



CDSS

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EDMUND G. BROWN JR.
GOVERNOR

February 7, 2013

ALL COUNTY LETTER NO.: 13-10

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CALWORKS PROGRAM SPECIALISTS
ALL COUNTY CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL CONSORTIUM PROJECT MANAGERS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs): CHANGES AFFECTING NON-MINOR DEPENDENTS AS A RESULT OF SENATE BILL (SB) 1013 AND ASSEMBLY BILL (AB) 1712

REFERENCE: SB 1013 (CHAPTER 35, STATUTES OF 2012); AB 1712 (CHAPTER 846, STATUTES OF 2012); WELFARE AND INSTITUTIONS CODE (W&IC) SECTIONS 17.1(f), 375(b), 10103.5(b)(5), 11253(b)(2), AND 11253(c); FAMILY CODE SECTION 17552(f); ALL COUNTY LETTER (ACL) NOS. 11-78, 11-78E, and 12-12.

The purpose of this letter is to inform County Welfare Departments (CWDs) of changes affecting extended CalWORKs for non-minor dependents (NMDs) pursuant to SB 1013 and AB 1712.

SB 1013

Continuation Of Benefits Beyond Age 19

Prior to SB 1013, extended CalWORKs benefits under AB 12 (Chapter 559, Statutes of 2010) were discontinued for NMDs upon turning age 19 in 2012. The NMD could then be eligible to receive extended CalWORKs benefits again beginning January 1, 2013 and receive benefits until age 20. Receipt of benefits to age 21 was contingent upon legislative approval.

SB 1013 modified the phase-in rules and now allows NMDs who turn 19 years of age prior to January 1, 2013 to continue to receive benefits beyond age 19 and up to age 21, provided all other applicable eligibility requirements have been met.

No additional paperwork or requirements are needed to continue benefits on and after age 19 for current NMDs who meet the eligibility criteria. The NMDs whose benefits were discontinued in 2012 due solely to attaining age 19 may have benefits resumed or re-enter foster care, if they agree to meet one or more of the participation conditions.

Because the age limits from AB 12 were left in statute, NMDs who voluntarily exited prior to turning age 19 in 2012 could re-enter at any time up to their 19th birthday during 2012. If a NMD voluntarily exited foster care in 2012 and then turned 19 in 2012, the NMD must wait until January 1, 2013 to re-enter foster care.

NMDs who exited foster care but wish to re-enter will need to complete the SOC 163 (Voluntary Re-entry Agreement), be placed with an approved relative, and file a petition under W&I Code Section 388(e). Benefits will begin on the day the NMD is placed with an approved relative and the SOC 163 is signed. See ACL 12-12 for more information on re-entry.

Youth who voluntarily re-enter foster care after turning 18 years of age following dismissal of dependency are considered to be entering a new foster care episode. Therefore, a new eligibility determination for federal foster care benefits is required for re-entering NMDs. The children's services case manager will determine eligibility based solely on the youth's income and assets.

SB 1013 directs the California Department of Social Services (CDSS) to implement the statute initially through an ACL, followed by emergency regulations to be developed by July 1, 2014. The CalWORKs changes created by SB 1013 became effective July 1, 2012.

AB 1712

Statewide Fingerprint Imaging System (SFIS)

AB 1712 exempts CalWORKs NMDs from the SFIS requirements. Effective January 1, 2013, NMDs shall no longer be fingerprinted or photo imaged as a condition of eligibility.

Out-of-State

Effective January 1, 2013, NMDs placed in approved homes of relatives residing out-of-state will be eligible for extended CalWORKs benefits. This may occur if (1) the

NMD is placed with an approved relative in another state, or (2) the approved relative the NMD is currently placed with moves to another state.

The children's services case manager will provide documentation of eligibility via the SOC 161 (Six-Month Certification of Extended Foster Care Participation) and SOC 162 (Mutual Agreement for Extended Foster Care) to the CalWORKs eligibility worker (EW), who will then issue the CalWORKs payment. Continuing documentation of eligibility via the SOC 161 by the children's services case manager will occur every six months.

Child Support

AB 1712 clarifies that a NMD is not considered a parent for the purposes of child support referral. Effective January 1, 2013, a NMD parent who resides with his/her child in foster care is not liable for child support and will not be referred to the local child support agency for the collection or enforcement of child support. Child support will not be collected if the NMD is the non-custodial parent.

County of Residency

AB 1712 also clarifies that the county in which the NMD is living may be designated the county of residence when the NMD has had a continuous physical presence in the county for one year as a NMD, and expresses his or her intent to remain in that county. Court jurisdiction may then be transferred to that county. Since the county of jurisdiction retains payment responsibility for NMDs, an inter-county transfer (ICT) may be necessary if the NMD has been receiving aid from a county other than the county of responsibility.

For example, a NMD has been living as a NMD with his caretaker relative in Placer County for one year and intends to stay. Sacramento County is the county of jurisdiction, and retains case management and financial responsibility for the NMD. Once jurisdiction has been transferred via court order to Placer County, an ICT will be needed to transfer payment responsibility to Placer County. The children's services case manager contacts the CalWORKs EW in Sacramento County and requests an ICT to Placer County. The EW then initiates the case transfer to the CalWORKs EW in Placer County, using the CW 215 (Notification of Intercounty Transfer) form or via electronic data transfer. The EW need only send the SOC 162 (Mutual Agreement For Extended Foster Care), the most current SOC 161 (Six-Month Certification of Extended Foster Care Participation), and ID for the NMD.

AB 1712 directs CDSS to implement the statute initially through an ACL, followed by emergency regulations to be developed by July 1, 2013. This ACL is the implementing directive.

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If you have questions regarding this letter, please contact your CalWORKs county consultant directly or call the CalWORKs Eligibility Bureau at (916) 654-1322.

Sincerely,

Original Document Signed By:

TODD R. BLAND
Deputy Director
Welfare to Work Division