

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, California 95814



November 21, 2001

ALL COUNTY LETTER NO. 01-81

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CalWORKs PROGRAM SPECIALISTS  
ALL FOOD STAMP COORDINATORS  
ALL MEDI-CAL PROGRAM SPECIALISTS

**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: CHILD CITIZENSHIP ACT OF 2000 AND CalWORKs AND FOOD  
STAMP ELIGIBILITY

The purpose of this notice is to provide information on how the Child Citizenship Act of 2000 (see attached) impacts eligibility for the CalWORKs and Food Stamp programs. Under this Act, a child born outside of the United States automatically becomes a citizen of the United States when all of the following conditions have been fulfilled:

- At least one parent of the child is a citizen of the United States, whether by birth or naturalization,
- the child is under the age of eighteen years,
- the child is residing in the United States in the legal and physical custody of the citizen parent and the child entered the United States pursuant to a lawful admission for permanent residence (admission in any immigrant classification will satisfy the requirement that the applicant be admitted to the United States as a lawful permanent resident),
- in the case of an adopted child, that child is under the age of sixteen and has resided in the legal and physical custody of the citizen parent(s) for at least two years (sibling children adopted by the same parent(s) have until the age of 18).

Prior to the Child Citizenship Act of 2000, children born outside the United States that immigrated with their parents had to adjust their noncitizen status on their own. Until these children adjusted their status they were considered noncitizens and had to provide acceptable documentation to establish their citizenship status, as required in MPP 42-433.3 for CalWORKs and MPP 63-300.51 (b)(c) and 63-405.3 for Food Stamps. The Child Citizenship Act of 2000 eventually will provide these children with a Certificate of Citizenship. However, currently not all of these children have the Certificate of Citizenship. In order to determine the child's citizenship status, the county must verify all of the following:

- The citizenship status of at least one parent,
- the age of the child,
- the child entered the United States pursuant to a lawful admission for permanent residence (Admission in any immigrant classification will satisfy the requirement that the applicant be admitted to the United States as a lawful permanent resident),
- the legal relationship of the child to the parent and
- in the case of adopted children, the child is under the age of sixteen, has resided in the legal and physical custody of the citizen parent(s) for at least two years (sibling children adopted by the same parent(s) have until the age of 18).

By verifying the above requirements, through either INS documentation or other information as indicated at MPP 42-433.2 and MPP 42-433.3 and MPP 63-300.51(b)(c) and establishing the age of the child and the family relationship, the citizenship status of the child can be determined.

The Child Citizenship Act of 2000 became effective February 27, 2001. Any applicant that was denied aid but would have been otherwise eligible, based upon the above criteria, should be reevaluated and if determined eligible should be granted benefits retroactively to February 27, 2001. Counties are to complete the process of retroactive eligibility by March 1, 2002.

In order to maximize federal funding when retroactive eligibility is determined, counties are reminded to ensure that aid codes and assistance claims are also retroactively adjusted. Fiscal claiming instructions will be issued in a County Fiscal Letter.

If you have any questions regarding this notice, please call Terry Mallin of the CalWORKs Eligibility Bureau at (916) 653-8395. For questions regarding Food Stamps please call Sandra Pierce at (916) 653-5208. For Medi-Cal questions please call John Zapata at (916) 657-0725.

Sincerely,

*Original Signed by  
Bruce Wagstaff on 11/21/01*

BRUCE WAGSTAFF  
Deputy Director  
Welfare to Work Division

Attachment

c: CWDA  
CSAC