

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



September 23, 2002

ALL COUNTY INFORMATION NOTICE NO. I-71-02

TO: ALL COUNTY WELFARE DIRECTORS
ALL CalWORKs PROGRAM COORDINATORS
ALL CalLearn COORDINATORS

REASON FOR THIS TRANSMITTAL

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

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) ELIGIBILITY FOR TEENS TURNING AGE 18

REFERENCE: MANUAL OF POLICIES AND PROCEDURES (MPP)
SECTION 40-109.3, ACL 01-77

The purpose of this notice is to respond to questions generated by the issuance of All County Letter (ACL) 01-77 on November 7, 2001. The questions and answers attached are specifically related to instructions in ACL 01-77. The purpose of the ACL was to clarify existing policy requirements for teens who turn age 18, particularly pregnant/parenting teens, to ensure a seamless determination of eligibility when they transition into their own assistance unit, and to emphasize to counties that existing policy requires review of cases for continuing eligibility when any member of an Assistance Unit (AU) turns age 18.

If you have any questions regarding this All County Information Notice or ACL 01-77, please contact Ruth Van Den Berg at (916) 654-1786. The ACL did not change eligibility requirements and so questions in CalWORKs procedure should still be addressed to the assigned analyst.

Sincerely,

*Original document signed by
Charr Lee Metsker on 9/23/02*

CHARR LEE METSKER, Chief
Employment and Eligibility Branch

Attachment

c: CSAC
CWDA

QUESTIONS AND ANSWERS ON CalWORKs ELIGIBILITY FOR TEENS TURNING AGE 18

1. Is there a time limit for teens to request a review of underpayments resulting from the ACL policy clarification?

Answer: There is no time limitation for taking a corrective action on a case. Per MPP 44-340, anytime an underpayment is discovered, an action must be taken to correct the case as soon as it is discovered.

2. How is the beginning date of aid for the teen's AU determined?

Answer: These cases are not treated as applications. The case has been split, therefore, there should be no break-in-aid. The beginning date of aid on the case should be the first of the month the teen is transferred into her own AU.

3. At the bottom of page two of ACL 01-77, it states that the county shall not require the teen to furnish any documentation previously provided to the county. Later in the same paragraph it says some information may be found in the senior parents/caretaker's case, but may not be released to the teen without a release of information from the senior parent/caretaker relative. These two statements almost seem contradictory. Most of the documentation we would want out of the parent's case would be items like birth certificates or other vital documents, and possibly some income or resource verification for the teen. Would these items require a release?

Answer: Specifically what information is sensitive will vary on a case by case basis, however, an example would be paternity information on the minor parent if there were rape/incest or other exemptions identified. The purpose of the statement in the ACL was to ensure that the parents' information and information provided by a third party remains confidential. The fact that the 18-year old was previously in the senior parent's case does not allow her access to the parent's specific information. Birth certificates of the minor parent and her child, and income and resources of the minor parent do not require a release of information.

4. Please provide clarification on the area of corrective underpayments on ACL 01-77. It states "Underpayments made to the teen parent as head of their own AU are to be offset against existing cash aid overpayments." Does this mean we can offset existing overpayments in the senior parent's AU?

Answer: No. An underpayment to a teen parent who is head of her own AU cannot be offset against an overpayment to the senior parent or other needy caretaker relative's AU. If a pregnant/parenting teen was discontinued incorrectly and eventually established her own AU, a corrective underpayment would be appropriate for the period in which the teen should have been aided. If the teen's current AU has an existing overpayment, the underpayment should be offset against it.

5. As long as we have a “seamless” eligibility in transitioning the 18-year old from the senior parent’s AU to her own AU, we can do a SAWS 1 in the 18-year old’s name right?

Answer: The case must be treated as a split case. Counties may get a new SAWS 1 from the teen, but the parent’s SAWS 1 must be copied and transferred to the teen’s case as well. The intent is to provide a seamless transition and also assure the teen does not have a break in aid or lose recipient status with a new “application” date. Maintaining the parent’s SAWS 1 will clarify the recipient status for these teens.

6. The CW 2103 must be sent to all cases when we are discontinuing the 18-year old from the parent’s AU even if they are not parents/parenting, correct? The ACL on page two only speaks of the pregnant and parenting teens for the informing requirement, however, the notice itself is aimed at both. Do we send both the CW 2103 and the notice of action (NOA) to all 18-year olds?

Answer: Yes. The CW 2103 and NOA would go to all aided persons who will be turning 18-years old within 60 days.

7. Just to clarify “would have been eligible” on page three of the ACL regarding Cal-Learn bonuses, do we apply the same rules regarding receipt of report cards for the time period requested and the 90-day waiting period per MPP 42-766.334?

Answer: Yes, counties shall apply the rules regarding receipt of report cards and the 90-day waiting period for the otherwise eligible Cal-Learn teen. The teen should be given all bonuses and aid that he/she was entitled to as a corrective payment. Retroactive sanctions cannot be applied.

8. If an 18-year old pregnant/parenting teen does not have the choice of staying in their parent’s AU because they will not graduate before the age of 19, we must delete them from the parent’s AU when they turn 18. Is this still a seamless application for establishing the teen’s own AU? If we delete them and they have not responded to the stuffer, do the beginning date of aid rules apply instead? Is there any time limit between the time they are deleted and the time they reapply for their own case if this situation is considered a seamless application?

Answer: This process should be a seamless transition with no break in aid. The transition will be automatic if the teen is otherwise eligible. The teens do not have to respond to the stuffer or request their own case if they are no longer eligible in their parents’ AU but would be eligible in their own AU. Therefore, the beginning date of aid rules do not apply.

9. MPP regulation 44-211.632 regarding pregnancy special need cases states that a pregnant teen under age 19 with no eligible children who has not obtained their high school diploma or equivalent would receive the pregnancy special need payment from the date of application through the month of birth. So would there be a problem for those teens who turn 18, have their high school diploma, and are not in their third

trimester? They wouldn't qualify for their own case as a pregnant woman only, would they? They would also not qualify as a member of their parent's AU.

Answer: An 18-year old pregnant woman with her high school diploma or equivalent, with no other children, would not be eligible for CalWORKs until her pregnancy was verified, she is in the third trimester, and she is otherwise eligible.

10. The two notices regarding deleting the teen from the parent's AU or discontinuing the parent's case are both geared to those 18-year olds who do not meet the age rule. We did not receive a notice for those teens who choose to establish their own case and they still meet the age rule.

Answer: If an otherwise eligible 18-year old pregnant or parenting teen establishes their own case, counties may use the 42-101 B Notice of Action for the parent's case and the M40-171C for the teen's approval.

11. The NA 281 sent with the ACL is for underpayment computations for 1/1/98 and after. The retroactive part of this ACL goes back to 1997. I have asked for the old NA 281 if there is one.

Answer: Attached please find the TEMP NA 1231, which is the previous version of the underpayment computations form which should be used for underpayment calculations needed prior to 1/1/98. If there are additional underpayments after 1/1/98, counties should use the NA 281 for those in addition to the TEMP NA 1231.

12. How would counties issue money for a time period back to 1997, as the issuance would predate the actual application date? For example, case should have been granted 4/98, but was actually not granted until 6/98, two months of underpayments. Application date and positive action date are both 6/98. Since the case technically did not exist for 4/98 & 5/98, how would we issue money on a case with no eligibility determination and/or activity for those two months? From a systems perspective, it is not possible to issue monies for a case that did not exist.

Answer: An underpayment is provided for any pregnant/parenting teen who had previously been aided as a dependent child and who had a break in aid between being aided in their caretaker's case and establishing his/her own case. Eligibility for the underpayment is contingent upon the teen remaining otherwise eligible for aid for the time period in question. As stated in the previous responses, these cases are not treated as new applications.

In the example you provided, had the correct action been taken at the time the teen turned 18 years of age, the teen's AU would have been established effective 4/98. However, because the teen was terminated 3/31 and later reapplied in 6/98, there is a 2-month underpayment. The county must now correct the authorizing document for the teen's case to reflect a beginning date of 4/1/98.

13. Will the renewal date for the teen's case mirror the parent's case or do they begin with a new renewal date?

Answer: The renewal will be 12 months from the date the teen's own case was or should have been established.

14. Page three under **Seamless Determination** of Eligibility, continued from page two, states "Counties may elect to mail a Statement of Facts (SAWS 2) form and schedule an interview with the teen". Does this mean that counties have the discretion to develop their own process, including having the teen just reapply as some do now, as long as we ensure there is no break in aid, or must counties follow the specific ACL instructions on that point?

Answer: The intent of the instructions was to allow counties to have the form completed by the teen's 18th birthday. The instruction regarding mailing the SAWS 2 in advance with a follow-up interview was to prevent a break in aid to the teen parent. There should be no delay in processing these cases. They are not new applications and there is no 45-day processing period. Most, if not all, of the information needed should be available from the senior parent's case file.

15. Exactly what does the statement on page three mean? "Counties may elect to mail a Statement of Facts (SAWS 2) to the teen." Does this mean we could just copy the SAWS 1 and the SAWS 2 from the parent's case and open a new case for the teen and have the teen only sign needed documents such as District Attorney (DA) referrals, Income Reports etc? Does this mean that we don't have to do a full interview if we have all the information we need already in the parent's case?

Answer: This statement means that the county may choose or the teen may elect to receive the Statement of Facts in the mail prior to a scheduled interview. This would allow the teen to complete the Statement of Facts prior to coming in for the initial interview. This does not mean that the worker would just copy the SAWS 1 and the SAWS 2 from the parent's case and open a new case for the teen and have the teen only sign needed documents such as District Attorney (DA) referrals, Income Reports etc. The county worker may copy information to transition the pregnant/parenting teen to her own AU and then follow with an interview in accordance with MPP Section 40-131.

16. a) At what point do we discontinue the pregnant teen from the parent's AU if they request their own? For example, the worker reviews the case and determines that the pregnant/parenting teen will be turning 18 on 4/15. The teen requests transfer to their own AU and an interview is scheduled for 4/5.

Answer: Aid for the teen should not be discontinued until eligibility is established in the teen's AU. When a teen's own AU is established, counties must provide a 10-day timely notice to the parent's AU, informing they will have a reduction in their grant amount. To ensure a seamless transition, the process should be completed prior to the teen's 18th birthday.

b) If the teen does not show for the interview and/or does not provide requested verifications, does their eligibility continue on the senior parent's case?

Answer: If a teen's AU is not established for any reason, including failure for the teen to show for interviews or provide verification, the teen would be left in her parent's AU provided she is otherwise eligible.

c) If the interview is conducted on 4/20, and to meet timely notice we have discontinued the teen and/or the senior parent's case and teen no shows, do we reinstate the case?

Answer: The teen would be left in her parent's AU provided she is otherwise eligible. Aid for the teen should not be discontinued until we know eligibility has been established in the teen's AU.

17. Is the teen considered a "recipient" with prospective budgeting? Why would we prospectively budget income on a recipient? That is normally done on a new applicant. Do we need prior CW 7s from the senior parent's case if we are prospectively budgeting or provide the teen with two new CW 7s?

Answer: Teens transitioning into their own AUs should not have a break in aid and should not be treated as applicants. During the transition into their own AU, prospective budgeting is needed to establish the teen's AU budget outside of the parent's AU. These pregnant/parenting teens should be provided with new CW 7s and prospectively budgeted for the initial two months on aid as head of her own AU.