

DEPARTMENT OF SOCIAL SERVICES  
744 P Street, Sacramento, CA 95814



December 29, 1994

ALL-COUNTY LETTER NO. 94-112

TO: ALL COUNTY WELFARE DIRECTORS

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: MAXIMUM FAMILY GRANT PROVISIONS OF ASSEMBLY BILL (AB) 473

REFERENCES: ASSEMBLY BILL (AB) 473 (Chapter 196, Statutes of 1994)

This is to provide 1) preliminary information regarding the Maximum Family Grant (MFG) provision of AB 473 (Chapter 196, Statutes of 1994) and 2) a copy of an informational notice to be sent to all AFDC recipients.

**MFG RULE**

AB 473 added Section 11450.04 to the Welfare and Institutions Code which provides that for the purposes of determining the maximum aid payment (MAP), the number of needy persons in a family shall not include any child born into a family that has received AFDC continuously for ten months immediately prior to the child's birth. Continuously is defined as receiving aid without a break in aid of at least two consecutive months. Received aid is defined as receiving AFDC for himself/herself or on behalf of his/her eligible child(ren).

The MFG rule will apply whenever aid is requested and the child is living in the home with either parent. This rule will continue to apply until the family has not received AFDC for at least 24 consecutive months while the child was living with the family.

**RULE EXEMPTIONS**

AB 473 requires that the MFG rule will not apply if the child was conceived as a result of rape, incest, or the failure of specific types of contraception. The incidence of rape or incest must have been reported to a law enforcement agency, medical or mental health professional, or social service agency no later than three months after the birth of the child. Also, the rule will

not apply if the child was conceived while either parent was an unaided nonparent caretaker relative. Regulations will further define and specify the exemptions and the necessary verification requirements.

#### **CHILD SUPPORT PROVISION**

The law also requires that any child support collected for an MFG child shall be passed on directly to the family. This provision represents a change for the Child Support Program since the child is still considered a recipient of AFDC. Currently, any support payments collected for a recipient child would be retained by the county and only the \$50 disregard would be passed on. However, upon implementation of MFG, any and all support collected for an MFG child shall be passed directly to the family. The new law provides for the exclusion of this support money from consideration as income for the purpose of determining the amount of aid to which the family is entitled.

#### **NOTICE REQUIREMENTS**

Additionally, AB 473 requires that recipients and applicants of AFDC be notified in writing of the new rule and the impact the rule will have on future aid to the family. The law precludes the application of the MFG rule to any recipient's child any earlier than 12 months after the mailing of the mandated notice.

Federal waiver approval is required in order to implement the MFG provision. Once federal approval is obtained, the Department will provide counties with the necessary regulations, forms, NOA's and implementing instructions. Because of the impact on the AFDC Program, the Department is providing the counties with the attached informational stuffer (TEMP 2081) to be mailed to all AFDC recipients in January. Under separate cover, a camera-ready copy of the TEMP 2081 will be forwarded to the County Forms Coordinators by the Language Services Bureau. Copies of the Asian language versions (Chinese, Lao, Cambodian, and Vietnamese) will be forwarded when the translations are available.

#### **CALIFORNIA WORK PAYS DEMONSTRATION PROJECT (CWPDP) RESEARCH COUNTIES (Los Angeles, San Bernardino, Alameda, San Joaquin)**

Cases assigned to experimental status will be subject to the law change. This means that cases in experimental status will not have an increase in family size for the MAP when the MFG rule applies, as explained in section "MFG RULE". Experimental cases will receive all child support payments collected for an MFG child as explained in section "CHILD SUPPORT PROVISION".

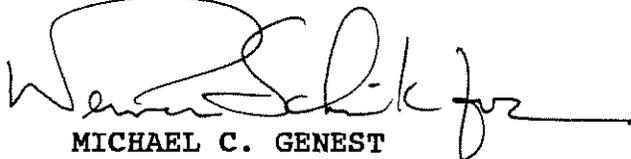
Cases assigned to control status will not be subject to the law change. This means that cases in control status will have an increase in family size for the MAP. Control cases will receive only the \$50 child support disregard.

Attached is the TEMP 2081A. It is recommended that the TEMP 2081 not be sent to control cases. However, if this is not feasible, research counties are requested to use the TEMP 2081A rather than the TEMP 2081. The TEMP 2081A includes an approved narrative for the control cases.

**CONTACTS**

If you have any questions regarding this letter, please contact the following staff:

- o AFDC/MFG: Jane Laciste (916) 654-1047 or CALNET 464-1047.
- o TEMP 2081: Elizabeth Allred (916) 657-3350 or  
CALNET 437-3350.
- o CWPDP: Leslie Raderman (916) 657-2357 or  
CALNET 437-2357.
- o Asian/Spanish Translations: Shirley Lu (916) 654-1277 or  
CALNET 464-1277.



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Attachments