

TABLE OF CONTENTS**CHAPTER 82-800 ASSISTANCE UNIT**

	Section
Living in the Home of a Caretaker Relative	82-804
Living in the Home .....	.1
Home of a Caretaker Relative .....	.2
Caretaker Relative Requirements.....	82-808
Relationship of a Caretaker Relative .....	.1
Determining the Caretaker Relative.....	.2
Care and Control Factors .....	.3
Alternating Arrangements.....	.4
Number of Caretaker Relatives.....	.5
Minor Parent/Caretaker Relative .....	.6
Temporary Absence.....	82-812
Who Can Be Temporarily Absent.....	.1
Living With the Caretaker Relative .....	.2
Care and Control.....	.3
Determining Factors.....	.4
One Full Calendar Month Time Limit .....	.5
Exceptions to One Full Calendar Month Time Limitation .....	.6
Documentation of Temporary Absence .....	.7
Repealed by Manual Letter No. EAS-97-05, effective 5/1/97.....	.8
Included Persons	82-820
Assistance Unit .....	.1
Minimum Requirements .....	.2
Mandatory Inclusion .....	.3
Who Determines AU.....	.4
Penalty .....	.5
Assistance Units that Shall be Combined	82-824
Combining AUs .....	.1

TABLE OF CONTENTS (Continued)

CHAPTER 82-800 ASSISTANCE UNIT

	Section
Optional Persons	82-828
County Responsibility .....	.1
Optional Persons .....	.2
Excluded Persons	82-832
Person Who is Excluded by Law .....	.1
Sanctioned Persons .....	.2
Add a Person Who Becomes Ineligible Prior to Authorization of Aid .....	.3
Timed-Out Adults	82-833
Federal AFDC Program for Pregnant Women	82-836
AU of One .....	.1
Pregnancy Special Need .....	.2

CHAPTER 82-800 ASSISTANCE UNIT

82-804 LIVING IN THE HOME OF A CARETAKER RELATIVE

82-804

- .1 Living In The Home An eligible child shall be living in the home of the caretaker relative.

- .2 Home of a Caretaker Relative The home of a caretaker relative is a family setting being maintained or in the process of being established for a child. A child is considered to be living in the home of a caretaker relative even when:
 - .21 Court Jurisdiction A child is under the jurisdiction of the court and is living in the home of the relative (e.g., receiving probation services or protective supervision); or

 - .22 Legal Custody A child's legal custody is held by an agency that does not have physical possession of the child.

[Previous cite: 44-203.111 - .113 and .12]

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 45 CFR 233.90 and 45 CFR 237.50(b)(2), Sections 10553, 10554, and 11450, Welfare and Institutions Code, and SSA-AT-86-01.

82-808 CARETAKER RELATIVE REQUIREMENTS

82-808

- .1 Relationship of a Caretaker Relative The caretaker relative shall be related to the applicant/eligible child as specified below.

- .11 Degree of Relatedness The caretaker relative may be any relation by blood, marriage or adoption who is within the fifth degree of kinship to the dependent child. (See Appendix A).

- .111 Biological Relatives The acceptable caretaker relative shall be a parent (1st degree), grandparent (2nd degree), sibling (2nd degree), great-grandparent (3rd degree), uncle or aunt (3rd degree), nephew or niece (3rd degree), great-great grandparent (4th degree), great-uncle or aunt (4th degree), first cousin (4th degree), great-great-great grandparent (5th degree), great-great uncle or aunt (5th degree), or a first cousin once removed (5th degree).

HANDBOOK BEGINS HERE

- | | | |
|-----|--|---|
| (a) | | If A or B are first cousins, B's children are first cousins once removed to A and A's children are first cousins once removed to B. A's children and B's children are second cousins. |
|-----|--|---|

HANDBOOK ENDS HERE

- | | | |
|------|------------------------------|---|
| .112 | Step- Relatives | A stepfather, stepmother, California domestic partner of a parent, or stepbrother or stepsister, or |
| .113 | Spouses of Relatives | A spouse or California domestic partner of any person named above even after the marriage or domestic relationship has been terminated by death or dissolution or termination of the California domestic partnership, or |
| .114 | Adoptive Relatives | A person who legally adopts the child or that person's relatives, as specified. |
| .12 | Relinquishment/
Adoption | The caretaker relative shall be any of the relatives specified above when a child has been relinquished, adopted or parental rights are terminated. |
| .13 | Relationship
Verification | Counties shall document in the case record evidence used to verify the relationship of the caretaker relative to the child. |
| .14 | Types of Evidence | Counties shall use the following evidence to verify the relationship of a child to the caretaker relative. |
| .141 | Acceptable | Evidence includes:

Adoption papers or records
Baptismal records of birth and parentage
Birth certificate
Bureau of Vital Statistics or local government records of birth and parentage
Census records
Church records (including a statement from priest, minister, etc.) of parentage or relationship |

82-808 CARETAKER RELATIVE REQUIREMENTS (Continued) 82-808

Court records of parentage
Court support records
Day care center records
Declaration of California Registered
Domestic Partnership
Divorce papers or termination of California
registered domestic partnership
Family Bible
Hospital or public health records of birth
and parentage
Indian census records
Insurance policy
Juvenile court records
Marriage licenses/ records
Outpatient care records maintained by a
hospital, clinic, or physician
Paternity records maintained by a Child
Support Agency
School records
Voluntary social service agency records

.142 No Evidence

If all efforts to obtain other evidence have failed, a sworn statement signed by the caretaker relative is acceptable when:

(A)

Evidence is not conflicting, and

(B)

The attempts to obtain verification are documented in the case record.

HANDBOOK BEGINS HERE

.143 Conflicting
Evidence

When evidence is conflicting, the principles of gathering evidence in Section 40-157 shall apply.

HANDBOOK ENDS HERE

.2 Determining the
Caretaker Relative

The county shall determine who the caretaker relative is by reviewing actual circumstances in each case to determine who exercises care and control responsibility for a child.

82-808	CARETAKER RELATIVE REQUIREMENTS (Continued)	82-808
---------------	--	---------------

- | | | |
|------|--------------------------|--|
| .3 | Care and Control Factors | The following factors shall be considered when determining responsibility for care and control. A single factor may not be determinative. The factors include, but are not limited to: |
| .31 | | Deciding where the child attends school or child care. |
| .32 | | Dealing with the school on educational decisions and problems. |
| .33 | | Controlling participation in extracurricular and recreational activities. |
| .34 | | Arranging medical and dental care services. |
| .35 | | Claiming the child as a tax dependent. |
| .36 | | Purchasing and maintaining the child's clothing. |
| .4 | Alternating Arrangements | The determination of the caretaker relative relationship, when the child stays alternately with different persons, shall be made as follows: |
| .41 | Less than One Month | If a child stays alternately for periods of one month or less with each of his/her parents who are separated or divorced, the caretaker relative shall be determined as follows: |
| .411 | Where Child Stays | In most circumstances, the parent with whom the child stays for the majority of the time shall be the caretaker relative. The temporary absence of the parent or the child from the home does not affect this determination. |
| (a) | | The parent with whom the child stays for less than the majority of the time may be the caretaker relative, if that parent can establish that he/she has majority responsibility for care and control of the child. |

82-808 CARETAKER RELATIVE REQUIREMENTS (Continued)**82-808**

- .412 Applying Parent When the child spends an equal amount of time with each parent and each parent exercises an equal share of care and control responsibilities, the parent who applies for aid shall be the caretaker relative, providing that the child's other parent is not currently applying for or receiving aid for the child.
- .413 Equal Time When each parent exercises an equal share of care and control responsibilities, and each has applied for aid for the child, the caretaker relative shall be determined in the following order:
- (a) The parent designated in a current court order as the primary caretaker for purposes of public assistance, under Civil Code Section 4600.5(h).

HANDBOOK BEGINS HERE

Civil Code Section 4600.5(h) states:

In making an order of joint physical custody or joint legal custody, the court may specify one parent as the primary caretaker of the child and one home as the primary home of the child, for the purposes of determining eligibility for public assistance.

HANDBOOK ENDS HERE

- (b) When no court order designation exists and only one parent would be eligible for aid, the parent who would be eligible shall be the caretaker relative.
- (c) When both parents would be eligible, the parents shall designate one parent as the caretaker relative. The agreement shall be documented by a CA 13.
- (d) If the parents cannot reach agreement on the designation of a caretaker relative, the parent who first applied for aid for the child shall be the caretaker relative.

82-808	CARETAKER RELATIVE REQUIREMENTS (Continued)	82-808
---------------	--	---------------

- | | | |
|------|------------------------------------|---|
| .414 | Remains
Caretaker | The parent who has been determined to be the caretaker relative of a child who stays with the other parent for alternating period of one month or less shall remain the caretaker relative while the child is with the other parent. |
| .42 | One Full Calendar
Month or More | When a child stays alternately for periods of one full calendar month or more with different persons who are not living together, the caretaker relative shall be the person with whom the child is staying at the time. That person will have to apply for aid on behalf of the child. |

HANDBOOK BEGINS HERE

See Section 82-812.5 for definition of one full calendar month.

HANDBOOK ENDS HERE

- | | | |
|----|------------------------------------|---|
| .5 | Number of Caretaker
Relatives | An AU may have more than one caretaker relative. However, an eligible child shall have only one caretaker relative at one time. |
| .6 | Minor Parent/Caretaker
Relative | A child who is a caretaker relative shall not be considered a child to establish eligibility for a senior parent. |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 USC 408(a)(10); 42 USCA 606; 45 CFR 206.10; 45 CFR 206.10(a)(8); 45 CFR 233.90; 45 CFR 233.90(c)(1)(iii); 45 CFR 233.90(c)(1)(v); 45 CFR 233.90(c)(1)(v)(A); and 45 CFR 233.90(c)(2); Federal Register, Vol. 45, Page 58125, September 2, 1980; 45 CFR 237.50(b)(2); SSA-AT-86-01; ACF-AT-91-33; and Sections 10553, 10554, 10604, 11203, 11269, and 11450, Welfare and Institutions Code; and Sections 297 and 297.5(a)-(d), Family Code.

ELIGIBILITY AND ASSISTANCE STANDARDS**Regulations****ASSISTANCE UNIT****82-812 (Cont.)**

82-812 TEMPORARY ABSENCE**82-812**

- .1 Who Can Be Temporarily Absent Any member of an AU may be considered temporarily absent from the home.
- .2 Living With the Caretaker Relative A child is considered to be living in the home of a caretaker relative even though the child and/or the caretaker relative is temporarily absent from the home.
- .3 Care and Control For the child to be considered temporarily absent, the caretaker relative shall continue to exercise responsibility for care and control of the child (see Section 82-808.3).
- .4 Determining Factors The following factors shall be considered when determining temporary absence status. A single factor may not be conclusive.
- .41 Temporary Absence The factors include, but are not limited to:
- .411 Actual Situation The actual family circumstances (even if it is inconsistent with a court custody order).
- .412 Decision Making If the caretaker relative is involved in making the major and minor decisions regarding the child.
- .413 Ability to Return If the person has the ability to return or the caretaker relative has the ability to require the return of the child to the home.
- .414 Intent to Return If the person intends to return to the home.
- .415 Paying Costs If the person is contributing to the costs for the child's needs.
- .5 One Full Calendar Month Time Limit Any member of the AU shall be considered temporarily absent when absent from the home for one full calendar month or less.
- .51 One Full Calendar Month For the purpose of this section, one full calendar month shall be from the first of the month through the last day of the month.

82-812	TEMPORARY ABSENCE (Continued)	82-812
---------------	--------------------------------------	---------------

- (a) If the individual has been absent for the entire month of February, but less than 30 days, the calendar month will not be deemed completed until the individual has been absent for 30 days.

HANDBOOK BEGINS HERE

.52 Examples

- (a) On February 2nd, a member of the AU leaves the home to visit an uncle in Nevada and returns on March 16th. The person was not gone for one full calendar month and would be considered temporarily absent.
- (b) On April 16th, a member of the AU leaves home because of a death in the family. The person does not return until June 3rd. The person was gone more than one full calendar month and was not eligible for aid in June.
- (c) In a non-leap year an individual leaves the home on February 1. The individual is not considered permanently absent until March 3, after 30 days away from the home.

HANDBOOK ENDS HERE

- | | | |
|-----|---|---|
| .6 | Exceptions to One Full Calendar Month Time Limitation | Exceptions include: |
| .61 | Correctional Facility | A person confined in a correctional facility on the first of any month and expected to remain for one full calendar month or more shall be considered permanently absent. |
| .62 | Child in a Public Hospital | A child in a public hospital for up to two full calendar months shall be considered temporarily absent. |
| .63 | Hospitalization | A person hospitalized, other than a child in a public hospital, may be considered temporarily absent for the duration of the hospital stay. |

82-812	TEMPORARY ABSENCE (Continued)	82-812
---------------	--------------------------------------	---------------

- | | | |
|------|---|---|
| .631 | | For the purpose of this section, hospitalization includes a stay in a medical hospital, psychiatric care facility, or drug and/or alcohol rehabilitation treatment facility. |
| .64 | Employment | A person absent from the home due to employment may be considered temporarily absent for the duration of the employment/job activity. |
| .65 | Attending Educational or Vocational Training School | A person absent from the home due to attendance at an institution of high learning, an educational school leading to a high school diploma or equivalent, or a vocational school leading to employment, may be considered temporarily absent for the duration of the schooling or training when there is no educational or vocational school within the vicinity of the person's home that provides the education or vocational training. |
| .66 | Child with Special Needs | A child who attends a school which meets the special needs of the child shall be considered temporarily absent for the duration of the schooling when: |
| .661 | | The child has a current Individualized Education Plan (IEP); and no school that meets the child's needs, as described in the IEP, is located close enough to the child's home that the child can continue to live at home while attending school. |
| .67 | Child in a Group Home | A child who is in a licensed group home due to a crisis situation (i.e., hospitalization or incapacity of the parent, parents receiving respite services to maintain family stability, etc.) shall be considered temporarily absent for the duration of the crisis when: |
| .671 | | The licensed group home does not receive AFDC-FC for the child, and the caretaker relative continues to have care and control concerning any major health and welfare decisions. |

82-812	TEMPORARY ABSENCE (Continued)	82-812
---------------	--------------------------------------	---------------

.68 Children Receiving Out-of-Home Care

.681 A child(ren) may be considered to be temporarily absent for a period of up to 180-consecutive days and the parent or parents remaining in the home shall be eligible for CalWORKs services when all of the following conditions are met, and a reunification plan, as defined in Section 80-301(r) is in effect:

- (a) The child(ren) has been removed from the parent(s) and placed in out-of-home care.
- (b) The AU was receiving CalWORKs assistance when the child(ren) was removed from the parent(s), and
- (c) The county child welfare services agency has determined that provision of CalWORKs services is necessary for family reunification.

.682 A biological or adoptive parent of a child who is temporarily absent and receiving out-of-home care, may continue to receive CalWORKs services. In order to receive these services, an otherwise eligible parent also must have a reunification plan as defined in Section 80-301(r)(5).

.683 Reunification parents shall not receive a cash grant. If not all of the children in the family are removed from the home, and the parent remains eligible for a cash grant, the parent is not a reunification parent and the family is not a reunification family.

HANDBOOK BEGINS HERE

- (a) Reunification parents, cases, plan, and services are defined in Section 80-301.

HANDBOOK ENDS HERE

82-812	TEMPORARY ABSENCE (Continued)	82-812
---------------	--------------------------------------	---------------

.684 Reunification parents are eligible for welfare-to-work services as described in Section 42-700 et seq.

.685 Reunification parents are eligible for supportive services pursuant to Section 42-750.

.686 Reunification parents are subject to the rules regarding supportive services underpayments and overpayments as set forth in Section 42-751.

.687 The following are eligibility and reporting requirements that will apply to the family reunification parent.

(SAR) (a) Semi-Annual eligibility reporting requirements for reunification cases are set forth in Section 40-181.223(SAR).

(b) The reunification case will be subject to an eligibility redetermination every six months pursuant to Section 40-181.1(e)(4).

(c) An eligibility redetermination pursuant to Section 40-181.1(e)(5) will be conducted to restore cash aid to the CalWORKs case when an AU is reunified.

ELIGIBILITY AND ASSISTANCE STANDARDS

82-812 (Cont.)

ASSISTANCE UNIT

Regulations

82-812 TEMPORARY ABSENCE (Continued)

82-812

(d) Pursuant to Section 42-711.61, the county may utilize the county child welfare services agency reunification plan as defined in Section 80-301(r)(5) as the required welfare-to-work (WTW) plan or amend the WTW plan and include all or part of the WTW activities in the reunification plan.

(e) Pursuant to Section 42-711.512 and Section 42-721.13, reunification parents who are in a WTW Sanction, are not precluded from receiving CalWORKs reunification services.

(f) For Maximum Family Grant purposes and pursuant to Section 44-314.2, a month in which children are temporarily absent from the home shall be considered a month in which the AU did not receive aid.

.688

The county child welfare services agency may grant a good cause extension to the 180-day temporary absence in the following situations:

(a) An extension is needed for the number of days between the date of the children's removal and the date the court orders a reunification plan.

(b) The county child welfare services agency determines that additional time is needed, beyond the 180 days, to complete the reunification plan. This extension can be in effect until termination of the family reunification plan.

82-812 TEMPORARY ABSENCE (Continued)

82-812

HANDBOOK BEGINS HERE

- (c) Example of Good Cause Extension of 180-day Family Reunification Plan

A family consists of a parent and two children. The children are removed by the county child welfare services agency on June 14, 2003. The parent has completed all of the requirements of the Family Reunification Plan by February 1, 2004. However, the social worker in the case recommends to the court, and the court agrees, that the parent needs an additional six months of services. A six-month extension is ordered by the court and the parent receives an extension of CalWORKs services which ends on July 31, 2004.

HANDBOOK ENDS HERE

- .7 Documentation of Temporary Absence The county shall document the basis for the temporary absence.

[Previous cite: 44-203.22(a)(3), 42-500]

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11203, 11269, 11323.4, 11327.5(d), and 11454, Welfare and Institutions Code; and 42 USC 608(a)(10).

82-820 INCLUDED PERSONS

82-820

- .1 Assistance Unit An AU shall be established when all eligibility factors have been met and aid has been authorized.
- .2 Minimum Requirements An AU shall have at least one of the following:
- .21 Child One eligible child.
- .22 Non-minor dependent One non-minor dependent. Each non-minor dependent shall constitute his/her own assistance unit (AU) of one.

82-820	INCLUDED PERSONS (Continued)	82-820
--------	------------------------------	--------

|	.23 Caretaker Relative	A caretaker relative of an SSI/SSP child, Kin-GAP child or of a child receiving federal, state or local foster care maintenance payments. For purposes of this section, local foster care maintenance payments are payments made with county-only funds for the board and care costs of children in 24-hour out-of-home care who have an open child welfare services case file.
--	---------------------------	---

|	.24 Pregnant Woman	A pregnant woman.
--	--------------------	-------------------

|	.25 Relative of WTW Sanctioned Child	A relative of a child who is sanctioned by WTW.
--	---	---

(SAR)

.3	Mandatory Inclusion	The AU shall include the following persons when living in the same home and eligible at the time of initial family application (see Section 44-317) or at the beginning of the SAR Payment Period following the mandatory reporting of the individual on the SAR 7 or SAWS 2 (see Section 44-318(SAR)):
----	---------------------	---

(AR/CO)

The AU shall include the following persons when living in the same home and eligible at time of initial family application (see section 44-317) or the first of the month following the month the change was reported (see section 44-318(AR/CO)):

.31	Applicant Child	The applicant child.
-----	-----------------	----------------------

.32	Siblings	Any eligible sibling or half-sibling of the applicant child who meets the age requirement.
-----	----------	--

.33	Parents	Any parent, except for alternatively sentenced parents, of:
-----	---------	---

.331		The applicant child, or
------	--	-------------------------

.332		The applicant child's eligible siblings or half-sibling who meet the age requirement.
------	--	---

ELIGIBILITY AND ASSISTANCE STANDARDS**Regulations****ASSISTANCE UNIT****82-824 (Cont.)**

82-820 INCLUDED PERSONS (Continued)**82-820**

HANDBOOK BEGINS HERE

.333

For exceptions to the mandatory inclusion requirements applicable to pregnant or parenting minors who are participants of the California Work Pays Demonstration Project, see Section 89-201.5.

HANDBOOK ENDS HERE

.4 Who Determines AU

The county shall determine who is mandatorily included and excluded from the AU. The county and the applicant/recipient shall determine whether or not an optional person will be included in the AU.

.5 Penalty

The county shall deny the application or discontinue CalWORKs when a mandatorily included person refuses to be included.

[Previous Cites: 44-205.1, 44-205.4 and 44-205.51]

NOTE: Authority cited: Sections 10553, 10554, 10604, and 11369, Welfare and Institutions Code. Reference: 42 USCA 606; 45 CFR 206.10(a)(1); 45 CFR 233.10(a)(1), (a)(1)(iv) and (vii); 45 CFR 233.90(c)(1)(v)(A); 45 CFR 237.50(b)(5); 45 CFR 250.34; SSA-AT-86-01; Section 242, California Civil Code; Edwards v. Healy, Civ. S. 91-1473 DFL (1992); Sections 10553, 10554, 10604, 11000, 11253.3(b), 11254, 11265.3, 11265.47, 11400, 11450, and 11450.16, Welfare and Institutions Code; and ACF-AT-94-5; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

82-824 ASSISTANCE UNITS THAT SHALL BE COMBINED**82-824**

.1 Combining AUs

Two or more AUs in the same home shall be combined into one AU when:

.11 Marriage

A caretaker relative is married to another caretaker relative in another AU, or

.12 Child in Common

Two caretaker relatives in the home have separate children and also have an eligible child in common, or

.13 One Caretaker
Relative

There is only one caretaker relative.

82-824	ASSISTANCE UNITS THAT SHALL BE COMBINED (Continued)	82-824
--------	---	--------

.14 Combining AUs Mid-Period

.141 When a voluntary report is made that would combine separate AUs mid-period, the county shall determine if the mid-period action of combining the AUs would increase or decrease aid for the separate AUs.

.142 The county shall compare the monthly grant for the combined AUs to the total combined monthly grants of the separate AUs.

.143 If the combined AU's monthly grant would be higher than the total combined monthly grant of two separate AUs, the county shall take mid-period action to combine the AUs the first of the month following the voluntary report.

.144 If the combined AU's monthly grant does not result in an increase to the total combined monthly grant of the separate AUs, the county shall not take mid-period action to combine the AUs. The combining of the separate AUs shall be effective the first of the next SAR Payment Period, after the change(s) is reported on the SAR 7 or SAWS 2.

[Previous Cite: 44-205.3]

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 45 CFR 206.10(a)(1); 45 CFR 233.90; 45 CFR 237.50(b)(5); United States Department of Health and Human Services, Office of Family Assistance, Aid to Families with Dependent Children Action Transmittal No. SSA-AT-86-1; Section 242, California Civil Code; Anderson v. Edwards 115 S.Ct. 1291 (1995); and Sections 10553, 10554, 10604, 11000, 11265.3, and 11450, Welfare and Institutions Code; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

82-828 OPTIONAL PERSONS 82-828

- .1 County Responsibility
 - .11 Identify Optional Persons
 - .111 This shall be done at the time of application, redetermination, or at any other time the county is informed of a change in the number of persons living in the home.
 - .12 Effect on AU
 - .121 The explanation shall include a description of the AU composition which will result in the maximum aid to which the family is eligible, considering the income and resources of each person who may be included.
- .2 Optional Persons
 - .21 Nonparent Caretaker Relatives
 - .21 Any nonparent relative who has been determined to be the caretaker relative.
 - .22 Other Eligible Children
 - .22 Any other eligible children, including, but not limited to, a niece or nephew.
 - .23 Essential Persons
 - .23 Any essential person who meets the requirements of Section 44-209.3.

[Previous cite: 44-205.5, 44-203.3, 44-118.11]

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 USCA 606(a) and (b)(1); 45 CFR 206.10(a)(1)(vii) and (a)(2)(i), 45 CFR 233.20(a)(2)(vi), and 45 CFR 237.50(b)(3)(i) and (b)(4)(i); SSA-AT-80-32 and SSA-AT-86-01; and Section 11203, Welfare and Institutions Code.

ELIGIBILITY AND ASSISTANCE STANDARDS
ASSISTANCE UNIT

82-832

Regulations

82-832 EXCLUDED PERSONS

82-832

- | | | |
|----|--|--|
| .1 | Person Who Is Excluded By Law | A person excluded from the AU by law is a person who: |
| | (a) Child of AFDC-FC or Kin-GAP Child | Is a child living with his/her minor or non-minor dependent parent who is receiving AFDC-FC or Kin-GAP. |
| | (b) Citizenship/ Alienage | Does not meet the citizenship/alien status requirements. |
| | (c) Father of Unborn | Is an unborn child's father who is living in the home with the pregnant woman and who is: |
| | .131 | Not the parent or caretaker relative of an eligible child, or |
| | .132 | Not an essential person. |
| | (d) Other Aid | Receives SSI/SSP, Refugee Repatriate Payment (RRP), Kin-GAP or AFDC-FC. |
| | (e) Sponsored Noncitizen | Is a sponsored noncitizen whose needs are being met by a sponsor's deemed income. |
| | (f) Spouse of Eligible Child | Is a spouse of an eligible child, living with the child in the senior parent's home, when there is no child in common for whom deprivation exists. |
| | (g) Refugee Eligible for Alternative Project | Is a refugee who is eligible for and required to participate in an alternative project implemented pursuant to Section 412(e)(7) of the federal Immigration and Nationality Act 8 USC 1522(e)(7). |
| | (h) Fleeing Felon | Is fleeing to avoid prosecution, or custody or confinement after conviction for a crime or attempt to commit a crime that is a felony. The existence of a warrant for arrest shall be presumed to be evidence of fleeing, unless rebutted by other evidence sufficient to prove that the individual had no knowledge that he/she is being sought by law enforcement. |
| | (i) Violation of Probation or Parole | Is in violation of a condition of probation or parole. The initial offense for which probation or parole was ordered need not have been a felony. |

82-832	EXCLUDED PERSONS (Continued)	82-832
---------------	-------------------------------------	---------------

- | | | | |
|----|-----|------------------------|--|
| | (j) | Reserved | |
| | (k) | Non-minor dependent | Is a non-minor dependent. Non-minor dependents shall constitute an AU of one and as such shall be excluded from the AU of a needy or non-needy caretaker relative for CalWORKs purposes. |
| .2 | | Sanctioned Persons | A person excluded from the AU due to a sanction, is: |
| | .21 | Child/Spousal Support | A parent, pregnant woman, or caretaker relative who refuses to assign support rights. |
| | .22 | Citizenship | A person who fails to cooperate in the verification of his/her citizenship or alien status. |
| | .23 | Welfare-to-Work | A non-exempt welfare-to-work participant who fails or refuses without good cause to meet program requirements, and: |
| | | .231 | When the participant is a principal earner, the second parent is also ineligible unless he/she is participating in welfare-to-work activities. |
| | .24 | Social Security Number | An applicant or recipient; or a child whose parent, caretaker relative, or legal guardian who: |
| | | .241 | Refuses or fails to furnish an SSN or evidence of a completed application for an SSN, or |
| | | .242 | Refuses or fails to cooperate in verifying an SSN. |
| | .25 | Striking | A striker who is not a caretaker relative. |
| | .26 | | Repealed by Manual Letter No. EAS-98-03, effective 7/1/98. |

ELIGIBILITY AND ASSISTANCE STANDARDS

82-832 (Cont.)

ASSISTANCE UNIT

Regulations

82-832 EXCLUDED PERSONS (Continued)

82-832

.3 Add a Person Who Becomes
Ineligible Prior to Authorization of Aid
(SAR)

A new person who has been mandatorily reported on the SAR 7 and determined eligible based on the information provided, shall be treated as an excluded person for the next SAR Payment Period when ineligibility occurs after the SAR Data Month but prior to the authorization of aid (see Section 40-171.221). This person's income and needs, as reported on the SAR 7, shall be treated in accordance with Section 44-133.5 for the next SAR Payment Period and the AU shall be discontinued at the end of that SAR Period in which the individual was treated as an excluded person, if the following SAWS 2 establishes that ineligibility continues to exist for the AU.

(SAR) (a)

If a new person is mandatorily reported on the SAWS 2 and ineligibility occurs before the redetermination is processed and aid is authorized, the new person shall not be added to the AU. Furthermore, if the new person is found to make the entire AU ineligible, aid will be discontinued for the entire AU at the end of the SAR Payment Period in which the new person was mandatorily reported. (See section 40-105.1 for applicant and recipient reporting responsibilities and county action.)

(AR/CO)

If a new person is mandatorily reported on the SAWS 2 and ineligibility occurs before the redetermination is processed and aid is authorized, the new person shall not be added to the AU. Furthermore, if the new person is found to make the entire AU ineligible, aid will be discontinued for the entire AU at the end of the month in which the new person was mandatorily reported.

(AR/CO)

If a new person is mandatorily reported mid-period and ineligibility occurs before the application for the new person is processed and aid is authorized, the new person shall not be added to the AU. Furthermore, if the new person is found to make the entire AU ineligible, aid will be discontinued for the entire AU at the end of the month in which the new person was mandatorily reported.

HANDBOOK BEGINS HERE**(SAR) Example 1:**

An AU is aided based on absent parent deprivation. The current SAR Payment Period is January through June. In March, the absent father returned to the home and is reported for the first time on the SAR 7 for the Data Month of May. The father, who was determined to be the principal earner, was receiving UIB in the Data Month and was initially determined eligible as an unemployed parent based on the SAR 7 information. However, when the county completed the interview in the Submit Month, it was learned that the father had accepted a full-time job in the Submit Month of June. Since the principal earner has accepted full-time employment and deprivation due to unemployment was not established prior to the authorization of aid for the father, the county shall deny aid to the father in accordance with Section 40-171.221(g) and instruct the AU to report the father's full-time employment on the SAWS 2 due in December (for November). Because ineligibility for the father has occurred after the SAR Data Month but prior to the authorization of aid, his reasonably anticipated income as reported on the SAR 7 for May, and his needs shall be treated as those of an excluded person in accordance with Section 44-133.5 for the next SAR Payment Period. The existing AU's deprivation is not affected until the father's full-time employment that occurred mid-period (in June) is reported on the subsequent SAWS 2. If the subsequent SAWS 2 establishes that ineligibility exists for the AU, the county shall discontinue cash aid at the end of that SAR Period once timely and adequate notice has been provided.

(SAR) Example 2:

An AU is aided based on absent parent deprivation. The current SAR Payment Period is January through June. In March, the absent father returned to the home and is reported for the first time on the SAWS 2 in June. The father, who was determined to be the principal earner, was receiving UIB at the time the SAWS 2 was completed and was initially determined eligible as an unemployed parent based on the SAWS 2 information. However, when the county completed the interview in the Submit Month, it was learned that the father had accepted a full-time job. Since the principal earner has accepted full-time employment and deprivation due to unemployment was not established prior to the authorization of aid for the father, the county shall deny aid to the father in accordance with Section 40-171.221(g). Furthermore, since the AU no longer meets the deprivation requirements to be eligible for aid, the entire AU will be discontinued effective June 30, with timely and adequate notice.

HANDBOOK CONTINUES

HANDBOOK CONTINUES

(AR/CO) Example 1:

An AU is aided based on absent parent deprivation. The current AR/CO Payment Period is January through December. In March, the absent father returned to the home and is reported to the County. The father, who was determined to be the principal earner, was receiving UIB at the time the report was made that he returned to the home and was initially determined eligible as an unemployed parent based on the information completed on the Statement of Facts to Add an Additional Person (CW 8). However, when the county completed the interview with the father, it was learned that the father had accepted a full-time job. Since the principal earner has accepted full-time employment and deprivation due to unemployment was not established, the county shall deny aid to the father in accordance with Section 40-171.221(g). Furthermore, since the AU no longer meets the deprivation requirements to be eligible for aid, the entire AU will be discontinued effective March 31, with timely and adequate notice.

HANDBOOK ENDS HERE

[Previous cite: 44-206]

NOTE: Authority cited: Sections 10553, 10554, 10604, 11270, and 11369, Welfare and Institutions Code. Reference: 8 CFR 213a. and 299; 45 CFR 205.42(d)(2)(v)(A) and (B), as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808, 45 CFR 205.52, 45 CFR 206.10(a)(5)(i), 45 CFR 232.12(d), 45 CFR 233.10(a)(1)(i), (a)(1)(i)(B), and (a)(3), 45 CFR 233.20(a)(1)(i), (a)(3)(ii)(C) and (F), and (a)(3)(ix), 45 CFR 233.50, 45 CFR 233.51, 45 CFR 233.90(c), (c)(1), and (c)(2)(iv), 45 CFR 233.100(a)(5)(ii), 45 CFR 233.106, 45 CFR 240.22, and 45 CFR 250.34(a) and (c), and (c)(2); and Sections 11008.13, 11104, 11157, 11201(b), 11203, 11251.3, 11253.3, 11263.5, 11265.1, 11265.2, 11265.3, 11268, 11270, 11315, 11320.6(e), 11327.5(c), 11406.5, 11450, 11450.5, 11454, 11454.5, 11477, 11477.02, 11486, and 11486.5, Welfare and Institutions Code; and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, Section 115; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

82-833 TIMED-OUT ADULTS**82-833**

- .1 A timed-out adult is an adult who has been removed from the AU due to exceeding the 48-month CalWORKs time limit specified in MPP Section 42-301. See MPP Section 44-133.8 for treatment of income and needs of timed-out adults.

NOTE: Authority cited: Sections 10553, 10554, 11270, and 11369, Welfare and Institutions Code. Reference: 45 CFR 205.42(d)(2)(v)(A) and (B), as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808, 45 CFR 205.52, 45 CFR 206.10(a)(5)(i), 45 CFR 232.12(d), 45 CFR 233.10(a)(1)(i), (a)(1)(i)(B), and (a)(3), 45 CFR 233.20(a)(1)(i), (a)(3)(ii)(C) and (F), and (a)(3)(ix), 45 CFR 233.50, 45 CFR 233.51, 45 CFR 233.90(c), (c)(1), and (c)(2)(iv), 45 CFR 233.100(a)(5)(ii), 45 CFR 233.106, 45 CFR 240 240.22, and 45 CFR 250.34(a) and (c), and (c)(2); and Sections 11008.13, 11104, 11157, 11201(b), 11203, 11251.3, 11263.5, 11268, 11270, 11315, 11320.6(e), 11327.5(c), 11406.5, 11450, 11454, 11454.2, 11454.5, 11477, 11477.02, 11486, and 11486.5, Welfare and Institutions Code; and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, Section 115.

82-836 FEDERAL AFDC PROGRAM FOR PREGNANT WOMEN**82-836**

- .1 AU of One An AU of one without an eligible child shall be established when a pregnant woman, regardless of age, meets all of the following conditions:
- .11 Verification Medical verification of pregnancy is provided to the county, and
- .12 Eligibility The pregnant woman and unborn child, if born and living with the mother, would be eligible for federal AFDC in the payment month, and
- .13 Duration of Pregnancy The pregnancy has reached the three-month period before the month of anticipated birth (see State AFDC For Pregnant Women), and

82-836	FEDERAL AFDC PROGRAM FOR PREGNANT WOMEN (Continued)	82-836
---------------	---	---------------

.14	No Other AU Eligibility	The pregnant woman could not be included in another AU.
-----	-------------------------	---

HANDBOOK BEGINS HERE

.15		See Section 42-762.7 regarding federal eligibility during the first and second trimesters for pregnant Cal-Learn participants with no other eligible children.
-----	--	--

.2	Pregnancy Special Need	A pregnant woman may be eligible to receive a pregnancy special need payment.
----	------------------------	---

HANDBOOK ENDS HERE

[Previous cite: 44-205.6]

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 45 CFR 233.10(a)(1) and (a)(1)(iv), 45 CFR 233.90(c)(2)(iv), and 45 CFR 206.10(a)(1)(vii); and Section 11450(b), Welfare and Institutions Code.

TABLE OF CONTENTS

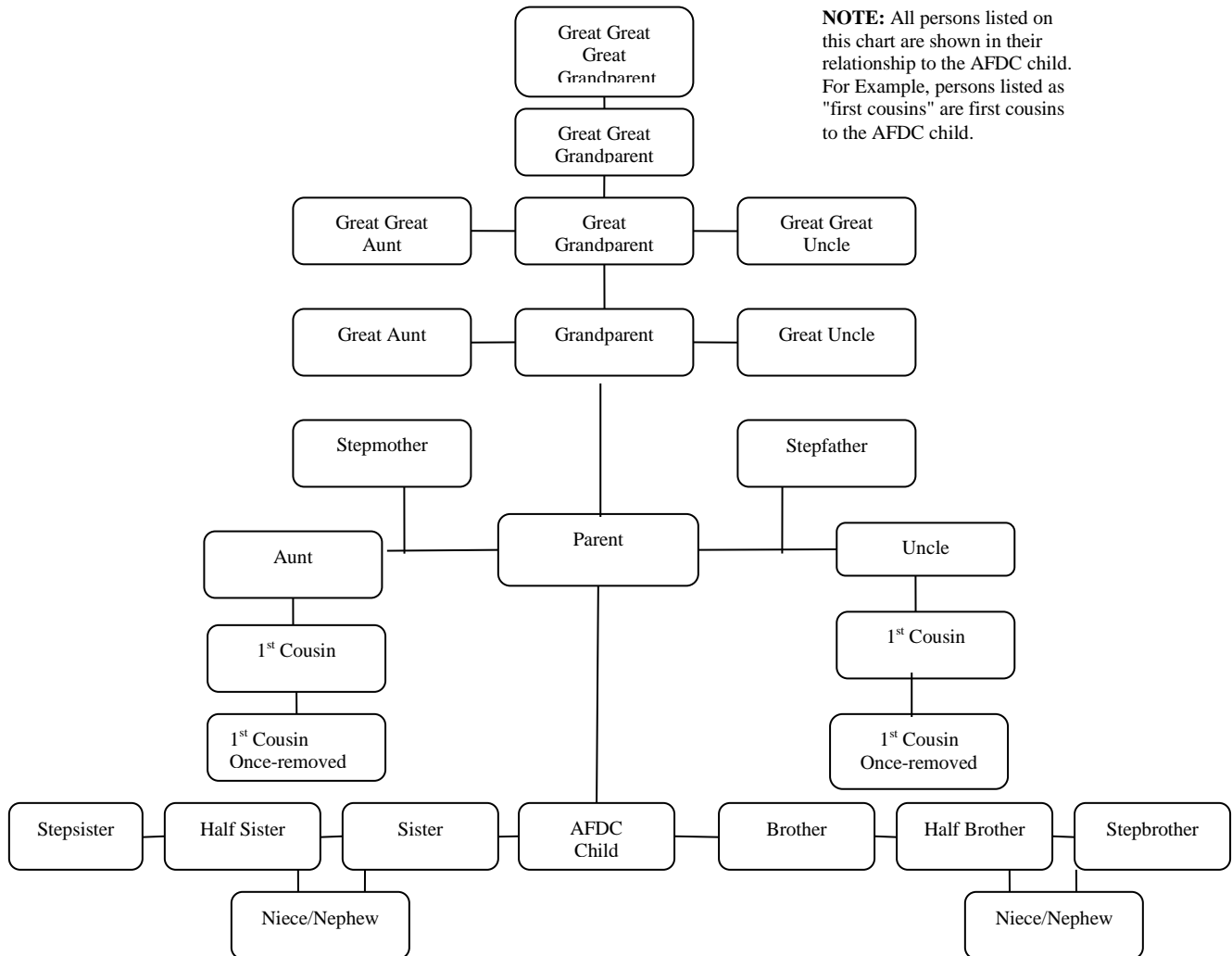
CHAPTER 88-400 CHART FOR DETERMINING RELATEDNESS OF CARETAKER RELATIVES

	Section
Repealed by Manual Letter No. EAS-96-07, effective 9/1/96.....	88-410
Chart for Determining Relatedness of Caretaker Relatives	Appendix A

This page is intentionally left blank.

HANDBOOK BEGINS HERE

CHART FOR DETERMINING RELATEDNESS OF CARETAKER RELATIVES



NOTE: All persons listed on this chart are shown in their relationship to the AFDC child. For Example, persons listed as "first cousins" are first cousins to the AFDC child.

- 1) The caretaker relative also includes the spouse or former spouse of the relatives listed above.
- 2) The caretaker relative also includes the adoptive parents and their relatives as listed above.

HANDBOOK ENDS HERE

This page is intentionally left blank.

**ELIGIBILITY AND ASSISTANCE STANDARDS
DEMONSTRATION PROJECTS**

TABLE OF CONTENTS

Chapter

DIVISION 89 DEMONSTRATION PROJECTS

Assistance Payments Demonstration Project (APDP) and California Work Pays Demonstration Project (CWPDP).....	89-100
Minor Parent.....	89-200
Renumbered to Chapter 89-100 by Manual Letter No. EAS-95-06, effective 7/9/95.....	89-300
Renumbered to Chapter 89-100 by Manual Letter No. EAS-95-06, effective 7/9/95.....	89-400
Renumbered to Chapter 89-100 by Manual Letter No. EAS-95-06, effective 7/9/95.....	89-500
Repealed by Manual Letter EAS-98-05, effective 12/28/98.....	89-700

This page is intentionally left blank.

TABLE OF CONTENTS**CHAPTER 89-100 ASSISTANCE PAYMENTS DEMONSTRATION PROJECT (APDP)
AND CALIFORNIA WORK PAYS DEMONSTRATION PROJECT (CWPDP)**

	Section
Federal Demonstration Projects - Introduction.....	89-101
Background .....	.1
Control Group .....	.2
Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.....	89-105
Maximum Aid Payment (MAP) Level and MAP Restriction.....	89-110
MAP Amount .....	.1
Exempt and Nonexempt AUs.....	.2
Handbook Examples .....	.3
Relocation Family Grant .....	.4
Increased Property Limits for Recipients.....	89-115
General .....	.1
Excess Property Discovered.....	.2
\$2,000 Property Limit for Recipients	89-120
General .....	.1
Example 1 .....	.2
Example 2 .....	.3
Example 3 .....	.4
Increased Motor Vehicle Limit for Recipients	89-125
General .....	.1
Example .....	.2
Restricted Accounts for Recipients.....	89-130
Renumbered to 42-213 by Manual Letter No. EAS-09-04; Effective 10/22/09	

This page is intentionally left blank.

**CHAPTER 89-100 ASSISTANCE PAYMENTS DEMONSTRATION PROJECT (APDP)
AND CALIFORNIA WORK PAYS DEMONSTRATION PROJECT (CWPDP)**

89-101 FEDERAL DEMONSTRATION PROJECTS - INTRODUCTION 89-101

HANDBOOK BEGINS HERE

.1 Background

Pursuant to state law, the California Department of Social Services has requested and received federal approval for two California Demonstration Projects entitled the Assistance Payments Demonstration Project and the California Work Pays Demonstration Project. These Projects enable California, in accordance with their federally mandated Terms and Conditions, to implement certain new AFDC provisions.

The Assistance Payments Demonstration Project provisions are contained in Division 89. They include work incentive provisions, MAP reductions and a relocation grant restriction. The California Work Pays Demonstration Project provisions contained in Division 89 include increased property limits, restricted accounts, and the California Alternative Assistance Program. (For "Cal Learn" see Division 42.)

HANDBOOK ENDS HERE

.2 Control Group

Except for the provisions found in Chapter 89-700, related to the California Alternative Assistance Program, the county shall not apply the Division 89 Assistance Payments Demonstration Project and the California Work Pays Demonstration Project provisions to those applicants and recipients who are designated as members of the Projects' control groups. CAAP applies to both the experimental and control groups in all APDP/CWPDP counties. The designation and treatment of the control groups shall be accomplished pursuant to the Projects' mandated parameters outlined in the Federal Terms and Conditions as approved by the Secretary of the Department of Health and Human Services.

89-101 **FEDERAL DEMONSTRATION PROJECTS - INTRODUCTION** **89-101**
(Continued)

NOTE: Authority cited: Sections 10553, 10554, 11201.5, 11209, and 11450(g), Welfare and Institutions Code. Reference: Sections 11155.1, 11155.2, 11201.5, 11280, 11450.01, and 11450.03, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(I)(B); Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; and Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

89-105 **ELIMINATION OF TIME LIMITATIONS FOR 30 AND 1/3** **89-105**
EARNED INCOME DISREGARD AND ELIMINATION OF THE
100-HOUR LIMIT

Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

89-110 **MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION** **89-110**

HANDBOOK BEGINS HERE

.1 MAP Amount See Section 44-315.321, Handbook for the MAP levels in effect as of 3/1/2014.

HANDBOOK ENDS HERE

.2 Exempt and Nonexempt AUs The CWD shall determine whether an AU is an Exempt or Nonexempt AU for purposes of the MAP amounts specified in Section 44-315.311 by using the rules in this section.

 .21 Rule An Exempt AU is one in which the following persons meet at least one of the conditions listed in Sections 89-110.22 through .24.

 .211 Parent/Relative Each parent, aided stepparent, and caretaker relative of a child who lives in the home of the aided child; or

89-110	MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION	89-110
	(Continued)	

- | | | |
|------|--|---|
| .212 | Aided Parent of Unaided Child | Each parent receiving aid because of an unaided excluded child; or |
| .213 | Pregnant Woman Only | The pregnant woman in an AU consisting of the woman only; or |
| .214 | RCA AU | Each adult or parent of a child aided under RCA in a Refugee Cash Assistance AU. |
| .22 | Receives Benefits | Receives at least one of the following: |
| .221 | SSI/SSP | Supplemental Security Income/State Supplemental Payments (SSI/SSP); or |
| .222 | IHSS | In-Home Supportive Services (IHSS); or |
| .223 | SDI | State Disability Insurance (SDI); or |
| .224 | TWC | Temporary Worker's Compensation (TWC - Temporary Disability Indemnity - TDI). |
| .225 | Repealed by Manual Letter No. EAS-98-01, effective 1/1/98. | |
| .23 | Unaided Non-parent Caretaker | Is an unaided, non-parent caretaker relative. |
| .24 | (Reserved) | |
| .25 | Minor Parents and Pregnant Women | For purposes of Section 89-110.21: |
| .251 | Minor Parent | A minor parent aided as an eligible child is considered to be a parent. |
| .252 | Pregnant Woman | A pregnant woman is not considered in the determination of an AU's exempt status unless she is a parent, caretaker relative or aided stepparent of existing children or the sole member of an AU consisting of a pregnant woman only or an adult aided under RCA. |

89-110	MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION	89-110
--------	---	--------

(Continued)

.26	Review of AU Exemption Status	The CWD shall review AU exemption status when:
.261	WTW Exemption	An AU member is determined exempt from WTW due to incapacity as specified in Section 42-712.44 or care of another individual in the household as specified in Section 42-712.46.
(SAR) .262	Semi-Annual Eligibility Report Received	The county processes the SAR 7 or the SAWS 2 submitted by the AU.
.263	Application or Add Person	The AU makes an initial application, reapplication or requests that a parent or caretaker relative be added to the AU.
.264	Request a Review or Report a Change	A parent, caretaker relative or RCA adult associated with the AU requests review of AU status or reports a change applicable to the AU status.
.27	Exempt AU Status	The CWD shall consider that an AU is an Exempt AU when, on or after application for CalWORKs, the AU meets the rule in Section 89-110.21 and is also eligible for CalWORKs or, for RCA AUs, eligible for RCA.
.271	If Exempt Status Results from Request for Review	When Exempt AU status results from a request for review by the AU, the CWD shall not treat the AU as an Exempt AU for any month prior to the month of request.
(SAR) .28	Use of Exempt/Nonexempt Amount	The county shall use the Exempt or Nonexempt AU MAP corresponding to the AU's MAP status that is reasonably anticipated for the SAR Payment Period. (Also see Sections 89-110.291(SAR) and 89-110.292(SAR).)
(AR/CO)	Use of Exempt/Nonexempt Amount	The county shall use the Exempt or Nonexempt AU MAP corresponding to the AU's MAP status that is reasonably anticipated for the AR/CO Payment Period. (Also see Sections 89-110.291 (AR/CO) and 89-110.292(AR/CO).)

89-110 MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION 89-110
(Continued)

.29 When the AU status changes between exempt and nonexempt, the county shall change the MAP status effective as follows:

(SAR) .291 If the change is reported on the SAR 7 or the SAWS 2, the change in status shall be effective the first day of the next SAR Payment Period.

(AR/CO) If the change is reported on the SAWS 2, the change in status shall be effective the first day of the next AR/CO Payment Period.

(SAR) .292 If the change is reported mid-period and the change in status will increase cash aid as specified in Section 44-316.31(SAR), the change in status shall be effective the first day of the month following the report of the change when verification has been provided.

(AR/CO) If the change is reported mid-period and the change in status will increase cash aid as specified in Section 44-316.31(AR/CO), the change in status shall be effective the first day of the month following the report of the change when verification has been provided.

(AR/CO) (a) If a change in household composition is reported mid-period and the change results in a change in MAP status which will increase or decrease cash aid, the change in status effective date shall be determined pursuant to section 44-316.325 (AR/CO).

HANDBOOK BEGINS HERE

| .3 Examples of Exempt and Nonexempt AUs, Financial Eligibility Determination, MAP Status Determination, and Mid-Period MAP Status Changes

.31 Examples of Exempt and Nonexempt AUs

| (SAR) Example 1 – Exempt AU – Receipt of SDI and SSI/SSP

The family consists of two parents and their two children with eligibility based upon incapacity. One parent receives SDI and the second parent receives SSI/SSP. Since each parent receives one of the benefits specified in Section 89-110.22, the CWD uses the Exempt MAP.

| (SAR) Example 2 – Exempt AU – Disabled Pregnant Woman Only (PWO)

Because a pregnant woman is the only member of her AU and receives one of the benefits specified in 89-110.22, the CWD uses the Exempt MAP.

| (SAR) Example 3 – Nonexempt AU – Receipt of Private Disability Insurance

The AU consists of a parent and his aided child. The parent receives private insurance benefits from his employer; however, this income is not one of the benefits specified in Section 89-110.22 and the parent does not meet any other criterion to receive an exemption. The CWD uses the Nonexempt MAP.

| (AR/CO) Example 4 – Exempt AU – Unaided Non-Parent Caretaker Relative

An aunt is receiving aid for her nephew. The AU consists of the child only. The CWD uses the Exempt MAP as the aunt meets the exemption in 89-110.23; she is an unaided non-parent caretaker relative.

| (SAR) Example 5 – Nonexempt AU – Parent with SSI/SSP Child

The AU consists of a mother and her child, who receives SSI/SSP. The mother does not receive one of the benefits specified in Section 89-110.22 or meet any other criterion to receive an exemption. Because the parent in the AU must meet the criteria in Section 89-110.21 and .22, the CWD uses the Nonexempt MAP.

HANDBOOK CONTINUES

89-110	MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION	89-110
---------------	--	---------------

(Continued)

HANDBOOK CONTINUES

| (AR/CO) Example 5a – Exempt AU – SSI/SSP Parent with Child.

The AU consists of a father who receives SSI/SSP and his child. The father receives one of the benefits in Section 89-110.22. The CWD uses the Exempt MAP.

| (SAR) Example 6 – Nonexempt AU – Minor Parent

The AU consists of a senior parent and her children. One of the senior parent's children is a 17-year-old minor parent. The minor parent's child is also in the AU. The senior parent receives SDI. The minor parent aided as an eligible child in the senior parent's case is considered to be a parent as specified in Section 89-110.251. The minor parent does not receive one of the benefits specified in Section 89-110.22 or meet any other criterion to receive an exemption. Because both senior parent and minor parent are considered parents in determining exempt status, and all parents in an AU must receive one of the benefits in Section 89-110.22, the CWD uses the Nonexempt MAP

| (SAR) Example 7 – Nonexempt AU – Aided Stepparent

The AU consists of a father, the father's children, and an aided stepmother. The stepmother is pregnant, but she is not the parent or caretaker relative of any of the aided children. The father receives temporary workers compensation (TWC). The aided stepmother does not receive one of the benefits specified in Section 89-110.22 or meet any other criterion to receive an exemption. The CWD uses the Nonexempt MAP as both the parent and the aided stepmother must meet an exemption as required by Section 89-110.211.

| (AR/CO) Example 8 – Exempt AU – Unaided Stepparent

The family consists of a mother, the mother's children and an unaided stepfather. The mother receives SSI/SSP and is not in the AU. The stepfather, who is not the parent of any of the aided children, is unaided; therefore, he is not considered in determining the AU's exemption status. The CWD uses the Exempt MAP.

| (SAR) Example 9 – Nonexempt AU – Undocumented Immigrant Father

The family consists of a mother, the mother's children, and the father, who is an undocumented immigrant. Eligibility is based on unemployment. The mother receives SDI. The father does not receive one of the benefits specified in Section 89-110.22 or meet any other exemption criterion. The CWD uses the Nonexempt MAP, as each parent must meet one of the criterion to receive an exemption even if they are not aided due to exclusion.

HANDBOOK CONTINUES

89-110	MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION	89-110
---------------	--	---------------

(Continued)

HANDBOOK CONTINUES

(SAR) Example 10 – Request for Review of AU Status by the AU

The AU consists of two parents and their two children, with deprivation based on unemployment. The AU receives the Nonexempt MAP. In June, the father requests a review of the AU status, as he has been determined to be exempt from welfare-to-work participation due to disability as specified in Section 42-712.44. The wife’s application for IHSS was denied and she does not meet any other criterion for an exemption. Since both the father and the mother must receive one of the benefits specified in Section 89-110.22 or meet one other criterion to receive an exemption, the CWD uses the Nonexempt MAP.

.32 Determining MAP Status for Applicants

(SAR) Example 11 – Determining MAP Status for Applicants

(SAR) An initial application is made January 4 for an AU consisting of a father and two children. The applicant AU is placed in a January through June SAR Payment Period. When applying for aid, the father was in receipt of SSI/SSP. The SSI/SSP ends on February 28. Since the MAP status is determined prospectively for the entire period based on the applicant’s status at the time application is approved, the county uses the Exempt MAP to determine financial eligibility and cash aid for the entire SAR Payment Period.

(AR/CO) Example 11 – Determining MAP Status for Applicants

(AR/CO) An initial application is made January 4 for an AU consisting of two children (father is unaided). The applicant AU is placed in a January through December AR/CO Payment Period. When applying for aid, the father was in receipt of SSI/SSP. The SSI/SSP ends on February 28. Since the MAP status is determined prospectively for the entire period based on the applicant's status at the time application is approved, the county uses the Exempt MAP to determine financial eligibility and cash aid for the entire AR/CO Payment Period.

.33 Determining MAP Status for Recipients

(SAR) Example 12 – Determining Status for Recipients

(SAR) An existing AU is in a July through December SAR Payment Period. On the November SAR 7, the recipient reports the receipt of SDI in the Data Month. The county verifies the recipient's SAR 7 information and uses the Exempt MAP status to determine financial eligibility and cash aid for the January through June SAR Payment Period.

HANDBOOK CONTINUES

89-110	MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION	89-110
---------------	--	---------------

(Continued)

HANDBOOK CONTINUES

(AR/CO) Example 12 – Determining Status for Recipients

(AR/CO) An existing AU is in a July through June AR/CO Payment Period. On the June SAWS 2, the recipient reports the receipt of SDI in the Data Month. The county verifies the recipient's SAWS 2 information and uses the Exempt MAP status to determine financial eligibility and cash aid for the July through June AR/CO Payment Period.

(SAR) Example 13 – Late Discovery Due to Client’s Failure to Timely Report

(SAR) The AU consists of a parent and his child. The AU is in an April through September SAR Payment Period. The father starts receiving SDI in the Data Month of August but does not report the information on the SAR 7. On October 2, the father voluntarily requests mid-period review of his status and provides the appropriate verification of his exempt status. The first month the Exempt MAP status is effective is November. Section 89-110.271 provides that the MAP status change shall not be effective for any months prior to a request for review when the status change results from a request for review and Section 89-110.292(SAR) provides that increases to aid due to a recipient mid-period voluntary report are not effective until the first of the month following the report.

(AR/CO) Example 13 – Late Discovery Due to Client’s Failure to Timely Report

(AR/CO) The AU consists of a child only. The AU is in an April through March AR/CO Payment Period. The father starts receiving SDI in August but does not report the information. On October 2, the father voluntarily requests mid-period review of his status and provides the appropriate verification of his exempt status. The first month the Exempt MAP status is effective is November. Section 89-110.271 provides that the MAP status change shall not be effective for any months prior to a request for review when the status change results from a request for review and Section 89-110.292(AR/CO) provides that increases to aid due to a recipient mid-period voluntary report are not effective until the first of the month following the report.

HANDBOOK CONTINUES

89-110	MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION	89-110
---------------	--	---------------

(Continued)

HANDBOOK CONTINUES

(SAR) Example 14 – Late Discovery Due to Administrative Error

(SAR) The AU consists of a mother and her child. The AU is in a January through June SAR Payment Period. The mother’s SDI benefits end on May 11 and the mother no longer qualifies for the Exempt MAP status. The AU reports the information correctly on their May SAR 7 due in June. However, the county incorrectly processes the SAR 7 and continues to use the Exempt MAP status for the July through December SAR Payment Period. In July, the county discovers the error. Since the effective date of the MAP status change for the SAR Payment Period was July 1, the county shall take mid-period action to correct the error. The county shall recompute eligibility and cash aid for the entire SAR Payment Period using the nonexempt status. The county shall recompute aid for the remaining months of the SAR Payment Period and shall make an overpayment or underpayment determination for the month of July.

(AR/CO) Example 14 – Late Discovery Due to Administrative Error

(AR/CO) The AU consists of a child only. The AU is in a January through December AR/CO Payment Period. The mother’s SDI benefits end on May 11 and the mother no longer qualifies for the Exempt MAP status. The AU reports the information correctly on their SAWS 2 due in December. However, the county incorrectly processes the SAWS 2 and continues to use the Exempt MAP status for the following January through December AR/CO Payment Period. In February, the county discovers the error. Since the effective date of the MAP status change for the AR/CO Payment Period was January 1, the county shall take mid-period action to correct the error. The county shall recompute eligibility and cash aid for the entire AR/CO Payment Period using the nonexempt status. The county shall recompute aid for the remaining months of the AR/CO Payment Period and shall make an overpayment or underpayment determination for the months of January and February.

(SAR) Example 15 – Mid-Period Status Review Request

(SAR) An existing AU, a father and his child, is in a January through June SAR Payment Period. Eligibility and cash aid for this period has been determined using the December SAR 7 information. On April 15, the recipient voluntarily reports mid-period that they began receiving SDI in lieu of their full time job on April 7. The recipient provides the necessary verification within 10 days of the report. The county determines that this voluntary mid-period report will increase cash aid (see Section 44-316.31(SAR)). The county changes the recipient’s MAP status for the AU from Nonexempt MAP to Exempt MAP beginning in May and will continue to use the exempt MAP status until the AU reports a status change on either the SAR 7, SAWS 2 or a mid-period report.

HANDBOOK CONTINUES

89-110	MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION	89-110
---------------	--	---------------

(Continued)

HANDBOOK CONTINUES

(AR/CO) Example 15 – Mid-Period Status Review Request

(AR/CO) An existing AU, a child only case, is in a January through December AR/CO Payment Period. Eligibility and cash aid for this period has been determined using the December SAWS 2 information. On April 15, the recipient voluntarily reports mid-period that they began receiving SDI in lieu of their full time job on April 7. The recipient provides the necessary verification within 10 days of the report. The county determines that this voluntary mid-period report will increase cash aid (see Section 44-316.31(AR/CO)). The county changes the recipient’s MAP status for the AU from Nonexempt MAP to Exempt MAP beginning in May and will continue to use the exempt MAP status until the AU reports a status change on either the SAWS 2 or a mid-period report.

(SAR) Example 16 – Mid-Period Voluntary Report to Add a Person

(SAR) An AU of one, a pregnant woman only case, is in an October through March SAR Payment Period. The AU has been receiving aid based on exempt MAP status in accordance with Section 89-110.213. On November 5, the mother voluntarily reports the birth of the child and requests aid for the child. When determining the eligibility to add the child December 1, the county determines that the potentially "new AU" (the existing AU and the added person) does not meet exempt MAP status. The county uses the Nonexempt MAP status to determine if the child is CalWORKs eligible and if the newborn’s addition into the existing AU increases the grant. If the newborn increases cash aid for the existing AU, the Nonexempt MAP status shall be effective December 1 and will continue until a change in status is reported on the SAR 7, SAWS 2, or a mid-period report.

(SAR) If the newborn's addition into the AU would decrease cash aid, the baby will be added to the AU and the Nonexempt MAP status shall not be effective until the first day of the next SAR Payment Period and will continue until a change in status is reported on the SAR 7, SAWS 2, or a mid-period report.

HANDBOOK CONTINUES

89-110	MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION	89-110
---------------	--	---------------

(Continued)

HANDBOOK CONTINUES

(AR/CO) Example 17 – Mid-Period Mandatory Report to Add a Person

An AU of one consists of a timed-out mother receiving State Disability Insurance, with one child, and is in an October through September AR/CO Payment Period. The AU has been receiving aid based on exempt MAP status in accordance with Section 89-110.22. On January 5, the child's father, who was previously on aid and is now timed out, returns to the home and reports he is not receiving any income. When determining eligibility, per section 44-316.31, the county determines that the father does not receive one of the benefits specified in Section 89-110.22 or meet any criteria in Section 89-110.21 and .22, therefore, the county uses the Nonexempt MAP to determine eligibility. The Nonexempt MAP status shall be effective February 1.

HANDBOOK ENDS HERE

89-110 **MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION** **89-110**
(Continued)

.4 Relocation Family Grant

IN ACCORDANCE WITH THE GREEN V. ANDERSON COURT ORDER, THIS PROVISION SHALL NOT BE IMPLEMENTED UNTIL A DETERMINATION BY A COURT OF APPROPRIATE JURISDICTION ALLOWS SUCH IMPLEMENTATION.

Relocation Family Grant (RFG) means the maximum amount of aid payable to an AU when no member of the AU has lived in California for 12 consecutive months immediately prior to the date of application.

.41 Relocation Family Grant Rule

When the RFG is applicable, the county shall compare and base aid on the lesser of:

.411 CA Computed Grant Amount

The California computed actual grant amount for a full month, excluding overpayment adjustments, or

.412 Other State MAP

The MAP amount of the previous state or U.S. Territory of residence, plus California special needs when included in Section 89-110.411.

(a)

When all members of the AU have not lived in the same prior state, the county shall compare the California computed grant amount to the highest MAP amount of the prior states of residence involved.

89-110 **MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION** **89-110**
(Continued)

(b) The county shall semi-annually update the other state MAP amounts effective with the April and October payment months with figures provided by the California Department of Social Services which are based upon U.S. Department of Health and Human Services data.

HANDBOOK BEGINS HERE

.42 Grant Adjustment Upon determination of the lesser amount of either the California computed actual grant amount or the prior state MAP, the grant will be adjusted for partial month proration, homeless assistance payment and overpayments, as applicable.

HANDBOOK ENDS HERE

.43 Reduced Income Supplemental Payment (RISP), Homeless Assistance Payment for Permanent Housing and Overpayment Adjustment Computation For the purpose of determining the RISP, homeless computing assistance payment for permanent housing, and overpayment adjustments, the MAP specified in Sections 44-402, 44-211.531 and 44-352.41 shall be the lesser of the California MAP or the MAP of the previous state of residence used in the RFG computation.

.44 How Long The county shall apply the RFG rule until any member of the AU has lived in California for 12 consecutive months.

HANDBOOK BEGINS HERE

.45 RFG Example A mother and her three children arrive in California from Mississippi in April. Four months later (August), they apply for AFDC. The RFG rule will apply to the AU for eight months. (Twelve month residency requirement minus four months in California equals eight RFG months). Their RFG period will end March 31st of the following year.

HANDBOOK CONTINUES

DEMONSTRATION PROJECTS		
Regulations	APDP AND CWPDP	89-110
89-110	MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTIONS (Continued)	89-110

HANDBOOK CONTINUES

After the AU received aid for one month, the children's father moves into the home (September). He is the unemployed principal earner and there is federal eligibility. The father has been in California for ten months and was living in Nevada prior to coming to California.

Since the father lived in California longer than anyone else in the AU, the AU will only have two remaining RFG months, which includes the first month of aid for the father. Therefore, the AU's new RFG period will end October 31st.

The county will use Nevada's MAP which is higher than Mississippi's MAP when applying the RFG rule.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553, 10554, 11209, and 11450(g), Welfare and Institutions Code. Reference: Sections 10553, 10554, 11265.1, 11265.2, 11265.3, 11450.01, 11450.015, 11450.03, and 11450.5, Welfare and Institutions Code; Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; and Memorandum of Decision and Order in Green v. Anderson, (Civ. S-92-2118) dated January 28, 1993; and Letters from the Department of Health and Human Services, Administration for Children and Families, dated February 29, 1996, March 11, 1996, and March 12, 1996; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

89-115 INCREASED PROPERTY LIMITS FOR RECIPIENTS 89-115

- .1 General

The county shall apply the following property limits to an AU which includes at least one recipient:

 - .11 \$2,000 Property Limit

\$2,000 for property as specified in Section 89-120,
 - .12 \$4,500 Motor Vehicle

\$4,500 for one motor vehicle as specified in Section 89-125, and
 - .13 \$5,000 Restricted Account

\$5,000 for restricted accounts as specified in Section 89-130.
- .2 Excess Property Discovered

When an application has been approved and the county subsequently discovers that the AU's property exceeded the \$1,000 property limit on the date of approval, the county shall not apply any of the increased property limits specified in Section 89-115.1 until the first day of the month following the date the AU's property is at or below the \$1,000 property limit for applicants.

HANDBOOK BEGINS HERE

- .21 Example 1

On July 1st, a family applies for aid and the county approves the AFDC application (i.e., authorizes aid) based on the following property:

\$ 700	savings account
<u>+150</u>	cash surrender value on life insurance policy
\$ 850	total countable property

In November, a Quality Control reviewer discovers that the cash surrender value of the life insurance policy was actually \$350 on July 1st (total property = \$1,050). The county determines that the AU had excess property over the \$1,000 limit for applicants from July through October (when the AU spent down their savings).

HANDBOOK CONTINUES

89-115 INCREASED PROPERTY LIMITS FOR RECIPIENTS **89-115**
(Continued)

HANDBOOK CONTINUES

The AU is overpaid from July through October, but is eligible in November and will have the higher property limits beginning November 1st.

.22 Example 2

In September a family applies for aid and is approved; they have the following property:

\$ 300	checking account
<u>+600</u>	savings account
\$ 900	total countable property

In October the AU opens a restricted savings account with a balance of \$200.

In November the caretaker relative reports that he has just discovered a paid-up life insurance policy he had forgotten about which had a cash surrender value (CSV) of \$500 since September.

The AU's property is as follows:

\$ 300	checking
+600	savings
<u>+500</u>	CSV life insurance
\$ 1400	total
<u>-1000</u>	limit for applicants
\$ 400	excess property September & October
<u>+ 200</u>	restricted account opened in October
\$ 600	excess property beginning November

The county sends a timely notice to discontinue aid effective November 30th. The caretaker relative immediately withdraws the \$200 from the restricted account and \$400 from the savings account to buy a new refrigerator on November 29th.

HANDBOOK CONTINUES

DEMONSTRATION PROJECTS		Regulations
89-115 (Cont.)	APDP AND CWPDP	
89-115	INCREASED PROPERTY LIMITS FOR RECIPIENTS (Continued)	89-115

HANDBOOK CONTINUES

The new date of eligibility for increased property limits is December 1st (the first day of the month following the date the AU was at or below the \$1,000 limit for applicants). The AU is overpaid for September, October, and November.

Since the AU exceeded the \$1,000 property limit when the application was approved, the AU was not eligible for any of the higher property limits and the "restriction" on the second savings account is not applicable. As such, a period of ineligibility for a nonqualifying withdrawal also does not apply.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11155, 11155.1, 11155.2, and 11257, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(B); and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

89-120 \$2,000 PROPERTY LIMIT FOR RECIPIENTS **89-120**

.1 General

When an AU includes a recipient, the county shall apply a \$2,000 limit to the net market value of the AU's countable property without regard to the \$5,000 restricted account specified in Section 89-130.

HANDBOOK BEGINS HERE

.2 Example 1

A family applies for AFDC on February 3rd. The otherwise eligible AU has countable property of \$700. The county approves the application on March 13th. The family reports that on March 15th, they received stocks from an inheritance worth \$1,000. Their total property on March 15th was \$1,700.

The AU is eligible because their property did not exceed the \$1,000 limit for applicants until after their application was approved and they are under the \$2,000 limit for recipients.

.3 Example 2

A minor mother and her child moved out of her senior parent's home to live with her child's father on June 3rd. The minor mother and her child were receiving aid in the senior parent's AU through June 30th.

On June 5th, the minor mother requests aid for herself, her child, and the father of her child; the beginning date of aid is July 1st. The new AU's property is as follows:

\$ 300 minor mother's cash
+1,500 father's savings account
\$ 1,800 AU's total property

The county applies the \$2,000 property limit for recipients because the minor mother and her child did not have a break in aid, and thus are considered recipients.

HANDBOOK CONTINUES

HANDBOOK CONTINUES

.4 Example 3

An AU which includes a recipient has countable property of \$1,700. The AU reports that another child moved in with them on May 31st. The child has a \$500 savings account. The county determines that the entire AU is ineligible due to excess property effective June 1st:

\$ 500	savings account of new child
<u>+1,700</u>	AU's other property
\$ 2,200	AU's total property
<u>-2,000</u>	property limit for recipients
\$ 200	excess property

The county sends a timely notice of action to discontinue aid effective June 30th and determines an overpayment for June.

If the AU spends down to the \$2,000 limit on or before June 30, the county will rescind the discontinuance; however, the overpayment will remain. If the AU does not spend down to the \$2,000 limit, it will be subject to the \$1,000 property limit for applicants if it reapplies later.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11155, 11155.1, and 11257, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(B); and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

89-125 INCREASED MOTOR VEHICLE LIMIT FOR RECIPIENTS 89-125

- .1 General The county shall exempt up to \$4,500 for one motor vehicle that is owned by a member of an AU which includes a recipient.
- .11 Vehicle Over When the vehicle's net market value exceeds the \$4,500 limit, the excess value shall be included in the \$2,000 property limit specified in Section 89-120. See Section 42-215.4 for determining the value of a motor vehicle.
\$4,500

HANDBOOK BEGINS HERE

- .2 Example An AU which includes a recipient reports they now have the following property (net market values are shown):
- 1st motor vehicle: \$2,500
2nd motor vehicle: \$1,200
savings account: \$ 500
- The county exempts the 1st motor vehicle because it has the highest value. The 2nd motor vehicle's value is added to the AU's other countable property (\$1,200 + \$500 = \$1,700). The AU is property eligible because the countable property does not exceed the \$2,000 property limit for recipients.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11155, 11155.1, and 11257, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(B); and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

89-130	RESTRICTED ACCOUNTS FOR RECIPIENTS	89-130
---------------	---	---------------

Renumbered to 42-213 by Manual Letter No. EAS-09-04, effective 10/22/09.