49 are exempt from participating in welfare-to-work activities as a condition of eligibility for cash aid under CalWORKs for so long as the condition(s) described in such sections exist.

<b>42-712</b>	<b>EXEMPTIONS FROM WELFARE-TO-WORK PARTICIPATION</b>	<b>42-712</b>
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(Continued)

.41 Exemption Based on Age Under 16

.411 A child under 16 years of age is exempt from participating in welfare-to-work activities.

.42 Exemption Based on School Attendance

.421 An individual 16, 17, or 18 years of age is exempt from welfare-to-work participation when he/she is attending full-time, a school in grade twelve or below, or vocational or technical school. An individual who is 16 or 17 years old or a custodial parent who is under 20 years old described in Section 42-711.3 and whose required welfare-to-work activity is to attend school shall not requalify for the exemption in this section by attending school as a required welfare-to-work activity, in accordance with Section 42-719.

(a) A full-time program shall be as defined by the school.

.422 An individual 16 or 17 years of age who has obtained a high school diploma, or its equivalent, and is enrolled or planning to enroll in a postsecondary educational, vocational, or technical school training program is exempt from welfare-to-work participation.

(a) For purposes of Section 42-712.422, a person shall be deemed to be planning to enroll in a postsecondary educational, vocational, or technical school training program if he or she, or his or her parent, acting on his or her behalf, submits a written statement expressing his or her intent to enroll in such a program for the following term.

(1) Unless verification of enrollment is provided to or obtained by the county, the exemption from participation shall not continue beyond the beginning of the following term.

.43 Exemption Based on Age 60 or Older

.431 An individual who is 60 years of age or older is exempt from participating in welfare-to-work activities.

<b>42-712</b>	<b>EXEMPTIONS FROM WELFARE-TO-WORK PARTICIPATION</b>	<b>42-712</b>
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(Continued)

- .452 For an aided nonparent caretaker relative to qualify for this exemption, the CWD shall determine that his or her caretaking responsibilities:
- (a) Are beyond those considered normal day-to-day parenting responsibilities, and
  - (b) Impair the caretaker relative's ability to be regularly employed or to participate in welfare-to-work activities.
- .46 Exemption Based on the Care of an Ill or Incapacitated Member of the Household
- .461 An individual is exempt from participating in welfare-to-work activities when his/her presence in the home is required because of the illness or incapacity of another member of the household.
- (a) For an individual to qualify for this exemption, the CWD shall determine that the caretaking responsibilities impair the ability of the individual to be regularly employed or to participate in welfare-to-work activities.
- .47 Exemption Based on the Care of a Child
- .471 The parent or other relative who has primary responsibility for personally providing care to a child six months of age or under is exempt from welfare-to-work participation.
- (a) An individual shall be eligible for the exemption in Section 42-712.47 only one time under the CalWORKs Program.
  - (b) On a case-by-case basis, the CWD may reduce the period of exemption to the first 12 weeks, or increase it to the first 12 months, after the birth or adoption of the child.
    - (1) The CWD shall establish criteria by which the period of exemption in Section 42-712.471 is reduced or extended.
      - (A) In making the determination to extend the period of exemption after the birth or adoption of a child, the CWD may consider the availability of child care, local labor market conditions, and other factors the CWD determines are applicable.
  - (c) The exemption in Section 42-712.47 shall not apply to a 19-year old custodial parent described in Section 42-711.31.

<b>42-712</b>	<b>EXEMPTIONS FROM WELFARE-TO-WORK PARTICIPATION</b>	<b>42-712</b>
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(Continued)

- .472 An individual who has previously received the exemption in Section 42-712.471 shall be exempt for a period of 12 weeks upon the birth or adoption of any subsequent children.
  - (a) The CWD may extend the period for an exemption in Section 42-712.472 to six months on a case-by-case basis.
    - (1) The CWD shall establish criteria by which the period specified in Section 42-712.472 is extended.
      - (A) In making the determination to extend the period of exemption after the birth or adoption of a child, the CWD may consider the availability of child care, local labor market conditions, and other factors the CWD determines are applicable.
  
- .473 In a family eligible for aid due to the unemployment of the principal wage earner, the exemption in Section 42-712.47 shall apply to only one parent.
  
- .474 The parent or other relative who has primary responsibility for personally providing care to one child who is from 12 to 23 months of age, inclusive, or two or more children who are under six years of age is exempt from welfare-to-work participation. This paragraph is effective July 28, 2009 and shall become inoperative on July 1, 2012.
  
- .48 Exemption Based on Pregnancy
  - .481 A woman who is pregnant is exempt from welfare-to-work participation if the pregnancy impairs her ability to be regularly employed or participate in welfare-to-work activities.
    - (a) The exemption based on pregnancy is supported by medical verification that the pregnancy impairs the woman's ability to be regularly employed or participate in welfare-to-work activities.
  
  - .482 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.
  
- .49 An individual is exempt if he/she is a full-time volunteer in the Volunteers in Service to America (VISTA) Program, as provided by Title I of the Federal Domestic Volunteer Act of 1973.
  - .491 This exemption is supported by either of the following:
    - (a) a copy of a Domestic Volunteer Earnings Statement or
  
    - (b) a written verification from the VISTA sponsor or the Federal Region IX ACTION/VISTA Office.

<b>42-712</b>	<b>EXEMPTIONS FROM WELFARE-TO-WORK PARTICIPATION</b>	<b>42-712</b>
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(Continued)

- .5 Any individual who is not required to participate may volunteer to participate in welfare-to-work activities and may end that participation at any time without loss of eligibility for aid, provided his or her status has not changed in a way that requires participation.
- .51 For purposes of Section 42-715.5, a volunteer participant is as follows:
- .511 An individual who is exempt pursuant to Sections 42-712.41 through .49, but who volunteers to participate; or
- .512 An individual who is not required to participate for reasons other than the exemptions described in Sections 42-712.41 through .49, but who volunteers to participate.

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- (a) For example, in a two-parent assistance unit, whose basis for aid is unemployment, the second parent is not required to participate when the first parent is meeting the required participation hours but may participate as a volunteer.

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- .6 Any month in which an individual is exempt from participation in welfare-to-work activities based on the following exemption criteria shall not be taken into consideration as a month of receipt of aid in computing the 48-month time limit described in Section 42-302. Other exemptions from the 48-month time limit are listed in Section 42-302.
- .61 Being age 60 or older as described in Section 42-712.43;
- .62 Having a disability as described in Section 42-712.44; or
- .63 Having caretaking responsibilities that impair a recipient's ability to be regularly employed, as described in Sections 42-712.45 and .46.
- .64 Being responsible for personally providing care to a child or children of a specific age, as described in Section 42-712.474. This paragraph is effective July 28, 2009 and shall become inoperative on July 1, 2012.
- .65 Being a non-minor dependent as described in 42-712.13.
- .7 Renumbered to Section 42-712.6 by Manual Letter No. EAS-06-01, effective 4/3/06.

NOTE: Authority cited: Sections 10553, 10554, 10604, and 11369, Welfare and Institutions Code.  
Reference: Sections 10553, 10554, 10063(b), 11253.3(a), 11253.5, 11320, 11320.3, 11331.5(a), (b), (c), and (d), 11403, 11454, 11454.2, and 11454.5, Welfare and Institutions Code; and 42 U.S.C. 5044(f)(2).

<b>42-713</b>	<b>GOOD CAUSE FOR NOT PARTICIPATING</b>	<b>42-713</b>
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- .1 A recipient shall be excused from participation in welfare-to-work activities for good cause in accordance with Section 42-713.2, when the CWD determines there is a condition or other circumstance that temporarily prevents, or significantly impairs, the individual's ability to be regularly employed or to participate in welfare-to-work activities.
  - .11 The CWD shall review the continuing validity of the good cause determination as necessary, but at least every three months.
  - .12 The individual shall cooperate with the CWD and provide information, including written documentation, as required to complete the review.
- .2 Conditions that may be considered good cause for not participating in welfare-to-work activities include, but are not limited to, any of the following:
  - .21 Lack of necessary supportive services.
  - .22 The applicant or recipient is a victim of domestic abuse.
    - .221 CalWORKs Program requirements, including the time limit on receipt of assistance described in Section 42-302, and welfare-to-work requirements described in Section 42-711 may be waived, except as specified in Section 42-715.511, for an individual who is a victim of domestic abuse (as defined in Section 42-701.2(d)(3)) on a case-by-case basis, but only for as long as domestic abuse prevents the individual from obtaining employment or participating in welfare-to-work activities, in accordance with Section 42-715.
      - (a) The criteria for granting waivers shall include provisions that ensure:
        - (1) Applicants and recipients who are past or present victims of abuse are not placed at further risk or unfairly penalized by CalWORKs requirements and procedures;
        - (2) Program requirements are not created or applied in such a way as to encourage a victim to remain with the abuser; and
        - (3) Participation by CalWORKs recipients in welfare-to-work activities is encouraged, to the full extent of their abilities, including participation in counseling and treatment programs, as appropriate, to enable the recipient to obtain unsubsidized employment and move toward self-sufficiency.

**44-133 TREATMENT OF INCOME -- CALWORKS** **44-133**  
(Continued)

- .3 Income of Children, Non-Minor Dependents and Non-Minor Former Dependents in Foster Care, Extended CalWORKs or Kin-GAP
  - .31 All net income received by or on behalf of children in foster care or Kin-GAP shall be considered income to the child and shall not be included in the AU's income and grant computation.
  - .32 Income received by a non-minor dependent shall not be included in the income and grant computation for the non-minor dependent receiving extended CalWORKs benefits.
    - .321 The non-minor dependent is not precluded from receiving both SSI/SSP and extended CalWORKs. The SSI/SSP aid payment shall not be included in the income and grant computation for the non-minor dependent receiving extended CalWORKs benefits.
  - .33 Income received by a non-minor dependent or non-minor former dependent shall not be included in the income and grant computation for the caretaker relative's AU, if the relative continues to be aided.
- .4 Income in Cases in Which a Parent or Child Has Been Sanctioned or Penalized
  - .41 Income of persons living in the home, who are required to be in the AU but who have been sanctioned or penalized is available to the AU. The needs of these individuals are not considered except for persons in an AU that are being penalized for failure to cooperate with child support. Actions which are subject to sanction or which constitute a failure to cooperate include, but are not limited to, any one of the following:
    - .411 Failing or refusing, without cause, to comply with welfare-to-work requirements;

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<b>44-133</b>	<b>TREATMENT OF INCOME -- CALWORKS</b>	<b>44-133</b>
	(Continued)	

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**HANDBOOK BEGINS HERE**

(See Section 42-721 for Welfare-to-Work Requirements)

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**HANDBOOK ENDS HERE**

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.412 Refusing to furnish or cooperate in securing a social security number for himself/herself;

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**HANDBOOK BEGINS HERE**

(see Section 40-105.2)

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**HANDBOOK ENDS HERE**

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.413 Refusing to assign rights to child and spousal support payments;

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**HANDBOOK BEGINS HERE**

(See Section 82-510)

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**HANDBOOK ENDS HERE**

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.414 Refusing to take actions necessary to obtain unconditionally available income.

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**44-133 TREATMENT OF INCOME -- CALWORKS (Continued) 44-133**

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**HANDBOOK BEGINS HERE**

(See Section 82-610)

**HANDBOOK ENDS HERE**

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- .415 Refusing or failing to attend school regularly or cooperate in verifying school attendance.
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**HANDBOOK BEGINS HERE**

(See Section 42-101.5)

**HANDBOOK ENDS HERE**

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- .416 Refusing or failing to submit verification of immunization for AU children under age 6.
- 

**HANDBOOK BEGINS HERE**

(See Section 40-105(j))

**HANDBOOK ENDS HERE**

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- .417 Committing an Intentional Program Violation (IPV)
- 

**HANDBOOK BEGINS HERE**

(See Section 20-351)

**HANDBOOK ENDS HERE**

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.5 Income and Needs in Cases in Which a Person is Excluded

- .51 The income of a parent is considered when that parent is living in the home but is excluded from the AU. A parent's needs shall only be considered if he/she has income unless the parent is an ineligible alien parent as specified in Section 44-133.521. This section does not apply to parents excluded for the following reasons: a) a sanction; b) being a recipient of another aid program; or c) being a member of a different AU. See MPP Section 44-133.8 for treatment of income and needs of timed-out adults. Parents whose needs and income are considered include, but are not limited to:

- .511 A stepparent who is the spouse of the applicant and/or recipient child's parent when the child's parent is residing in the home and the stepparent is not the parent of any natural or adoptive children who are required to be included in the AU.
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<b>44-133</b>	<b>TREATMENT OF INCOME -- CALWORKS (Continued)</b>	<b>44-133</b>
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- .82 Non-parent caretaker relatives. Timed-out non-parent caretaker relatives living in the home are no longer eligible to be optional AU members, and their income and needs shall not be considered when calculating the grant for the aided AU members.
- .83 Stepparents not required to be in the AU. Timed-out stepparents not required to be in the AU and living in the home are no longer eligible to be optional AU members, and their net non-exempt income and needs shall be treated in accordance with the provisions of MPP Sections 44-133.51 and 44-133.511.
- .84 See MPP Sections 42-301 and 82.833.1 for regulations regarding timed-out adults. For timed-out adults whose income must be considered in the AU's grant computation, net nonexempt income shall be determined as specified at MPP Section 44-113.2.

NOTE: Authority cited: Sections 10553, 10554, 10604, and 11369, Welfare and Institutions Code. Reference: Sections 10063, 10553, 10554, 10604, 11008.14, 11017, 11253.3(a), 11254, 11320.15, 11450, 11450.025, 11451.5, 11452, 11453, 11454, 11454.2, 11486, 18937, 18940, and 11371, Welfare and Institutions Code; 45 CFR 205.50(a)(1)(i)(A); 45 CFR 233.20(a)(1)(i); 45 CFR 233.20(a)(3)(ii)(C), (a)(3)(vi)(B), (a)(3)(xiv), (a)(3)(xiv)(B), and (xviii); 45 CFR 233.50(A)(c); and 45 CFR 233.90(c)(2)(i); Family Support Administration Action Transmittal 91-15 (FSA-AT-91-15), dated April 23, 1991; and Omnibus Budget Reconciliation Act (OBRA) of 1990; U.S. Department of Health and Human Services Federal Action Transmittal No. FSA-AT-91-4 dated February 25, 1991; Simpson v. Hegstrom, 873 F.2d 1294 (1989); Ortega v. Anderson, Case No. 746632-0 (Alameda Superior Court) July 11, 1995; and Federal Register, Vol. 58, No. 182, pages 49218 - 20, dated September 22, 1993; 8 U.S.C. 1631, 42 U.S.C. 602(a)(39), and 42U.S.C. 1382(c)(5).

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<b>44-316</b>	<b>REPORTING CHANGES AFFECTING ELIGIBILITY AND GRANT DETERMINATIONS AND COUNTY ACTIONS (Continued)</b>	<b>44-316</b>
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- (f) A child in the AU reaches the age limit (see Section 42-101);
- (g) A child in the AU is placed in Foster Care;
- (SAR) (h) A Refugee Cash Assistance (RCA) recipient reaches the eight-month RCA time limit;
- (i) Aid is authorized for an individual who is currently aided in another AU;
- (SAR) (j) Late SAR 7 adjustment;
- (k) State Hearing decision resulting in mandatory changes mid-period;
- (l) When an AU becomes a Family Reunification case;
- (m) An AU member is no longer a California resident;
- (SAR) (n) County acts on redetermination information in accordance with Section 40-181.1(SAR).
- (AR/CO) (n) County acts on redetermination information in accordance with Section 40-181.1(AR/CO);
- (SAR) (o) Adjustments to correct erroneous payments caused by (1) incorrect or incomplete recipient SAR 7, SAWS 2 or mid-period reporting; or (2) incorrect action or lack of action by the county on SAR 7, SAWS 2 or mid-period information reported by the recipient;
- (AR/CO) (o) Adjustments to correct erroneous payments caused by (1) incorrect or incomplete recipient SAWS 2 or mid-period reporting; or (2) incorrect action or lack of action by the county on SAWS 2 or mid-period information reported by the recipient;
- (p) When it becomes known to the county that an AU member is deceased;
- (q) An AU is transferred to a Tribal TANF program;
- (r) Cost-of-living adjustments for Minimum Basic Standards of Adequate Care (including income in-kind), Maximum Aid Payment, and Social Security;

<b>44-316</b>	<b>REPORTING CHANGES AFFECTING ELIGIBILITY AND GRANT DETERMINATIONS AND COUNTY ACTIONS (Continued)</b>	<b>44-316</b>
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- (s) When it becomes known to the county that an individual is confined in a correctional facility on the first of a month and is expected to remain for a full calendar month or more (see Section 82-812.61).
- (t) Nine-month real property exemption expires (see Section 42-213.12).
- (u) A non-minor dependent is transferred into their own AU.

(AR/CO) (v) The county determines an overpayment occurs and begins collecting overpayment via grant adjustment.

NOTE: Authority cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code. Reference: Section 10063, 11265, 11265.1, 11265.2, 11265.3, 11265.45, 11265.47, 11450.5, 11454, and 11454.2, Welfare and Institutions Code; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12 (a)(1)(vii)].

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**ELIGIBILITY AND ASSISTANCE STANDARDS****Regulations****DEFINITIONS AND FORMS****80-301 (Cont.)**

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**80-301 DEFINITIONS (Continued)****80-301**

- (m) (1) Mandatory Inclusion "Mandatory inclusion" means the requirement that a parent, sibling or half-sibling be included in a filing unit or AU with the applicant or eligible child.
- (2) Mandatory Mid-Period Reports "Mandatory Mid-Period Reports" means mid-period reports that recipients are required to make within ten days of occurrence to the county pursuant to Section 44-316.32.
- (3) Medical Verification of Pregnancy "Medical verification of pregnancy" means a written statement from a physician, physician's assistant, state certified nurse midwife, nurse practitioner or by designated medical or clinic personnel with access to the patient's medical record that provides information sufficient to substantiate the diagnosis and estimated delivery date.
- (SAR) (4) Mid-Period Reports "Mid-Period Reports" means any change reported during the SAR Payment Period outside of the SAR 7 or SAWS 2 reporting process.
- (AR/CO) Mid-Period Reports "Mid-Period Reports" means any change reported during the AR/CO Payment Period outside of the SAWS 2 reporting process.
- (5) Minor Parent "Minor parent" means the father, mother or pregnant woman, married or unmarried, who is less than 18 years of age.
- (n) (1) Non-minor dependent (NMD) "Non-minor dependent" means a current dependent child or ward of the juvenile court who:
- (A) is at least 18 years of age but is less than 21 years of age,
- (B) is in foster care under the responsibility of the county welfare department or county probation department, and
- (C) is participating in a transitional independent living case plan.

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**ELIGIBILITY AND ASSISTANCE STANDARDS****80-301 (Cont.)****DEFINITIONS AND FORMS****Regulations**

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**80-301 DEFINITIONS (Continued)****80-301**

- (2) Non-minor former dependent "Non-minor former dependent" means either of the following:
- (A) A non-minor who reached 18 years of age while subject to an order for foster care placement, and for whom dependency, delinquency, or transition jurisdiction has been terminated, and who is still under the general jurisdiction of the court.
- (B) A non-minor who is over 18 years of age and, while a minor, was a dependent child or ward of the juvenile court when the guardianship was established pursuant to Welfare and Institutions Code section 360, 366.26, or 728(d); and the juvenile court dependency or wardship was dismissed following the establishment of the guardianship.
- (o) (1) Optional Person "Optional person" means an otherwise eligible person who is not required to be included in the filing unit or AU.
- (2) Otherwise Eligible "Otherwise eligible" means a status where the person has been determined to meet all eligibility requirements for aid, other than that eligibility factor being considered.
- (p) (1) Parent "Parent" means the biological parent, married or unmarried, of the child unless the child has been adopted or relinquished for adoption or the parental rights are terminated. If the child is adopted, the person who adopts the child is the parent. If the child is relinquished for adoption or the parental rights are terminated, that parent is no longer considered the parent except for purposes of determining a caretaker relative.
- (2) Photo Imaging "Photo Imaging" means the process that automatically scans an individual's facial features and produces a facial image. The image is added to the statewide SFIS database.
- (3) Pregnant Woman "Pregnant woman" means a woman (including a minor) who has provided medical verification of pregnancy to the county.



<b>80-301</b>	DEFINITIONS (Continued)	<b>80-301</b>
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| (3) | Reunification Parents | “Reunification Parents” means those parents who are eligible to continue to receive CalWORKs services on the basis that their child/children are considered temporarily absent when all of the following conditions are met: the child has been removed and placed in out-of-home care by the county child welfare services agency; when the child was removed, the family was receiving CalWORKs assistance; and the county child welfare services agency has determined that provision of CalWORKs services is necessary for reunification. |
|-----|-----------------------|---|
- |     |                     |   |
|-----|---------------------|---|
| (4) | Reunification Cases | “Reunification Cases” means those CalWORKs cases in which the children have been removed and placed in out-of-home care by the county child welfare services agency and considered temporarily absent from the AU while their parents are receiving reunification services. |
|-----|---------------------|---|
- |     |                    |  |
|-----|--------------------|--|
| (5) | Reunification Plan | “Reunification Plan” means the case plan that is developed by the county child welfare services agency for the provisions of services to the reunification parent, as defined in Section 80-301(r)(3), and given effect through order of the court or pursuant to a voluntary placement agreement executed in accordance with Child Welfare Services regulations in MPP Sections 31-082, 31-084, 31-088, 31-215, 31-225, 31-325, and 31-340. |
|-----|--------------------|--|
- |     |                        |  |
|-----|------------------------|--|
| (6) | Reunification Services | “Reunification Services” means those CalWORKs services that the county child welfare services agency determines to be necessary for a reunification parent to reunite with his/her child/children and are specified in the reunification plan. |
|-----|------------------------|--|
- |     |              |   |
|-----|--------------|---|
| (s) | (1) Sanction | "Sanction" means action taken by the county resulting in ineligibility resulting from an action or lack of action by a recipient. |
|-----|--------------|---|
- |     |               |   |
|-----|---------------|---|
| (2) | Second Parent | "Second Parent" means the parent living in the home who is not the caretaker relative parent. |
|-----|---------------|---|

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**ELIGIBILITY AND ASSISTANCE STANDARDS****Regulations****DEFINITIONS AND FORMS****80-301 (Cont.)**

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**80-301 DEFINITIONS (Continued)****80-301**

- (SAR) (3) Semi-Annual Report Under the Semi-Annual Reporting system, a semi-annual eligibility report is due every six months: one SAR 7 and one SAWS 2 per year. A SAR 7 is due in the sixth (6th) month of the SAR Payment Period after the application or annual redetermination of eligibility (SAWS 2) is completed.
- (SAR) (4) Semi-Annual Reporting (SAR) SAR is the reporting system that replaced Quarterly Reporting. Under SAR, in addition to certain mandatory mid-period reports, recipients are required to submit an eligibility report every six months (one SAWS 2 and one SAR 7 per year).
- (5) Senior Parent "Senior Parent" means the parent of a minor parent when the minor parent receives aid for his/her child or the parent of a minor pregnant woman.
- (6) Sibling "Sibling" means the brother or sister who has both parents in common with the applicant child. This includes siblings by adoption.
- (7) Sponsored Non-Citizen "Sponsored non-citizen" means a noncitizen whose entry into the United States was sponsored by a person who executed an I-864 Affidavit of Support or similar agreement on behalf of a noncitizen as a condition of the noncitizen's entry into the United States.
- (8) California Department of Social Services (CDSS) "CDSS" means the state department which supervises the counties in the administration of the CalWORKs program. Also referred to as DSS or the Department.
- (9) Statement of Facts "Statement of Facts" means the CW 8 (Rev. 3/13), CW 8A (Rev.4/13), SAR 22 (Rev. 3/13), SAR 23 (Rev. 3/13), CW 42 (Rev. 11/06) or the SAWS 2 (Rev. 4/13) are the state required forms used to collect the information necessary to determine a family's eligibility. See Section 80-310 for title and definition of forms.
- (10) Statewide Fingerprint Imaging System (SFIS) "Statewide Fingerprint Imaging System (SFIS)" means an automated system that captures fingerprint and photo images and stores them in a statewide database.





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**ELIGIBILITY AND ASSISTANCE STANDARDS****82-820 (Cont.)****ASSISTANCE UNIT****Regulations**

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**82-820 INCLUDED PERSONS (Continued)****82-820**| .23 Caretaker  
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.

| .24 Pregnant Woman

A pregnant woman.

| .25 Relative of WTW  
Sanctioned Child

A relative of a child who is sanctioned by WTW.

(SAR)

.3 Mandatory Inclusion

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 SAR Payment Period following the mandatory reporting of the individual on the SAR 7 or SAWS 2 (see Section 44-318(SAR)):

(AR/CO)

The AU shall include the following persons when living in the same home and eligible at time of initial family application (see section 44-317) or the first of the month following the month the change was reported (see section 44-318(AR/CO)):

.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:

.331

The applicant child, or

.332

The applicant child's eligible siblings or half-sibling who meet the age requirement.

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**ELIGIBILITY AND ASSISTANCE STANDARDS****Regulations****ASSISTANCE UNIT****82-824 (Cont.)**

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**82-820 INCLUDED PERSONS (Continued)****82-820**

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**HANDBOOK BEGINS HERE**

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.333

For exceptions to the mandatory inclusion requirements applicable to pregnant or parenting minors who are participants of the California Work Pays Demonstration Project, see Section 89-201.5.

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**HANDBOOK ENDS HERE**

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.4 Who Determines AU

The county shall determine who is mandatorily included and excluded from the AU. The county and the applicant/recipient shall determine whether or not an optional person will be included in the AU.

.5 Penalty

The county shall deny the application or discontinue CalWORKs when a mandatorily included person refuses to be included.

[Previous Cites: 44-205.1, 44-205.4 and 44-205.51]

NOTE: Authority cited: Sections 10553, 10554, 10604, and 11369, Welfare and Institutions Code. Reference: 42 USCA 606; 45 CFR 206.10(a)(1); 45 CFR 233.10(a)(1), (a)(1)(iv) and (vii); 45 CFR 233.90(c)(1)(v)(A); 45 CFR 237.50(b)(5); 45 CFR 250.34; SSA-AT-86-01; Section 242, California Civil Code; Edwards v. Healy, Civ. S. 91-1473 DFL (1992); Sections 10553, 10554, 10604, 11000, 11253.3(b), 11254, 11265.3, 11265.47, 11400, 11450, and 11450.16, Welfare and Institutions Code; and ACF-AT-94-5; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

**82-824 ASSISTANCE UNITS THAT SHALL BE COMBINED****82-824**

.1 Combining AUs

Two or more AUs in the same home shall be combined into one AU when:

.11 Marriage

A caretaker relative is married to another caretaker relative in another AU, or

.12 Child in Common

Two caretaker relatives in the home have separate children and also have an eligible child in common, or

.13 One Caretaker  
Relative

There is only one caretaker relative.

<b>82-824</b>	<b>ASSISTANCE UNITS THAT SHALL BE COMBINED (Continued)</b>	<b>82-824</b>
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.14 Combining AUs Mid-Period

.141 When a voluntary report is made that would combine separate AUs mid-period, the county shall determine if the mid-period action of combining the AUs would increase or decrease aid for the separate AUs.

.142 The county shall compare the monthly grant for the combined AUs to the total combined monthly grants of the separate AUs.

.143 If the combined AU's monthly grant would be higher than the total combined monthly grant of two separate AUs, the county shall take mid-period action to combine the AUs the first of the month following the voluntary report.

.144 If the combined AU's monthly grant does not result in an increase to the total combined monthly grant of the separate AUs, the county shall not take mid-period action to combine the AUs. The combining of the separate AUs shall be effective the first of the next SAR Payment Period, after the change(s) is reported on the SAR 7 or SAWS 2.

[Previous Cite: 44-205.3]

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 45 CFR 206.10(a)(1); 45 CFR 233.90; 45 CFR 237.50(b)(5); United States Department of Health and Human Services, Office of Family Assistance, Aid to Families with Dependent Children Action Transmittal No. SSA-AT-86-1; Section 242, California Civil Code; Anderson v. Edwards 115 S.Ct. 1291 (1995); and Sections 10553, 10554, 10604, 11000, 11265.3, and 11450, Welfare and Institutions Code; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

<b>82-828</b>	<b>OPTIONAL PERSONS</b>	<b>82-828</b>
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- |     |                                   |  |
|-----|-----------------------------------|--|
| .1  | County Responsibility             |  |
| .11 | Identify Optional Persons         | The county shall identify, for the applicant or recipient, any person living in the home who may be included in the AU.  |
|     | .111                              | This shall be done at the time of application, redetermination, or at any other time the county is informed of a change in the number of persons living in the home.   |
| .12 | Effect on AU                      | The county shall explain to the applicant or recipient the effect of including or excluding the optional person. The applicant or recipient shall decide who is to be included.                                  |
|     | .121                              | The explanation shall include a description of the AU composition which will result in the maximum aid to which the family is eligible, considering the income and resources of each person who may be included. |
| .2  | Optional Persons                  | The following persons who are not otherwise required to be in the AU shall be included upon request of the applicant/recipient.  |
|     | .21 Nonparent Caretaker Relatives | Any nonparent relative who has been determined to be the caretaker relative.   |
|     | .22 Other Eligible Children       | Any other eligible children, including, but not limited to, a niece or nephew.   |
|     | .23 Essential Persons             | Any essential person who meets the requirements of Section 44-209.3.   |

[Previous cite: 44-205.5, 44-203.3, 44-118.11]

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 USCA 606(a) and (b)(1); 45 CFR 206.10(a)(1)(vii) and (a)(2)(i), 45 CFR 233.20(a)(2)(vi), and 45 CFR 237.50(b)(3)(i) and (b)(4)(i); SSA-AT-80-32 and SSA-AT-86-01; and Section 11203, Welfare and Institutions Code.

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**ELIGIBILITY AND ASSISTANCE STANDARDS****82-832****ASSISTANCE UNIT****Regulations**

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**82-832 EXCLUDED PERSONS****82-832**

- .1 Person Who Is Excluded By Law
- A person excluded from the AU by law is a person who:
- (a) Child of AFDC-FC or Kin-GAP Child  
Is a child living with his/her minor or non-minor dependent parent who is receiving AFDC-FC or Kin-GAP.
  - (b) Citizenship/ Alienage  
Does not meet the citizenship/alien status requirements.
  - (c) Father of Unborn  
Is an unborn child's father who is living in the home with the pregnant woman and who is:
    - .131 Not the parent or caretaker relative of an eligible child, or
    - .132 Not an essential person.
  - (d) Other Aid  
Receives SSI/SSP, Refugee Repatriate Payment (RRP), Kin-GAP or AFDC-FC.
  - (e) Sponsored Noncitizen  
Is a sponsored noncitizen whose needs are being met by a sponsor's deemed income.
  - (f) Spouse of Eligible Child  
Is a spouse of an eligible child, living with the child in the senior parent's home, when there is no child in common for whom deprivation exists.
  - (g) Refugee Eligible for Alternative Project  
Is a refugee who is eligible for and required to participate in an alternative project implemented pursuant to Section 412(e)(7) of the federal Immigration and Nationality Act 8 USC 1522(e)(7).
  - (h) Fleeing Felon  
Is fleeing to avoid prosecution, or custody or confinement after conviction for a crime or attempt to commit a crime that is a felony. The existence of a warrant for arrest shall be presumed to be evidence of fleeing, unless rebutted by other evidence sufficient to prove that the individual had no knowledge that he/she is being sought by law enforcement.
  - (i) Violation of Probation or Parole  
Is in violation of a condition of probation or parole. The initial offense for which probation or parole was ordered need not have been a felony.

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**ELIGIBILITY AND ASSISTANCE STANDARDS****Regulations****ASSISTANCE UNIT****82-832 (Cont.)**

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**82-832 EXCLUDED PERSONS (Continued)****82-832**

- (j) Convicted Drug Felon Has been convicted in a state or federal court of a felony that has as an element, the possession, use or distribution of a controlled substance. The conviction must be after December 31, 1997. Controlled substance is defined in Section 102(6) of the Controlled Substances Act (21 U.S.C. Section 802(6)) or Division 10 (commencing with Section 11000) of the Health and Safety Code. The term 'convicted' also includes a plea of guilty or nolo contendere.
- (k) Non-minor dependent Is a non-minor dependent. Non-minor dependents shall constitute an AU of one and as such shall be excluded from the AU of a needy or non-needy caretaker relative for CalWORKs purposes.
- .2 Sanctioned Persons A person excluded from the AU due to a sanction, is:
- .21 Child/Spousal Support A parent, pregnant woman, or caretaker relative who refuses to assign support rights.
- .22 Citizenship A person who fails to cooperate in the verification of his/her citizenship or alien status.
- .23 Welfare-to-Work A non-exempt welfare-to-work participant who fails or refuses without good cause to meet program requirements, and:
- .231 When the participant is a principal earner, the second parent is also ineligible unless he/she is participating in welfare-to-work activities.
- .24 Social Security Number An applicant or recipient; or a child whose parent, caretaker relative, or legal guardian who:
- .241 Refuses or fails to furnish an SSN or evidence of a completed application for an SSN, or
- .242 Refuses or fails to cooperate in verifying an SSN.
- .25 Striking A striker who is not a caretaker relative.
- .26 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

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**ELIGIBILITY AND ASSISTANCE STANDARDS**

**82-832 (Cont.)**

**ASSISTANCE UNIT**

**Regulations**

---

**82-832 EXCLUDED PERSONS (Continued)**

**82-832**

.3 Add a Person Who Becomes  
Ineligible Prior to Authorization of Aid  
(SAR)

A new person who has been mandatorily reported on the SAR 7 and determined eligible based on the information provided, shall be treated as an excluded person for the next SAR Payment Period when ineligibility occurs after the SAR Data Month but prior to the authorization of aid (see Section 40-171.221). This person's income and needs, as reported on the SAR 7, shall be treated in accordance with Section 44-133.5 for the next SAR Payment Period and the AU shall be discontinued at the end of that SAR Period in which the individual was treated as an excluded person, if the following SAWS 2 establishes that ineligibility continues to exist for the AU.

(SAR) (a)

If a new person is mandatorily reported on the SAWS 2 and ineligibility occurs before the redetermination is processed and aid is authorized, the new person shall not be added to the AU. Furthermore, if the new person is found to make the entire AU ineligible, aid will be discontinued for the entire AU at the end of the SAR Payment Period in which the new person was mandatorily reported. (See section 40-105.1 for applicant and recipient reporting responsibilities and county action.)

(AR/CO)

If a new person is mandatorily reported on the SAWS 2 and ineligibility occurs before the redetermination is processed and aid is authorized, the new person shall not be added to the AU. Furthermore, if the new person is found to make the entire AU ineligible, aid will be discontinued for the entire AU at the end of the month in which the new person was mandatorily reported.

(AR/CO)

If a new person is mandatorily reported mid-period and ineligibility occurs before the application for the new person is processed and aid is authorized, the new person shall not be added to the AU. Furthermore, if the new person is found to make the entire AU ineligible, aid will be discontinued for the entire AU at the end of the month in which the new person was mandatorily reported.

**HANDBOOK BEGINS HERE****(SAR) Example 1:**

An AU is aided based on absent parent deprivation. The current SAR Payment Period is January through June. In March, the absent father returned to the home and is reported for the first time on the SAR 7 for the Data Month of May. The father, who was determined to be the principal earner, was receiving UIB in the Data Month and was initially determined eligible as an unemployed parent based on the SAR 7 information. However, when the county completed the interview in the Submit Month, it was learned that the father had accepted a full-time job in the Submit Month of June. Since the principal earner has accepted full-time employment and deprivation due to unemployment was not established prior to the authorization of aid for the father, the county shall deny aid to the father in accordance with Section 40-171.221(g) and instruct the AU to report the father's full-time employment on the SAWS 2 due in December (for November). Because ineligibility for the father has occurred after the SAR Data Month but prior to the authorization of aid, his reasonably anticipated income as reported on the SAR 7 for May, and his needs shall be treated as those of an excluded person in accordance with Section 44-133.5 for the next SAR Payment Period. The existing AU's deprivation is not affected until the father's full-time employment that occurred mid-period (in June) is reported on the subsequent SAWS 2. If the subsequent SAWS 2 establishes that ineligibility exists for the AU, the county shall discontinue cash aid at the end of that SAR Period once timely and adequate notice has been provided.

**(SAR) Example 2:**

An AU is aided based on absent parent deprivation. The current SAR Payment Period is January through June. In March, the absent father returned to the home and is reported for the first time on the SAWS 2 in June. The father, who was determined to be the principal earner, was receiving UIB at the time the SAWS 2 was completed and was initially determined eligible as an unemployed parent based on the SAWS 2 information. However, when the county completed the interview in the Submit Month, it was learned that the father had accepted a full-time job. Since the principal earner has accepted full-time employment and deprivation due to unemployment was not established prior to the authorization of aid for the father, the county shall deny aid to the father in accordance with Section 40-171.221(g). Furthermore, since the AU no longer meets the deprivation requirements to be eligible for aid, the entire AU will be discontinued effective June 30, with timely and adequate notice.

**HANDBOOK CONTINUES**

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**HANDBOOK CONTINUES**

(AR/CO) Example 1:

An AU is aided based on absent parent deprivation. The current AR/CO Payment Period is January through December. In March, the absent father returned to the home and is reported to the County. The father, who was determined to be the principal earner, was receiving UIB at the time the report was made that he returned to the home and was initially determined eligible as an unemployed parent based on the information completed on the Statement of Facts to Add an Additional Person (CW 8). However, when the county completed the interview with the father, it was learned that the father had accepted a full-time job. Since the principal earner has accepted full-time employment and deprivation due to unemployment was not established, the county shall deny aid to the father in accordance with Section 40-171.221(g). Furthermore, since the AU no longer meets the deprivation requirements to be eligible for aid, the entire AU will be discontinued effective March 31, with timely and adequate notice.

**HANDBOOK ENDS HERE**

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[Previous cite: 44-206]

NOTE: Authority cited: Sections 10553, 10554, 10604, 11270, and 11369, Welfare and Institutions Code. Reference: 8 CFR 213a. and 299; 45 CFR 205.42(d)(2)(v)(A) and (B), as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808, 45 CFR 205.52, 45 CFR 206.10(a)(5)(i), 45 CFR 232.12(d), 45 CFR 233.10(a)(1)(i), (a)(1)(i)(B), and (a)(3), 45 CFR 233.20(a)(1)(i), (a)(3)(ii)(C) and (F), and (a)(3)(ix), 45 CFR 233.50, 45 CFR 233.51, 45 CFR 233.90(c), (c)(1), and (c)(2)(iv), 45 CFR 233.100(a)(5)(ii), 45 CFR 233.106, 45 CFR 240.22, and 45 CFR 250.34(a) and (c), and (c)(2); and Sections 11008.13, 11104, 11157, 11201(b), 11203, 11251.3, 11253.3, 11263.5, 11265.1, 11265.2, 11265.3, 11268, 11270, 11315, 11320.6(e), 11327.5(c), 11406.5, 11450, 11450.5, 11454, 11454.5, 11477, 11477.02, 11486, and 11486.5, Welfare and Institutions Code; and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, Section 115; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].