



CDSS

WILL LIGHTBOURNE  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**

744 P Street • Sacramento, CA 95814 • [www.cdss.ca.gov](http://www.cdss.ca.gov)



EDMUND G. BROWN JR.  
GOVERNOR

October 2, 2015

ALL COUNTY LETTER (ACL) NO. 15-72

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 CalWORKs PROGRAM SPECIALISTS  
ALL WELFARE TO WORK COORDINATORS  
ALL CHILD CARE COORDINATORS  
ALL COUNTY CONSORTIUM PROJECT MANAGERS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) PROGRAM: EXEMPTION OF LONG-TERM WELFARE TO WORK (WTW) SANCTIONED CASES FROM CHILD SUPPORT REQUIREMENTS AND MODIFICATIONS TO THE CW 2215 FORM

REFERENCE: [ALL COUNTY LETTER \(ACL\) No. 13-70](#) , [ACL No. 14-78](#), [ACL No. 15-18](#), [ACL No. 15-18E](#), [ACL No. 15-37](#) AND [ACL No. 12-49](#), [ALL COUNTY INFORMATION NOTICE \(ACIN\) No. I-08-12](#) , SENATE BILL (SB) 855 (CHAPTER 29, STATUTES OF 2014), SB 79 (CHAPTER 20, STATUTES OF 2015, MANUAL OF POLICIES AND PROCEDURES (MPP) SECTIONS 44-111.47, 44-315.311, 44-340.42, 82-500, 82-506.1 82-510, 82-518.2, 82-610, 82-832(i), 82-832(h) AND 82-833, CHILD SUPPORT ENFORCEMENT PROGRAM REGULATIONS CHAPTER 82-500, WELFARE AND INSTITUTIONS (W&I) CODE SECTIONS 11251.3 AND 11486.5, FAMILY CODE SECTION 17415

The purpose of this ACL is to provide the county welfare departments (CWDs) with new child support (CS) instructions for long-term WTW sanctioned cases that were moved into the new K1 and 3F aid codes, pursuant to [ACL No. 13-70](#). The long-term WTW sanctioned population consists of parents/caretakers who have been sanctioned due to failing or refusing to comply with program requirements without good cause in the WTW program for 12 consecutive months or longer.

The CWDs are instructed to exempt CalWORKs child-only long-term WTW sanctioned cases in the K1 and 3F aid codes from CS requirements. The change must be made effective on the date each consortium transferred the long-term WTW sanctioned cases into the K1 and 3F aid codes.

Please reference [ACL No. 14-78](#) for details on the treatment of CS activities and income, assignment of support rights and cooperation with the Local Child Support Agency (LCSA) with the K1 and 3F population.

## **BACKGROUND**

Beginning October 1, 2013, the California Department of Social Services (CDSS) established a solely state funded program outside of the existing federal Temporary Assistance for Needy Families (TANF) and state Maintenance of Effort (MOE) funding structure. Safety Net and drug and fleeing felon cases were moved into the solely state funded program in order to exclude them from the TANF work participation rate (WPR) calculation. Like safety net, drug felon and fleeing felon cases, sanctioned cases are not participating in the WTW program, but are currently required to be included in California's WPR calculation after being in sanction status for more than three months causing a negative impact on the state's WPR. This is because the un-aided adult in the case meets the TANF definition of a "work-eligible individual," as described in 45 Code of Federal Regulations 261.2. Therefore, as of March 1, 2015, all long-term WTW sanctioned cases, described in [ACL No. 15-18](#) and [ACL No. 15-37](#) are in the solely state funded program with Safety Net and fleeing felon cases (commencing April 1, 2015, individuals formerly excluded for drug felonies were no longer excluded from CalWORKs and were moved out of the K1 and 3F aid codes into the TANF/MOE funded program).

## **CHILD SUPPORT REQUIREMENTS FOR K1 and 3F CASES**

As with safety net and fleeing felon cases, the CWDs must take appropriate action to ensure cases in the K1 and 3F aid codes are treated appropriately and are not adversely affected. The CWDs are no longer allowed to make mandatory referrals of K1 and 3F cases to LCSAs and cannot require these cases to assign support rights or cooperate with CS requirements as a condition of eligibility for CalWORKs.

For K1 and 3F cases that already have an existing (open) CS case with the LCSA, the LCSA may continue CS enforcement and collections from the non-custodial parent if the family voluntarily wishes to maintain an open CS case. However, any CS collected on behalf of the aided children must be passed through to the family directly and not be retained by the State/County to reimburse CalWORKs aid paid.

CWDs are strongly encouraged to have a discussion with each applicant (or recipient who does not have a current open CS case) to highlight the advantages of opening a CS case and the benefits of CS collection. For example, the CWDs should explain that receipt of direct CS will mean the family will receive and be able to keep more income. Please reference [ACL No. 14-78](#) for how the CS income for this K1 and 3F population is treated in the CalWORKs program. The CDSS is also requesting that the CWDs provide assistance to clients in seeking Title IV-D services through the LCSAs. This can include informing the clients where they can go to apply for services, helping the family fill out the necessary forms or answering any client questions.

## **CURING SANCTIONS**

For any parent or caretaker relative in the household who has been moved to aid code K1 or 3F because they have been WTW sanctioned for 12 months or more, existing rules apply to sanction curing when he or she contacts the CWD and expresses his or her desire

to cure the sanction. Once the sanction is cured, the parent or caretaker relative must be added back into the AU and reassigned to another appropriate aid code based on normal eligibility criteria. The individual will no longer be in the K1 or 3F aid code and the CS requirements would apply. The parent or caretaker relative would be required to assign child and spousal support rights and would complete the CW 2.1 NA and the CW 2.1Q. Existing rules apply to add a parent or caretaker relative back into the AU.

The CWD shall add the parent or caretaker relative back into the AU effective the first of the month in which the case transitions back into the non-K1 or 3F aid code, providing the parent or caretaker relative has not reached his/her 48-month time limit and is otherwise eligible.

### **INFORMING APPLICANTS AND RECIPIENTS**

The receipt of CS is beneficial to both the CalWORKs AU and the CWD. The CDSS has attached a revised informing notice for the CWDs to inform applicants and recipients who are being placed or have been placed in the K1 or 3F aid codes, of the changes to the receipt of their CS and their cooperation requirements. The form is a required form-no substitutes permitted form.

#### **New Rules in California Work Opportunity and Responsibility to Kids (CalWORKs) for Safety Net and Certain Child-Only Cases (CW 2215)**

The revised New Rules in CalWORKs for Safety Net and Certain Child-Only Cases (CW 2215) form now takes the focus off the client's exemption from cooperation with LCSAs and now explains that the LCSAs can assist the families in establishing a CS case if paternity has been established for the client's child(ren). It notes how receiving CS from the non-custodial parent is beneficial to the client and their family. This notice can be batch-mailed to AUs already moved into the K1 or 3F aid code, and in the future, it can be mailed to AUs as they are moved into the K1 or 3F aid codes.

#### **Required Form - No Substitute Permitted**

Forms in this category are required forms that the CWD may not modify or restructure. However, overprinting or reformatting under the conditions outlined in Operations Manual Section 23.400.211, Overprinting Required Forms and Section 23-400.212, EDP Modifications, are permitted.

### **CAMERA-READY COPIES AND TRANSLATIONS**

For camera-ready copies in English, contact the Forms Management Unit at [fmudss@dss.ca.gov](mailto:fmudss@dss.ca.gov). If your office has internet access you may obtain these forms from the CDSS webpage at [http://www.dss.cahwnet.gov/cdssweb/FormsandPu\\_271.htm](http://www.dss.cahwnet.gov/cdssweb/FormsandPu_271.htm).

As translations are completed, per MPP Section 21-115.2, including Spanish forms, they are posted on an on-going basis on the CDSS webpage. Copies of the translated forms can be obtained at [http://www.dss.cahwnet.gov/cdssweb/FormsandPu\\_274.htm](http://www.dss.cahwnet.gov/cdssweb/FormsandPu_274.htm). For questions on translated materials, please contact Language Services at (916) 651-8876. Until translations are available, recipients who have elected to receive materials in languages other than English should be sent the English version of the form or notice along with the [GEN 1365-Notice of Language Services](#) and a local contact number.

The CWDs shall ensure that effective bilingual services are provided. This requirement may be met through utilization of paid interpreters, qualified bilingual employees, and qualified employees of other agencies or community resources. These services shall be provided free of charge to the CalWORKs AU. In the event that the CDSS does not provide translations of a form, it is the CWD's responsibility to provide interpreter services if an applicant or recipient requests them. More information regarding translations can be found in MPP Section 21-115.

If you have any questions about this letter or the treatment of CS for CalWORKs AUs in the K1 or 3F aid codes, please contact your assigned county CalWORKs Analyst or the CalWORKs Eligibility Bureau main line at (916) 654-1322. For questions regarding CS services for AUs in these aid codes, please contact the LCSEA in your county.

Sincerely,

***Original Document Signed By:***

TODD R. BLAND  
Deputy Director  
Welfare to Work Division

Attachment

c: CWDA  
CSAC

## **NEW RULES IN CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CALWORKS) FOR SAFETY NET AND CERTAIN CHILD-ONLY CASES**

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**The Child Support rules have changed for your family.** You are getting CalWORKs cash aid only for your child(ren). Here are the changes that apply to you:

- You are no longer required to “assign” your child support rights to the county, however there are benefits for you and your child(ren) by having a child support case with the Local Child Support Agency (LCSA);
- Your grant amount will not be changed if you do not want LCSA’s child support services, including finding the non-custodial (absent) parent of your child(ren) or establishing paternity for your child(ren);
  - o You should be aware that finding the non-custodial parent and establishing of paternity will help you in the future in collecting child support if you need it; and
  - o In the future, if you become eligible for cash aid, different child support rules may apply.
- You will get to keep all of the child support money the non-custodial parent gives you or that the LCSA collects for you. You don’t have to turn it over to the county;
- If you already have an open child support case with the LCSA, you do not have to do anything to keep getting your child support collected for you. Keep track of the amount of child support you get and the date you got it. You will need it to report the child support money you get to the county;
- If you do not have an open child support case with the LCSA, you will have to apply for child support services at the LCSA to have paternity established for your child if needed, and to have your child support collected and sent to you. The county can help you do this;
- Child support collected by the LCSA and sent to you will no longer repay aid paid to your family so the adult’s 48-month CalWORKs time clock will no longer “untick” months of aid;
- When you get your child support money directly, you will now have to report the child support as income if the income reporting rules for your case require you to;
- If you get child support income, for your child(ren) on CalWORKs, we do not count the first \$50 each month. The rest may count against your CalWORKs grant;
- If you also get CalFresh, any child support income you get may be used to figure the amount of your CalFresh benefits.

**If you have any questions, please call the county right away.**