# TABLE OF CONTENTS

## CHAPTER 82-800 ASSISTANCE UNIT

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Living in the Home of a Caretaker Relative</td>
</tr>
<tr>
<td>Living in the Home</td>
</tr>
<tr>
<td>Home of a Caretaker Relative</td>
</tr>
<tr>
<td>Caretaker Relative Requirements</td>
</tr>
<tr>
<td>Relationship of a Caretaker Relative</td>
</tr>
<tr>
<td>Determining the Caretaker Relative</td>
</tr>
<tr>
<td>Care and Control Factors</td>
</tr>
<tr>
<td>Alternating Arrangements</td>
</tr>
<tr>
<td>Number of Caretaker Relatives</td>
</tr>
<tr>
<td>Minor Parent/Caretaker Relative</td>
</tr>
<tr>
<td>Temporary Absence</td>
</tr>
<tr>
<td>Who Can Be Temporarily Absent</td>
</tr>
<tr>
<td>Living With the Caretaker Relative</td>
</tr>
<tr>
<td>Care and Control</td>
</tr>
<tr>
<td>Determining Factors</td>
</tr>
<tr>
<td>One Full Calendar Month Time Limit</td>
</tr>
<tr>
<td>Exceptions to One Full Calendar Month Time Limitation</td>
</tr>
<tr>
<td>Documentation of Temporary Absence</td>
</tr>
<tr>
<td>Repealed by Manual Letter No. EAS-97-05, effective 5/1/97</td>
</tr>
<tr>
<td>Included Persons</td>
</tr>
<tr>
<td>Assistance Unit</td>
</tr>
<tr>
<td>Minimum Requirements</td>
</tr>
<tr>
<td>Mandatory Inclusion</td>
</tr>
<tr>
<td>Who Determines AU</td>
</tr>
<tr>
<td>Penalty</td>
</tr>
<tr>
<td>Assistance Units that Shall be Combined</td>
</tr>
<tr>
<td>Combining AUs</td>
</tr>
</tbody>
</table>
## TABLE OF CONTENTS (Continued)

### CHAPTER 82-800 ASSISTANCE UNIT

<table>
<thead>
<tr>
<th>Optional Persons</th>
<th>82-828</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Responsibility</td>
<td>.1</td>
</tr>
<tr>
<td>Optional Persons</td>
<td>.2</td>
</tr>
<tr>
<td>Excluded Persons</td>
<td>82-832</td>
</tr>
<tr>
<td>Person Who is Excluded by Law</td>
<td>.1</td>
</tr>
<tr>
<td>Sanctioned Persons</td>
<td>.2</td>
</tr>
<tr>
<td>Add a Person Who Becomes Ineligible Prior to Authorization of Aid</td>
<td>.3</td>
</tr>
<tr>
<td>Timed-Out Adults</td>
<td>82-833</td>
</tr>
<tr>
<td>Federal AFDC Program for Pregnant Women</td>
<td>82-836</td>
</tr>
<tr>
<td>AU of One</td>
<td>.1</td>
</tr>
<tr>
<td>Pregnancy Special Need</td>
<td>.2</td>
</tr>
</tbody>
</table>
CHAPTER 82-800 ASSISTANCE UNIT

82-804 LIVING IN THE HOME OF A CARETAKER RELATIVE

.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]


82-808 CARETAKER RELATIVE REQUIREMENTS

.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).
ELIGIBILITY AND ASSISTANCE STANDARDS
ASSISTANCE UNIT
Regulations

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

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
CARETAKER RELATIVE REQUIREMENTS

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

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.

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

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.
### 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.

### 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)

.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)

.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.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>.1</td>
<td>Who Can Be Temporarily Absent</td>
</tr>
<tr>
<td>.2</td>
<td>Living With the Caretaker Relative</td>
</tr>
<tr>
<td>.3</td>
<td>Care and Control</td>
</tr>
<tr>
<td>.4</td>
<td>Determining Factors</td>
</tr>
<tr>
<td>.41</td>
<td>Temporary Absence</td>
</tr>
<tr>
<td>.411</td>
<td>Actual Situation</td>
</tr>
<tr>
<td>.412</td>
<td>Decision Making</td>
</tr>
<tr>
<td>.413</td>
<td>Ability to Return</td>
</tr>
<tr>
<td>.414</td>
<td>Intent to Return</td>
</tr>
<tr>
<td>.415</td>
<td>Paying Costs</td>
</tr>
<tr>
<td>.5</td>
<td>One Full Calendar Month Time Limit</td>
</tr>
<tr>
<td>.51</td>
<td>One Full Calendar Month</td>
</tr>
</tbody>
</table>
(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

- **.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.
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.

A person absent from the home due to employment may be considered temporarily absent for the duration of the employment/job activity.

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.

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:

- 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.

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:

- 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.
.68 Children Receiving Out-of-Home Care

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.

.681

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

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

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

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.
(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.
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

.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)

| .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.
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.

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


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

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

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

There is only one caretaker relative.
Combining AUs Mid-Period

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.

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

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.

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]

82-828  OPTIONAL PERSONS  82-828

.1  County Responsibility

.11  Identify Optional Persons

The county shall identify, for the applicant or recipient, any person living in the home who may be included in the AU.

.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

The county shall explain to the applicant or recipient the effect of including or excluding the optional person. The applicant or recipient shall decide who is to be included.

.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

The following persons who are not otherwise required to be in the AU shall be included upon request of the applicant/recipient.

.21  Nonparent Caretaker Relatives

Any nonparent relative who has been determined to be the caretaker relative.

.22  Other Eligible Children

Any other eligible children, including, but not limited to, a niece or nephew.

.23  Essential Persons

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.
.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 (Cont.)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(j)</td>
<td>Reserved</td>
</tr>
<tr>
<td>(k)</td>
<td>Non-minor dependent</td>
</tr>
</tbody>
</table>

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.

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 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.

(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.
ELIGIBILITY AND ASSISTANCE STANDARDS

ASSISTANCE UNIT

82-832 (Cont.)

82-832 EXCLUDED PERSONS (Continued) 82-832

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
(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

.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

.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
.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**

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Repealed by Manual Letter No. EAS-96-07, effective 9/1/96</td>
</tr>
<tr>
<td>Chart for Determining Relatedness of Caretaker Relatives</td>
</tr>
</tbody>
</table>

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**ELIGIBILITY AND ASSISTANCE STANDARDS**

Regulations  **CHART FOR DETERMINING RELATEDNESS OF CARETAKER RELATIVES**
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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.
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## TABLE OF CONTENTS

**DIVISION 89 DEMONSTRATION PROJECTS**

<table>
<thead>
<tr>
<th>Assistance Payments Demonstration Project (APDP) and California Work Pays Demonstration Project (CWPDP)</th>
<th>89-100</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor Parent</td>
<td>89-200</td>
</tr>
<tr>
<td>Renumbered to Chapter 89-100 by Manual Letter No. EAS-95-06, effective 7/9/95</td>
<td>89-300</td>
</tr>
<tr>
<td>Renumbered to Chapter 89-100 by Manual Letter No. EAS-95-06, effective 7/9/95</td>
<td>89-400</td>
</tr>
<tr>
<td>Renumbered to Chapter 89-100 by Manual Letter No. EAS-95-06, effective 7/9/95</td>
<td>89-500</td>
</tr>
<tr>
<td>Repealed by Manual Letter EAS-98-05, effective 12/28/98</td>
<td>89-700</td>
</tr>
</tbody>
</table>
This page is intentionally left blank.
# TABLE OF CONTENTS

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

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

**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


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


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

.HANDBOOK BEGINS HERE


.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 (Continued)

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>.212</td>
<td>Aided Parent of Unaided Child</td>
<td>Each parent receiving aid because of an unaided excluded child; or</td>
</tr>
<tr>
<td>.213</td>
<td>Pregnant Woman Only</td>
<td>The pregnant woman in an AU consisting of the woman only; or</td>
</tr>
<tr>
<td>.214</td>
<td>RCA AU</td>
<td>Each adult or parent of a child aided under RCA in a Refugee Cash Assistance AU.</td>
</tr>
</tbody>
</table>

**.22 Receives Benefits**

Receives at least one of the following:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>.221</td>
<td>SSI/SSP</td>
<td>Supplemental Security Income/State Supplemental Payments (SSI/SSP); or</td>
</tr>
<tr>
<td>.222</td>
<td>IHSS</td>
<td>In-Home Supportive Services (IHSS); or</td>
</tr>
<tr>
<td>.223</td>
<td>SDI</td>
<td>State Disability Insurance (SDI); or</td>
</tr>
<tr>
<td>.224</td>
<td>TWC</td>
<td>Temporary Worker’s Compensation (TWC - Temporary Disability Indemnity - TDI).</td>
</tr>
</tbody>
</table>

**.225 Repealed by Manual Letter No. EAS-98-01, effective 1/1/98.**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>.23</td>
<td>Unaided Non-parent Caretaker</td>
<td>Is an unaided, non-parent caretaker relative.</td>
</tr>
<tr>
<td>.24</td>
<td>(Reserved)</td>
<td></td>
</tr>
</tbody>
</table>

**.25 Minor Parents and Pregnant Women**

For purposes of Section 89-110.21:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>.251</td>
<td>Minor Parent</td>
<td>A minor parent aided as an eligible child is considered to be a parent.</td>
</tr>
<tr>
<td>.252</td>
<td>Pregnant Woman</td>
<td>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.</td>
</tr>
</tbody>
</table>
### 89-110 MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION (Continued)

<table>
<thead>
<tr>
<th>Rule</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>.26</td>
<td>Review of AU Exemption Status</td>
</tr>
<tr>
<td>.261</td>
<td>WTW Exemption</td>
</tr>
<tr>
<td>(SAR) .262</td>
<td>Semi-Annual Eligibility Report Received</td>
</tr>
<tr>
<td>.263</td>
<td>Application or Add Person</td>
</tr>
<tr>
<td>.264</td>
<td>Request a Review or Report a Change</td>
</tr>
<tr>
<td>.27</td>
<td>Exempt AU Status</td>
</tr>
<tr>
<td>.271</td>
<td>If Exempt Status Results from Request for Review</td>
</tr>
<tr>
<td>(SAR) .28</td>
<td>Use of Exempt/Nonexempt Amount</td>
</tr>
<tr>
<td>(AR/CO)</td>
<td>Use of Exempt/Nonexempt Amount</td>
</tr>
</tbody>
</table>
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

(Continued)

HANDBOOK CONTINUES

<table>
<thead>
<tr>
<th>(AR/CO)</th>
<th>Example 5a – Exempt AU – SSI/SSP Parent with Child.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(SAR)</th>
<th>Example 6 – Nonexempt AU – Minor Parent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>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</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(SAR)</th>
<th>Example 7 – Nonexempt AU – Aided Stepparent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The AU consists of a father, the father’s children, and an aided stepparent. The stepparent 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 stepparent 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 stepparent must meet an exemption as required by Section 89-110.211.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(AR/CO)</th>
<th>Example 8 – Exempt AU – Unaided Stepparent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>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.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>(SAR)</th>
<th>Example 9 – Nonexempt AU – Undocumented Immigrant Father</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>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.</td>
</tr>
</tbody>
</table>

HANDBOOK CONTINUES
DEMONSTRATION PROJECTS
APDP AND CWPD

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

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

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

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.
Example 14 – Late Discovery Due to Administrative Error

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.

Example 14 – Late Discovery Due to Administrative Error

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.

Example 15 – Mid-Period Status Review Request

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

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

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

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
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

(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
(Continued)

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

CALIFORNIA-DSS-MANUAL-EAS
MANUAL LETTER NO. EAS-13-02 Effective 7/1/13
Page 935
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

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
+150  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
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:

$\begin{align*}
300 & \text{ checking account} \\
+600 & \text{ savings account} \\
900 & \text{ total countable property}
\end{align*}$

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:

$\begin{align*}
300 & \text{ checking} \\
+600 & \text{ savings} \\
+500 & \text{ CSV life insurance} \\
1400 & \text{ total} \\
-1000 & \text{ limit for applicants} \\
400 & \text{ excess property September & October} \\
+200 & \text{ restricted account opened in October} \\
600 & \text{ excess property beginning November}
\end{align*}$

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.
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.

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.

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.

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.
**DEMONSTRATION PROJECTS**

**APDP AND CWPDP**

89-120 (Cont.)

**$2,000 PROPERTY LIMIT FOR RECEPIENTS**

(Continued)

**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
- +1,700 AU’s other property
- $ 2,200 AU’s total property
- -2,000 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**

89-125 INCREASED MOTOR VEHICLE LIMIT FOR RECIPIENTS

.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 $4,500

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.

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

89-130   RESTRICTED ACCOUNTS FOR RECIPIENTS