



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



EDMUND G. BROWN JR.
GOVERNOR

REASON FOR THIS
TRANSMITTAL

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

October 5, 2011

ALL COUNTY LETTER 11-66

TO: ALL COUNTY WELFARE DIRECTORS
ALL CalWORKs PROGRAM SPECIALISTS
ALL WELFARE-TO-WORK COORDINATORS
ALL COUNTY REFUGEE COORDINATORS
ALL COUNTY CalFRESH SPECIALISTS
ALL CONSORTIA REPRESENTATIVES

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO
KIDS (CalWORKs) PROGRAM: QUESTIONS AND ANSWERS FOR
THE NEW 48-MONTH TIME LIMIT FOR CalWORKs ADULTS

REFERENCE: Senate Bill (SB) 72 (Chapter 8, Statutes of 2011); Manual of Policies
and Procedures (MPP) Sections 22-001(a) (1), 42-302.1, 42-302.11,
42-302.12, 42-302.21, 44-350.151(b) (2), 44-350.161(b), 44-352.46,
89-201.2; All County Letter (ACL) 11-33, ACL 11-34.

The purpose of this letter is to provide County Welfare Departments (CWDs) with questions and answers regarding the CalWORKs program as a result of the enactment of SB 72 (Chapter 8, Statutes of 2011). Specifically, this letter will answer questions pertaining to the new 48-month time limit for adults that became effective July 1, 2011. This new 48-month CalWORKs time clock replaces the 60-month CalWORKs time clock that was implemented January 1, 1998. Implementation instructions were provided to CWDs in ACL 11-33, dated April 29, 2011.

The questions included in this letter (see Attachment A) were submitted to the California Department of Social Services (CDSS) by CWDs and advocates as part of the ACL review and policy development process.

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If you have any questions or need further information regarding this letter, please contact the following CDSS representatives:

- CalWORKs Eligibility County Consultant (916) 654-1322
- Employment County Consultant (916) 654-2137
- CalFresh Policy (916) 651-8047
- Program Integrity (WDTIP) (916) 654-2125
- Refugee Programs (916) 654-4356

Sincerely,

Original Document Signed By:

CHARR LEE METSKER
Deputy Director
Welfare to Work Division

Attachment

**California Work Opportunity and Responsibility to Kids (CalWORKs)
NEW 48-MONTH TIME LIMIT
QUESTIONS AND ANSWERS**

- 1. All County Letter (ACL) 11-33 advised County Welfare Departments (CWDs) to send 30-day Notices of Action (NOAs) “through December 2011” to CalWORKs families in which an adult will be removed for reaching the 48-month time limit, and that the existing 10-day NOA requirement will resume beginning January 1, 2012. Does this mean that the last 30-day NOA that could be sent would be at the beginning of December 2011, for grants that will be decreased effective January 1, 2012?**

Yes. The last opportunity for CWDs to send a 30-day NOA regarding grant reductions or discontinuances due to the 48-month time limit would be December 1, 2011, for actions that will take effect January 1, 2012. In January 2012, CWDs will be expected to revert back to using 10-day NOAs for grant decreases and discontinuances that will take effect February 1, 2012, as a result of the new CalWORKs 48-month time limit.

- 2. When a sanctioned individual has received more than 48 countable months of aid, how is the CalWORKs grant used in the CalFresh budget? For example, in an Assistance Unit (AU) of mom and one child where mom is sanctioned as a result of failing to cooperate with Welfare-to-Work (WTW) requirements, and she has 55 countable months of CalWORKs aid, how are CalFresh benefits calculated? Under the new 48-month regulations, with 55 countable months of aid, mom would now be timed-out; what amount of CalWORKs should be used in the CalFresh budget?**

The CalWORKs grant amount that should be used to calculate CalFresh benefits for the CalFresh household described above (in which the mom has been removed from the AU due to exceeding the 48-month time limit) is the AU aid amount minus the mom (Child-Only grant). This is because the mom would be unable to cure the CalWORKs sanction as she is no longer on aid. In addition, the CalFresh household returns to being a two-person household, as there is no longer the ability to sanction the mom in CalWORKs and have that sanction result in a CalFresh sanction.

In some cases, if months of aid are un-ticked (for reasons such as the receipt of child support) CWDs can add the client back into the AU. In this situation, the client must comply with WTW before he or she can be added back into the AU. If he or she is otherwise eligible, complies with WTW and cures the sanction, the client will be added back into the AU (so long as the client still has time available on his or her time clock) and the CalWORKs grant will be increased. For example, a client was discontinued on July 1, 2011, because he or she had 55 months of aid as an adult. In October, that same client receives three months worth of back child support payments. The client's clock would be un-ticked for those three months, but since it

was not enough to bring the client below the CalWORKs 48-month time limit, he or she is not eligible to receive cash aid. In that same scenario, if the client had received 10 months worth of back child support, his or her time clock would have been un-ticked to 45 months, entitling the client to three months of aid.

Assuming the client cures his or her sanction and is eligible to be added back into the AU, the CalWORKs grant would be increased, and the CalFresh grant will be appropriately reduced, until the client is otherwise ineligible.

3. For the purposes of the new 48-month time limit, what happens if there is a teen parent who is the Head of Household (HOH)?

Consistent with MPP 42-302.1, the CalWORKs 48-month time limit applies when individuals have reached age 18 and are aided as an adult or obtain HOH status. The CalWORKs 48-month time limit does not apply to children under age 18, so although a minor parent may be aided as an adult for purposes of establishing an AU, they would not have a CalWORKs 48-month time clock. In addition, consistent with MPP 42-302.21 (d), 18 and 19 year-old pregnant and parenting teens are exempt from the CalWORKs 48-month time limit until they turn age 20 or graduate from high school or its equivalent under the WTW teen parent program.

According to MPP 89-201.1, when the minor parent becomes HOH in his or her own AU, months of aid will count for purposes of their federal Temporary Assistance for Needy Families (TANF) 60-month time limit. CWDs will record those months in Welfare Data Tracking Implementation Project (WDTIP) as TANF countable months.

4. Can a client file for a state hearing if they do not agree that their 48 months are up? If the client filed a timely hearing request, will they be entitled to receive Aid Paid Pending (APP) the hearing? If they lose the hearing, will the APP received by the AU be considered an overpayment?

Clients always have the right to file for a hearing if they disagree with an action taken on their benefits. For example, clients can dispute the months that were counted toward the time limit, or claim an exemption or basis for extension. Whether the action taken by the CWD may be heard will be determined by an Administrative Law Judge (ALJ). If the client files a timely request for hearing to dispute the number of months of aid they have received, the CWD must stop the proposed adverse action (e.g. reduction of grant due to removal of timed-out adult) and continue to pay aid to the AU at the previously established level pending the outcome of the hearing or pending the determination of the ALJ.

If the client loses the hearing, any aid paid pending received by the AU will be considered a client-caused overpayment and must be repaid to the CWD, after an adequate NOA (MPP Section 44-350.15).

- 5. Will clients be allowed to waive the 30-day NOA requirements for adverse actions, similar to how they currently are able to waive 10-day notice for adverse actions?**

Yes, clients should be allowed to voluntarily waive the 30-day NOA for an adverse action in order to avoid a potential overpayment.