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**RECEPTION AND APPLICATION  
QUALITY CONTROL COOPERATION REQUIREMENTS**

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**TABLE OF CONTENTS**

**CHAPTER 40-200 QUALITY CONTROL COOPERATION REQUIREMENTS**

|   | <b>Section</b> |
|---|----------------|
| Definitions .....   | 40-201         |
| Actions Which Result in Noncooperation .....                | 40-203         |
| Discontinuance for Refusal to Cooperate .....               | 40-205         |
| Restoration or Reapplication Following Discontinuance ..... | 40-207         |
| Cause Determination for Noncooperation .....                | 40-209         |

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**40-203**      **ACTIONS WHICH RESULT IN NONCOOPERATION (Continued)**                      **40-203**

- .26 Fails to return a signed authorization for release of information form within ten calendar days after the date he/she has signed the receipt for a certified letter requesting return of the signed release form.

**40-205**      **DISCONTINUANCE FOR REFUSAL TO COOPERATE**                      **40-205**

- .1 Adequate and timely notice shall be given that aid to the entire assistance unit shall be discontinued when the county makes a determination based on documentation that a recipient failed or refused to cooperate without good cause in a quality control review.

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**HANDBOOK BEGINS HERE**

See Sections 22-021, Adequate Notice, and 22-022, Timely Notice - Aid Pending Hearing.

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**HANDBOOK ENDS HERE**

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- .11 Ineligibility for AFDC shall be effective the first of the month after the month in which the noncooperation with quality control occurs.
- .12 The CWD shall rescind the discontinuance if the recipient cooperates in the quality control review before the effective date of the discontinuance.

**40-207**      **RESTORATION OR REAPPLICATION FOLLOWING DISCONTINUANCE**      **40-207**

- .1 Once discontinued for refusal to cooperate, the assistance unit may request restoration or may reapply, but shall not be determined eligible until:
  - .11 The assistance unit subsequently cooperates and has met all eligibility conditions.

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**HANDBOOK BEGINS HERE**

See Section 40-107.3, Eligibility Determination.

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**HANDBOOK ENDS HERE**

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**40-207 RESTORATION OR REAPPLICATION FOLLOWING DISCONTINUANCE 40-207**  
(Continued)

- .12 The assistance unit reapplies for aid at least 95 calendar days after the end of the annual review period in which the refusal to cooperate occurred, and has met all eligibility conditions.

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**HANDBOOK BEGINS HERE**

See Section 40-107.3, Eligibility Determination.

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**HANDBOOK ENDS HERE**

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**40-209 CAUSE DETERMINATION FOR NONCOOPERATION 40-209**

- .1 The recipient may have good cause for failure or refusal to cooperate.
- .2 Good cause, as determined by the county welfare department, includes but is not limited to the following:
  - .21 Illness or incapacity.
  - .22 Court-required appearances or temporary incarceration.
  - .23 Family crisis or other change in circumstances.
  - .24 Other substantial and compelling reasons.

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**ELIGIBILITY AND ASSISTANCE STANDARDS  
LINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY**

---

**TABLE OF CONTENTS**

|   | <b>Chapter</b> |
|---|----------------|
| <b>DIVISION 41 LINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY</b> |                |
| Deprivation of Parental Support or Care.....                        | 41-400         |
| Repealed by Manual Letter No. EAS-90-04, effective 10/1/90.....     | 41-500         |
| Repealed by Manual Letter No. EAS-91-10, effective 8/1/91.....      | 41-600         |
| Repealed by Manual Letter No. EAS-91-10, effective 8/1/91.....      | 41-700         |

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**LINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY  
DEPRIVATION OF PARENTAL SUPPORT OR CARE**

---

**TABLE OF CONTENTS**

**CHAPTER 41-400 DEPRIVATION OF PARENTAL SUPPORT OR CARE**

|  | <b>Section</b> |
|--|----------------|
| Deprivation of Parental Support or Care.....                                 | 41-400         |
| Basis of Deprivation .....   | 41-401         |
| Definition of a Parent.....  | 41-403         |
| Definition - Parent.....   | .1             |
| Preliminary Determination of the Person Presumed to Be the Legal Parent..... | .2             |
| Presence of a Stepparent or UAM in the Home.....                             | .3             |
| Termination of Deprivation .....   | 41-405         |
| Repealed by DSS Manual Letter No. EAS-88-05.....                             | 41-410         |
| Deprivation Due to Relinquishment for Adoption.....                          | .1             |
| Termination of Deprivation Due to Relinquishment.....                        | .2             |
| Acceptable Evidence of Deprivation Due to Relinquishment.....                | .3             |
| Parent is Deceased .....   | 41-420         |
| Physical or Mental Incapacity of a Parent .....                              | 41-430         |
| Deprivation Due to Incapacity .....  | .1             |
| Determination of Incapacity.....   | .2             |
| Review .....   | .3             |
| Unemployment Parent Program.....   | 41-440         |
| Definition .....   | .1             |
| Requirements to be Met in Order to Establish Deprivation                     |                |
| Due to Unemployment.....   | .2             |
| Repealed by Manual Letter No. 85-44, effective 7/1/85.....                   | .3             |
| Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.....               | .4             |
| Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.....               | .5             |
| Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.....               | .6             |
| Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.....               | .7             |

---

**LINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY  
DEPRIVATION OF PARENTAL SUPPORT OR CARE**

---

**TABLE OF CONTENTS (Continued)**

**CHAPTER 41-400 DEPRIVATION OF PARENTAL SUPPORT OR CARE**

|   | <b>Section</b> |
|---|----------------|
| Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.....      | 41-441         |
| Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.....      | 41-442         |
| Continued Absence of a Parent.....                                  | 41-450         |
| Definition of "Continued Absence" .....                             | .1             |
| Circumstances that Meet the Definition of "Continued Absence" ..... | .2             |
| Beginning Date of "Continued Absence".....                          | .3             |
| Evidence of "Continued Absence" .....                               | .4             |

**CHAPTER 41-400 DEPRIVATION OF PARENTAL SUPPORT OR CARE**

**41-400 DEPRIVATION OF PARENTAL SUPPORT OR CARE 41-400**

Deprivation of parental support or care is a separate and specific eligibility factor for CalWORKs. A child's deprivation is based on the status of his/her natural or adoptive parent or parents. (For AFDC-FC see Division 45.)

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 10063 (Ch. 270, Stats. 1997), Welfare and Institutions Code.

**41-401 BASIS OF DEPRIVATION 41-401**

- .1 A child is considered deprived of parental support or care if:
  - .11 Either parent is deceased (see Section 41-420);
  - .12 Either parent is physically or mentally incapacitated (see Section 41-430);
  - .13 The principal earner is unemployed (see Section 41-440);
  - .14 Either parent is continually absent from the home in which the child is living (see Section 41-450).
- .2 The recipient family of a child considered to be deprived of parental support or care due to the unemployment of the principal earner may continue to receive assistance, regardless of the number of hours the principal earner parent works, provided the AU meets all other eligibility requirements.
- .3 When the child is deprived of parental support or care for more than one reason, eligibility may be established on any basis of deprivation that appears in Section 41-401.1.

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**HANDBOOK BEGINS HERE**

Interpretation - Regardless of the basis of deprivation upon which the child is determined to be eligible for CalWORKs, the requirements for securing absent parent support remain unmodified.

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**HANDBOOK ENDS HERE**

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10063 and 11201 (Ch. 270, Stats. 1997), Welfare and Institutions Code.

**41-403 DEFINITION OF A PARENT 41-403**

.1 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

.2 Preliminary Determination of the Person Presumed to Be the Legal Parent

Determination of the identity of a child's legal father is guided by California Law contained in the Health and Safety Code, Evidence Code and Civil Code. There may be circumstances where the man who claims to be the father is, in fact, not considered the legal father. There may also be circumstances where the mother claims that a man is not the father but he is, in fact, to be considered the legal father. In cases where there is a question as to parentage concerning either parent, the matter should be referred to the District Attorney for resolution. In any case where the child is conceived out of wedlock, and there is no prior determination of paternity, the matter shall be referred to the District Attorney (see Section 43-201.1).

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**HANDBOOK BEGINS HERE**

.21 California Civil Code Section 7010(a) provides the following condition under which a person will conclusively be considered the legal parent of a child:

.211 The judgment or order of the court determining the existence or nonexistence of the parent and child relationship is determinative for all purposes except for actions brought pursuant to Section 270 of the Penal Code.

.22 The following California Code sections provide the circumstances under which a person is presumed to be the legal parent:

.221 Civil Code Section 7004:

(a) A man is presumed to be the natural father of a child if he meets the conditions as set forth in Section 621 of the Evidence Code or in any of the following subdivisions:

(1) He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within 300 days after the marriage is terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation is entered by a court.

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**HANDBOOK CONTINUES**

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**HANDBOOK CONTINUES**

- (2) Before the child's birth, he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and
  - (i) If the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage, or within 300 days after its termination by death, annulment, declaration of invalidity, or divorce; or;
  - (ii) If the attempted marriage is invalid without a court order, the child is born within 300 days after the termination of cohabitation.
  
- (3) After the child's birth, he and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with the law, although the attempted marriage is or could be declared invalid, and
  - (i) With his consent, he is named as the child's father on the child's birth certificate, or
  - (ii) He is obligated to support the child under a written voluntary promise or by a court order.
  
- (4) He receives the child into his home and openly holds out the child as his natural child.
  
- (b) Except as provided in Section 621 of the Evidence Code, a presumption under this section is a rebuttable presumption affecting the burden of proof and may be rebutted in an appropriate action only by clear and convincing evidence. If two or more presumptions arise under this section which conflict with each other, the presumption which on the facts is founded on the weightier considerations of policy and logic controls. The presumption is rebutted by a court decree establishing paternity of the child by another man.

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**HANDBOOK CONTINUES**

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**HANDBOOK CONTINUES**

.222 Evidence Code Section 621:

- (a) Except as provided in subdivision (b), the issue of a wife cohabitating with her husband, who is not impotent or sterile, is conclusively presumed to be a child of the marriage.
- (b) Notwithstanding the provision of subdivision (a), if the court finds that the conclusions of all the experts, as disclosed by the evidence based upon blood tests performed pursuant to Chapter 2 (commencing with Section 890) of Division 7 are that the husband is not the father of the child, the question of paternity of the husband shall be resolved accordingly.

.223 Health and Safety Code Section 10577:

- (a) Any birth, fetal death, death, or marriage record which was registered within a period of one year from the date of the event under the provisions of this division, or any copy of such record or part thereof, properly certified by the State Registrar, local registrar, or county recorder, is prima facie evidence in all courts and places of the facts stated therein.

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**HANDBOOK ENDS HERE**

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.3 Presence of a Stepparent or UAM in the Home

Deprivation is not affected by the presence in the home of a stepparent or an unrelated adult male.

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

**41-405 TERMINATION OF DEPRIVATION 41-405**

.1 When a basis for deprivation ceases, and the family remains in need, the county shall determine if any other basis for deprivation exists.

.11 Section 41-405.11(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.

(QR) When a basis for deprivation ceases mid-quarter, the county shall not take mid-quarter action based on changes in deprivation. Any change in deprivation shall be reported on the QR 7 and any change in eligibility or grant amount that results from the change in deprivation shall be effective the first day of the next QR Payment Quarter.





**41-430      PHYSICAL OR MENTAL INCAPACITY OF A PARENT (Continued)      41-430**

- .22 Form CA 341 (Medical Report) or other written statement from a physician licensed or certified psychologist, or by an authorized member of his or her staff with access to the patient's medical records that provides information sufficient to substantiate the determination of incapacity and includes the following:
  - .221 A diagnosis of the parent's condition and explanation of the extent to which it prevents him or her from engaging in employment or why it reduces substantially, or eliminates the parent's ability to support or care for the child.
  - .222 The expected duration of the condition, and date of the next scheduled examination or appointment.
  - .223 The doctor's name, address and phone number.
- .23 Where a written statement cannot be obtained without delay, for reasons beyond control of the applicant, a verbal statement from the physician, licensed or certified psychologist or an authorized staff member with access to the applicant's medical records verifying incapacity as specified above may be accepted pending written verification up to a maximum of 60 days.

If obtained verbally, documentation must include the date verification was obtained, the name of the person who supplied the verification, and the name of the county person who obtained verification.

.3 Review

If the individual's condition is expected to last more than one year it is to be reviewed at the annual reinvestigation. If the condition is not expected to last more than one year, review is to be completed at the time the condition is expected to end or earlier if there is reason to believe there has been a change in the condition.

**41-440      UNEMPLOYED PARENT PROGRAM      41-440**

The requirements of Section 41-440 apply to all principal earners who establish deprivation based on unemployment whether the individual is included or excluded from the assistance unit.

.1 Definitions

(a) Unemployed Parent:

- (1) An unemployed parent is one of the natural or adoptive parents with whom a child is living, who is the principal earner [see Section 41-440.1(b)], and who:

|               |  |               |
|---------------|--|---------------|
| <b>41-440</b> | <b>UNEMPLOYED PARENT PROGRAM (Continued)</b> | <b>41-440</b> |
|---------------|--|---------------|

- (A) Is not employed; or
  - (B) Is employed less than 100 hours during the four-week period prior to the date of eligibility for cash aid based on unemployment.
  - (C) Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.
- (2) When the principal earner is employed for less than 100 hours during the four-week period prior to the date of eligibility, he/she shall not be considered employed for purposes of unemployment deprivation.

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Example 1:

A family applies for CalWORKs on the basis of unemployment deprivation on January 5, 1998; the CWD authorizes aid on February 2, 1998. On February 3, 1998, the principal earner (PE) reports that he accepted work on that day and he expects to work over 100 hours per month. Since the PE did not accept work until the day after aid was authorized (i.e., after becoming a recipient), the 100-hour limit is not applicable.

Eligibility for the AU will continue until ineligibility occurs due to excess income, excess property, etc.

Example 2:

A family applies for CalWORKs on the basis of unemployment deprivation on January 5, 1998; the CWD authorizes aid on February 1, 1998. On February 3, 1998, the PE reports that he accepted work on January 31, 1998, and he expects to work over 100 hours indefinitely. Since the PE accepted work before aid was authorized (i.e., prior to becoming a recipient), the 100-hour rule limitation is applicable. The CWD will issue a timely notice of action and terminate aid effective February 28, 1998. As ineligibility occurred prior to the authorizing action, the family is overpaid for January 1998 and February 1998.

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**HANDBOOK ENDS HERE**

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- (3) Since only the principal earner can establish unemployment deprivation, the 100-hour standard does not apply to the parent who is not the principal earner.
- (b) Hours of Employment -- The hours an individual spent providing a service or product, whether the individual is an employee or self-employed. Any hours spent working to acquire earned income, whether the individual receives the income or not, shall be considered toward the 100-hour limit in (a) above.

**HANDBOOK BEGINS HERE**

EXAMPLE:

A principal earner is self-employed as a salesperson selling a product door-to-door. The individual spent the following hours during the four-week period prior to the date of eligibility in connection with his/her occupation:

36 hours collecting orders for the product.

12 hours ordering the products from the supplier. This includes completing the necessary work and going to the post office.

5 hours developing and delivering flyers advertising the business.

4 hours with floor duty at the distributor's office.

32 hours delivering the products to the customers.

10 hours distributing new catalogs.

In this situation, all of the above hours count as hours worked because all hours were spent promoting the business or attempting to or making contact with prospective or actual customers.

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**HANDBOOK ENDS HERE**

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- (c) Principal Earner: In a home in which both parents of an eligible child are living, the principal earner is whichever parent earned the greater amount of income in the 24-month period, the last month of which immediately precedes the date of application or the month of transfer to the unemployed parent program as defined in Section 41-440.1(d):

When both parents qualify as the principal earner and have earned an identical amount of income in such 24-month period, the county in consultation with the parents shall designate which parent is the principal earner. Once the principal earner has been determined correctly, the parent continues to be the principal earner for each consecutive month for which the family receives aid under the unemployed parent program.

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|---------------|--|---------------|
| <b>41-440</b> | <b>UNEMPLOYED PARENT PROGRAM (Continued)</b> | <b>41-440</b> |
|---------------|--|---------------|

(d) Date of Transfer to the unemployed parent program: The date for determining the transfer to the unemployed parent program is either:

(1) the date of application for CalWORKs benefits on the basis of unemployment of the principal earner, or

(2) the date of an interprogram status change when a family's circumstances have changed in such a way that eligibility may be established for the unemployed parent program; for example, a parent returns to the home, a parent is no longer incapacitated.

The county shall identify the need for and assist the recipient in making the status change.

(e) Applicants for aid who are participating in an on-the-job training (OJT) program or any similar work training activity, in which the parent is paid a wage, shall be considered employed for purposes of determining deprivation.

(f) Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

(g) Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

(h) Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

(i) Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

(j) Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

(k) Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

(l) Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

(m) Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

(n) Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

**41-440 UNEMPLOYED PARENT PROGRAM (Continued) 41-440**

.2 Requirements to be Met in Order to Establish Deprivation Due to Unemployment

To establish deprivation due to unemployment, the following requirements shall be met;

- .21 Deprivation shall be due to the unemployment of the principal earner. Deprivation due to unemployment exists if the principal earner is unemployed (See Section 41-440.1(a)) for definition of unemployed) and the child would otherwise be deprived for AFDC except that neither of his/her parents is deceased, incapacitated, or absent from the home.
- .22 The principal earner shall have worked less than 100 hours (Section 41-440.1(a)) during the four-week period prior to the date of eligibility for cash aid based on unemployment deprivation. The four-week period shall be adjusted daily to determine the four-week period in which the applicant principal earner worked less than 100 hours. (See Handbook Section below.)

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**HANDBOOK BEGINS HERE**

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.221 EXAMPLE:

An applicant principal earner was laid off on April 13th and worked a total of 40 hours in April and 40 hours per week in March. The family applied for aid on April 14th. The original four-week period would be from March 17th through April 13th. Since the PE worked 120 hours during this four-week period, a new four-week period would need to be identified.

March 18th through April 14th = 112 hours  
March 19th through April 15th = 104 hours  
March 20th through April 16th = 96 hours

The qualifying four-week period in which the PE worked less than 100 hours would be from March 20th through April 16th. The beginning date of aid for this family would be April 17th, if otherwise eligible.

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**HANDBOOK ENDS HERE**

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- .23 The principal earner, who is apparently eligible for UIB (see Section 82-610), shall apply for and accept any unemployment insurance benefits (UIB) to which he/she is entitled, when referred to EDD by the county welfare department. When the principal earner does not meet this requirement, unemployment deprivation does not exist for the family. This requirement is considered to be met on the date of application as long as it is completed by the date of authorization of aid.
- .24 The principal earner shall not be considered to be unemployed as a result of his/her participation in a strike.

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| <b>41-440 (Cont.)</b> | <b>LINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY<br/>DEPRIVATION OF PARENTAL SUPPORT OR CARE</b> | <b>Regulations</b> |
|-----------------------|---|--------------------|
|-----------------------|---|--------------------|

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|               |  |               |
|---------------|--|---------------|
| <b>41-440</b> | <b>UNEMPLOYED PARENT PROGRAM (Continued)</b> | <b>41-440</b> |
|---------------|--|---------------|

| .3 Repealed by Manual Letter No.85-44, effective 7/1/85.

| .4 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

| .5 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

| .6 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

| .7 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

NOTE: Authority cited: Sections 10553, 10554, 10604, 11209, and 11450(g), Welfare and Institutions Code.  
Reference: Sections 10553, 10554, 10604, 11201 (Ch. 270, Stats. 1997), 11201.5, and 11270, Welfare and Institutions Code; and 45 CFR 233.10(a)(1), 233.100(a)(5), and 250.30(b); and Family Support Act of 1988, Public Law (PL) 100-485, October 13, 1988; Family Support Administration Action Transmittal 91-15 (FSA-AT-91-15), dated April 23, 1991; Omnibus Budget Reconciliation Act (OBRA) of 1990, Section 5061.

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|---------------|--|---------------|
| <b>41-441</b> | <b>PROCEDURES FOR REFERRAL TO AND COMMUNICATIONS<br/>WITH EDD-JS FOR APPLICANTS/RECIPIENTS</b> | <b>41-441</b> |
|---------------|--|---------------|

| Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

|               |   |               |
|---------------|---|---------------|
| <b>41-442</b> | <b>CAUSE DETERMINATIONS AND PENALTIES</b> | <b>41-442</b> |
|---------------|---|---------------|

| Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.



**HANDBOOK BEGINS HERE**

- .14 When a question exists regarding continued absence of a parent various factors may be considered such as but not limited to:
    - .141 Does the parent provide day-to-day care and control of the child?
    - .142 Do the parents maintain separate homes?
    - .143 Do the parents have separate mailing addresses?
    - .144 Do the parents maintain their money separately?
    - .145 Do the parents have access to each others income or resources?
    - .146 Is the parent absent due to hospitalization; attendance at school; visiting; vacationing; or moving or trips made in connection with current or prospective employment?
- Other similar factors may also be considered. A single factor may not be determinative.

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**HANDBOOK ENDS HERE**

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.2 Circumstances That Meet the Definition of "Continued Absence"

The continued absence of a parent from the home as defined in Section 41-450.1, includes but is not limited to the following circumstances:

- .21 The parents are not married to each other and have not maintained a home together.
- .22 The parent:
  - .221 Is not legally able to return to the home because of confinement in a penal or correctional institution, or
  - .222 Has been deported, or
  - .223 Has voluntarily left the country because of the threat of, or the knowledge that he or she is subject to deportation.

**41-450 CONTINUED ABSENCE OF A PARENT (Continued) 41-450**

- .23 A parent has filed, or retained legal counsel for the purpose of filing an action for dissolution of marriage, for a judgment of nullity, or for legal separation.
  - .24 The court has issued an injunction forbidding the parent to visit the custodial parent or child.
  - .25 The remaining parent has presented a signed, written statement (see .5 below) that the other parent has left the family and that the nature of the absence constitutes continued absence as defined in .1 above.
  - .26 Both parents are physically out of the home and their whereabouts are not known.
- .3 Beginning Date of "Continued Absence"
- Deprivation due to "continued absence" exists as of the date that one of the foregoing circumstances occurs, as shown by evidence presented in accordance with Section 41-450.4.
- .4 Evidence of "Continued Absence"
- .41 The written statement of the applicant or recipient parent may be considered sufficient evidence of "continued absence" of the other parent, unless conflicting information is known to the county or reasonable doubt indicates further evidence is necessary.
  - .42 If conflicting information is known to the county or reasonable doubt indicates further evidence is necessary, the written statement of the applicant or recipient parent must be supported by at least one of the following:
    - a. Additional evidence indicating "continued absence", which may include written statements of the absent parent or other persons with prior knowledge of the family relationship; or
    - b. Evidence of the actions of the applicant or the recipient or the absent parent that clearly indicate not only the physical absence of the other parent but also the continued nature of the absence as defined in Section 41-450.1 above.

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

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**LINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY  
EMERGENCY ASSISTANCE - UNEMPLOYED PARENT PROGRAM**

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**TABLE OF CONTENTS**

**CHAPTER 41-500 EMERGENCY ASSISTANCE - UNEMPLOYED PARENT PROGRAM**

|   | <b>Section</b> |
|---|----------------|
| Repealed by Manual Letter No. 90-04, effective 10/1/90..... | 41-500         |

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| <b>LINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY</b> |   |               |
|---|---|---------------|
| <b>Regulations</b>                                      | <b>EMERGENCY ASSISTANCE - UNEMPLOYED PARENT PROGRAM</b> | <b>41-500</b> |
| <b>41-500</b>   | <b>EMERGENCY ASSISTANCE - UNEMPLOYED PARENT PROGRAM</b> | <b>41-500</b> |

Repealed by Manual Letter No. EAS-90-04, effective 10/1/90.

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

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**LINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY  
STATE-ONLY AFDC-U PROGRAM**

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**TABLE OF CONTENTS**

**CHAPTER 41-600 STATE-ONLY AFDC-U PROGRAM**

Entire Chapter Repealed by Manual Letter No. EAS-91-10, effective 8/1/91.

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| <b>Regulations</b> | <b>LINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY<br/>STATE-ONLY AFDC-U PROGRAM</b> | <b>41-607</b> |
|--------------------|---|---------------|
|--------------------|---|---------------|

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|               |                                  |               |
|---------------|----------------------------------|---------------|
| <b>41-600</b> | <b>STATE-ONLY AFDC-U PROGRAM</b> | <b>41-600</b> |
|---------------|----------------------------------|---------------|

Repealed by Manual Letter No. EAS-91-10, effective 8/1/91.

|               |                       |               |
|---------------|-----------------------|---------------|
| <b>41-601</b> | <b>GENERAL POLICY</b> | <b>41-601</b> |
|---------------|-----------------------|---------------|

Repealed by Manual Letter No. EAS-91-10, effective 8/1/91.

|               |  |               |
|---------------|--|---------------|
| <b>41-602</b> | <b>DEFINITIONS SPECIFIC TO THE STATE-ONLY AFDC-U PROGRAM</b> | <b>41-602</b> |
|---------------|--|---------------|

Repealed by Manual Letter No. EAS-91-10, effective 8/1/91.

|               |   |               |
|---------------|---|---------------|
| <b>41-603</b> | <b>DEPRIVATION FOR STATE-ONLY AFDC-U PROGRAM BENEFITS</b> | <b>41-603</b> |
|---------------|---|---------------|

Repealed by Manual Letter No. EAS-91-10, effective 8/1/91.

|               |   |               |
|---------------|---|---------------|
| <b>41-604</b> | <b>EMPLOYMENT DEVELOPMENT DEPARTMENT JOB SERVICES (EDD-JS) REGISTRATION REQUIREMENT</b> | <b>41-604</b> |
|---------------|---|---------------|

Repealed by Manual Letter No. EAS-91-10, effective 8/1/91.

NOTE: Authority cited: Sections 10553, 10554, and 11270, Welfare and Institutions Code. Reference: Sections 11056, 11201(b), and 11315, Welfare and Institutions Code.

|               |                             |               |
|---------------|-----------------------------|---------------|
| <b>41-605</b> | <b>REFUSAL OF JOB OFFER</b> | <b>41-605</b> |
|---------------|-----------------------------|---------------|

Repealed by Manual Letter No. EAS-91-10, effective 8/1/91.

|               |  |               |
|---------------|--|---------------|
| <b>41-606</b> | <b>UNEMPLOYMENT INSURANCE BENEFITS (UIB) REQUIREMENT</b> | <b>41-606</b> |
|---------------|--|---------------|

Repealed by Manual Letter No. EAS-91-10, effective 8/1/91.

|               |   |               |
|---------------|---|---------------|
| <b>41-607</b> | <b>TIME LIMITATION TO STATE-ONLY AFDC-U ELIGIBILITY</b> | <b>41-607</b> |
|---------------|---|---------------|

Repealed by Manual Letter No. EAS-91-10, effective 8/1/91.

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

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|               |   |                    |
|---------------|---|--------------------|
| <b>41-608</b> | <b>LINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY<br/>STATE-ONLY AFDC-U PROGRAM</b> | <b>Regulations</b> |
|---------------|---|--------------------|

---

|               |  |               |
|---------------|--|---------------|
| <b>41-608</b> | <b>THE 12-CONSECUTIVE-MONTH PERIOD FOR STATE-ONLY AFDC</b> | <b>41-608</b> |
|---------------|--|---------------|

Repealed by Manual Letter No. EAS-91-10, effective 8/1/91.

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

|               |   |               |
|---------------|---|---------------|
| <b>41-609</b> | <b>DISCONTINUANCE AND NOTICE OF ACTION REQUIREMENTS</b> | <b>41-609</b> |
|---------------|---|---------------|

Repealed by Manual Letter No. EAS-91-10, effective 8/1/91.

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**LINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY  
MISCELLANEOUS STATE/COUNTY FUNDED PROGRAMS**

---

**TABLE OF CONTENTS**

**CHAPTER 41-700 MISCELLANEOUS STATE/COUNTY FUNDED PROGRAMS**

Entire Chapter Repealed by Manual Letter No. EAS-91-10, effective 8/1/91

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**CHAPTER 41-700 MISCELLANEOUS STATE/COUNTY FUNDED PROGRAMS**

**41-702 DEFINITIONS**

**41-702**

Repealed by Manual Letter No. EAS-91-10, effective 8/1/91

**41-703 STRIKER ASSISTANCE PROGRAM (REYNA V. MCMAHON)**

**41-703**

Repealed by Manual Letter No. EAS-91-10, effective 8/1/91

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**ELIGIBILITY AND ASSISTANCE STANDARDS**  
**NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY**

---

**TABLE OF CONTENTS**

|  | <b>Chapter</b> |
|--|----------------|
| <b>DIVISION 42 NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY</b>               |                |
| Age .....  | 42-100         |
| Property .....   | 42-200         |
| General Time Limit Requirements .....  | 42-300         |
| Residence .....  | 42-400         |
| Repealed by Manual Letter No. EAS-91-14, effective 10/1/91 .....                     | 42-500         |
| Work Incentive Demonstration Program .....   | 42-600         |
| Welfare-to-Work .....  | 42-700         |
| Welfare-to-Work Requirements for Refugee Cash Assistance<br>(RCA) Participants ..... | 42-800         |
| Demonstration Projects .....   | 42-900         |
| Welfare-to-Work Supplemental Refugee Services (SRS) Component .....                  | 42-1000        |
| Child Care Usage and Documentation .....   | 42-1000        |

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---

**NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY  
AGE**

---

**TABLE OF CONTENTS**

**CHAPTER 42-100 AGE**

|                       | <b>Section</b> |
|-----------------------|----------------|
| Age Requirement ..... | 42-101         |
| Evidence of Age.....  | 42-111         |

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**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 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 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.
  - .31 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).
- .4 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.
  - .41 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).

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

- .5 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.
- .51 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).
- .6 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), and 11253, 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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**NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY  
PROPERTY**

---

**TABLE OF CONTENTS**

**CHAPTER 42-200 PROPERTY**

|   | <b>Section</b> |
|---|----------------|
| Property - General.....   | 42-201         |
| Basic Definitions.....  | 42-203         |
| Real Property.....  | .1             |
| Personal Property .....   | .2             |
| Owner of Property.....  | .3             |
| Separate Property - General .....   | .4             |
| Community Property - General.....   | .5             |
| Transfer of Property .....  | .6             |
| Net Marketing Property (Real Property Only).....                                | .7             |
| Members of the CalWORKs Family .....  | .8             |
| Liquidated Sum .....  | .9             |
| Conversion of Property .....  | .10            |
| Determining Ownership of Real and Personal Property .....                       | 42-205         |
| Declaration of Property Ownership.....  | .1             |
| Title Shared with Others .....  | .2             |
| Community Property.....   | .3             |
| Child Lives with Mother and Stepfather.....                                     | .4             |
| Sponsored Aliens .....  | .5             |
| Property Which May Be Retained by an Applicant or Recipient .....               | 42-207         |
| Differentiation of Property and Income .....                                    | 42-209         |
| Property Items to Be Included in Evaluating Property Which May Be Retained..... | 42-211         |
| Real Property to Be Included .....  | .1             |
| Personal Property to Be Included.....   | .2             |
| Property Items to Be Excluded in Evaluating Property Which May Be Retained..... | 42-213         |
| Real Property to Be Excluded .....  | .1             |
| Personal Property to Be Excluded.....   | .2             |
| Home of the Assistance Unit.....  | .3             |

---

**NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY  
PROPERTY**

---

**TABLE OF CONTENTS (Continued)**

**CHAPTER 42-200 PROPERTY**

|   | <b>Section</b> |
|---|----------------|
| Determining Value of Property.....  | 42-215         |
| Determination of Value of Real Property .....                                 | .1             |
| Acceptable Evidence of Value of Real Property .....                           | .2             |
| Determination of Value of Personal Property Other<br>than Motor Vehicles..... | .3             |
| Determination of Vehicle Value .....  | .4             |
| Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.....                | .5             |
| Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.....                | .6             |
| Acquisition and Conversion of Real and Personal Property.....                 | 42-219         |
| Conversions of Property.....  | .1             |
| Transfer of Property or Income.....   | 42-221         |
| Special Property Considerations .....   | 42-223         |
| Property in Another State.....  | .1             |
| Tax Exemptions .....  | .2             |
| Property Outside the United States .....                                      | .3             |
| Ownership of Property in Militarily Occupied Areas .....                      | .4             |

**CHAPTER 42-200 PROPERTY**

**42-200 PROPERTY - GENERAL 42-200**

Renumbered to Section 42-201 by Manual Letter No. 85-51, effective 8/1/85.

**42-201 PROPERTY - GENERAL 42-201**

- .1 Real and personal property shall be considered for purposes of this chapter when it is actually available. Property shall also be considered when the applicant or recipient has a legal interest in a liquidated sum and has the legal ability to make that sum available for support and maintenance.
- .2 Limits on property holdings have been set high enough that a person need not be completely destitute to qualify for aid. On the other hand, these limits insure that persons who own property sufficient to provide themselves with the necessities of life do not receive aid intended for those in greater need. Limits on property which he/she can retain and remain eligible for aid are set forth in this chapter.

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**HANDBOOK BEGINS HERE**

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.3 Objectives

In determining eligibility with respect to property, it is necessary to ascertain the purposes for which property is held. A person is eligible if the property he owns is held for any one of the following purposes (within certain limits): (1) To provide him with a home; (2) to provide him with income to help meet his needs; (3) to provide him with a reserve to meet a future need.

Emphasis is placed on the purpose for which property is allowed to be held. The specific limits with respect to use or total value on some types of property constitute a part of the definition of a needy person; but the more important consideration is that property may be held within those limits, because it meets a present or future need of the recipient.

Regulations in this chapter are designed to express a general test: does the property meet a current need or is it to be held for some future need? This test should be the basis of decision in situations not specifically or exactly covered by the regulations.

Policies governing eligibility with respect to property shall be administered with consideration to the ability and circumstances of the person in order that undue hardship not be imposed upon him in making his plans to comply with property provisions.

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**HANDBOOK ENDS HERE**

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|---------------|--------------------------------------|---------------|
| <b>42-203</b> | <b>BASIC DEFINITIONS (Continued)</b> | <b>42-203</b> |
|---------------|--------------------------------------|---------------|

.41 Separate Property Derived From Income

If the spouses are living separate and apart from each other, the income of each spouse is the separate income of that spouse in the month of receipt and separate property if retained past the month of receipt.

.42 Marital Separation

For the purposes of this section, the spouses have separated if they have obtained an interlocutory or final judgment of dissolution, if they are legally separated or if they are informally separated. (They are living separate and apart from each other and they consider their marital relationship to have ended.)

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**HANDBOOK BEGINS HERE**

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.43 For questions concerning joint ownership of personal property, including vehicles, see Food Stamp regulations at Manual of Policies and Procedures Section 63-501.2.

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**HANDBOOK ENDS HERE**

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.5 Community Property -- General

Community property, real or personal, is property acquired by the husband or wife during marriage (unless acquired as separate property). It includes property purchased with community funds, which include earnings of the spouses while married and living together, income derived from community property, and funds received from the sale of community property. Community property generally includes property purchased on the personal credit of either spouse. If property is purchased with funds which cannot be identified as separate property, such property shall be presumed to be community property. However, this presumption can be rebutted, for the entire property or a portion thereof.

NOTE: Due to the complexity of community property laws, the appropriate County Legal Officer should be consulted if problems arise in determining whether property is community or separate.

**HANDBOOK BEGINS HERE**

.51 For questions concerning joint ownership of personal property, including vehicles, see Food Stamp regulations at Manual of Policies and Procedures Section 63-501.2.

**HANDBOOK ENDS HERE**

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.6 Transfer of Property

A transfer of property means a change of ownership whereby an applicant or recipient through such transfer has divested himself in whole or in part of a resource actually available to him.

.7 Net Market Value (Real Property Only)

Net market value is the highest price that real property, less encumbrances thereon, will bring in a sale by a willing seller to a willing buyer in the ordinary course of business.

.8 Members of the CalWORKs Family

For purposes of this chapter, the members of the CalWORKs family are the child and his/her natural or adoptive parents and, when seeking aid for themselves, his/her eligible stepparents and needy caretaker relative, provided they are not receiving SSI/SSP benefits.

.9 Liquidated Sum

A liquidated sum, for purposes of this chapter, is that amount of money that can be realized from the sale or disposition of real property. See Section 42-203.1 for a definition of real property.

.10 Conversion of Property

For purposes of this chapter, conversion occurs when a recipient changes an existing resource from one form to another.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10063 and 11155 (Ch. 270, Stats. of 1997), Welfare and Institutions Code.