

40-128	APPLICANT'S STATEMENT OF FACTS	40-128
---------------	---------------------------------------	---------------

.1 Filing the Statement of Facts

.11 The applicant, in support of his/her application, shall complete, sign, and file with the county the Statement of Facts (SAWS 2) supporting his/her eligibility for assistance. The statement may be filed with the county at the time of application or at any subsequent time prior to completion of the determination of eligibility. In case of an applicant in "immediate need," see Section 40-129.

.111 A copy of the completed Statement of Facts is to be given to the applicant if he/she so desires or to the guardian, conservator, or other person who completed the original.

.112 Two copies of the Statement of Facts shall be available to applicants and recipients on request, but only one copy of the Statement of Facts shall be required to be completed, signed, and returned to the county welfare department.

.12 Minor Parent Residing with Unaided Senior Parent(s).

.121 The minor parent (see Section 44-133.51) who applies for aid while residing in the same household as his/her unaided senior parent(s) must report the income of his/her parent(s).

In addition to the SAWS 2, the minor parent shall submit a Senior Parent Statement of Facts (SAR 23) to the county welfare department. The minor parent is responsible for obtaining all information necessary to complete the SAR 23 and for obtaining the necessary verification from the senior parent(s). The information and the submitted verification must provide the county welfare department with the facts necessary to make a correct eligibility and grant determination.

.122 Failure to provide a complete SAR 23 (as defined in .121 above) shall result in the denial of aid to the minor parent and child in accordance with Section 40-105.1.

40-128	APPLICANT'S STATEMENT OF FACTS (Continued)	40-128
---------------	---	---------------

- .13 Sponsored Non-Citizens
 - .131 A sponsored non-citizen who applies for aid shall provide the County Welfare Department (CWD) with a statement of the ability of the sponsor to meet his/her needs. As a part of his/her application for aid on the form SAWS 2, the sponsored non-citizen shall submit a complete Form SAR 22 (Sponsor's Statement of Facts) to the CWD. The sponsored non-citizen is responsible for ensuring that the SAR 22 is complete.
 - .132 Failure to provide a complete SAR 22 (as defined in .131 above) shall result in the denial of aid to the sponsored non-citizen.
- .14 A change in an aid recipient's status from that of a medically needy person certified for medical assistance to that of a grant recipient requires a new application. A Statement of Facts (SAWS 2) is required before a cash grant is authorized for such person only in circumstances described in Section 40-183.5.

40-128	APPLICANT'S STATEMENT OF FACTS (Continued)	40-128
---------------	---	---------------

.2 Who May Sign the CalWORKs Statement of Facts

Every effort should be made to obtain the parent's or guardian's signature on the Statement of Facts (SAWS 2) regardless of who signs the application (SAWS 1). However, a relative or the social service agency representative who has responsibility for the care and supervision of the child may sign the SAWS 2 in the following instances:

- .21 The child has been relinquished for adoption.
- .22 There is no parent or guardian.
- .23 The parent has been legally deprived of the child's custody.
- .24 The parent cannot be located or is not available to sign. The parent may be deemed unavailable to sign if he/she is physically or mentally incapable of signing. In all situations where the child is living with someone other than the parent, then the parent may be deemed unavailable to sign if (1) his/her whereabouts are unknown, (2) he/she refuses to sign, or (3) he/she refuses to cooperate in providing necessary information.

(See Section 40-131 regarding interview requirement.)

- .25 At county option, the placement worker shall have the authority to complete an FC 2 in place of the SAWS 2 under the following circumstances:
 - .251 The child is relinquished for adoption.
 - .252 The parent is unavailable to sign, as described in .24 above.
 - .253 There is no parent or guardian.

.3 Repealed by Manual Letter No. EAS-86-01 (effective 1/17/86).

.4 When the Statement of Facts and other documents are to be completed by a representative of the county on behalf of the applicant or recipient, that representative shall be the person with responsibility for the care and supervision of the applicant or recipient, and another representative of the county shall then countersign and approve any recommendation for authorization of aid payments. (See Section 40-131 regarding interview requirement.)

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 45 CFR 205.50(a)(1)(i)(A); 42 USC 602(a)(39); Family Support Action Transmittal 91-15 dated April 23, 1991; and Section 5053 of the Omnibus Budget Reconciliation Act (OBRA) of 1990.

This page is intentionally left blank.

40-129	IMMEDIATE NEED	40-129
---------------	-----------------------	---------------

.1 Definitions

- .11 "Apparent Eligibility" means that the information provided on the Statement of Facts and information otherwise available to the county indicates that the applicant would be eligible for aid if the information on the Statement of Facts were verified.
- .12 "Applicant" means the person or family making, or on whose behalf is made, a request for AFDC by filing an application.
- .13 An "Emergency Situation" means one or more of the following exist:
 - .131 Lack of Housing - The applicant is homeless as defined in MPP 44-211.511.
 - .132 Pending Eviction - The applicant has received any type of eviction notice, including a three-day notice to pay or quit, evicting the family from its current residence.
 - .133 Lack of Food - The applicant does not have enough food to sustain the family for a period of three calendar days.
 - .134 Utility Shutoff Notice - The applicant has received a notice of termination of utility service or such service has been terminated.
 - .135 Transportation - The applicant is unable to meet essential transportation needs such as those relating to food, medical care, or job opportunity.

40-129	IMMEDIATE NEED (Continued)	40-129
---------------	-----------------------------------	---------------

- .136 Clothing - The applicant lacks essential clothing such as diapers or clothing needed for inclement weather.
- .137 Other - The applicant has other emergencies of similar importance to the family's immediate health and safety.
- .14 "Home" means any location where a family resides.
- .15 "Liquid Resources" means exempt and nonexempt items of value belonging to persons who would be included in the assistance unit which are immediately available and reasonably convertible to cash in time to meet the emergency situation.
 - .151 Liquid resources shall include but are not limited to cash, negotiable securities, and similar resources.
 - .152 Liquid resources do not include the cash surrender value of insurance policies, trust deeds, household items and furnishings, personal effects, motor vehicles, or real property.
- .2 Eligibility for an Immediate Need Payment
 - .21 Eligibility for an Immediate Need payment exists when the applicant meets all of the following conditions:
 - .211 Is apparently eligible for AFDC.
 - (a) An alien applicant who does not provide verification of his/her eligible alien status is not apparently eligible.
 - (b) A woman with no eligible children who does not provide medical verification of pregnancy as specified in MPP 44-205.642 is not apparently eligible.
 - .212 Has an emergency situation, without regard to whether it could have been anticipated, which cannot be addressed by the issuance of food stamps or homeless assistance or by referral to a community resource as specified in MPP 40-129.6.
 - .213 Has resources that do not exceed the resource limitation as specified in MPP 40-129.22.

40-129	IMMEDIATE NEED (Continued)	40-129
---------------	-----------------------------------	---------------

- .214 Has complied with the following technical conditions for AFDC:
 - (a) Social security enumeration, application for unconditionally available income (including UIB), work registration of the principal earner who is exempt from GAIN due to remoteness, work registration of the nonfederal principal earner, and cooperation with the District Attorney in accordance with MPP 43-201.1.
 - (1) AFDC and Immediate Need case processing shall continue pending the applicant's verification of his/her completion of any technical condition of eligibility required.

- .22 Resource Limitation
 - .221 When the emergency situation involves transportation, liquid resources must be less than the cost of the emergency.
 - .222 When the emergency situation is a pending eviction, liquid resources together with income must be less than the rent owing.
 - .223 For all other emergency situations, liquid resources must be less than \$100.

- .23 If eligible, the Immediate Need payment is:
 - .231 The amount of the grant to which the applicant family would be entitled for the month of application computed in accordance with MPP 44-315.5 or \$200, whichever is less.

- .24 The family shall be eligible for a second Immediate Need payment when:
 - .241 A second request is made; and
 - .242 The applicant remains apparently eligible; and
 - .243 The AFDC check has not yet been issued; and
 - .244 The family emergency continues or a new emergency has arisen; and
 - .245 The Immediate Need payment issued in the previous month was approved for an amount less than \$200.

- .25 In no event shall the combined amount of the Immediate Need payments exceed \$200.

40-129	IMMEDIATE NEED (Continued)	40-129
---------------	-----------------------------------	---------------

.3 Immediate Need Payment Requests

.31 A family may request an Immediate Need payment any time during the application process.

.311 The application process begins the date the county receives a completed application and continues until the AFDC application is approved and aid is issued or until the application is denied or withdrawn.

.32 At the time of application, every applicant shall be given the opportunity to request an Immediate Need payment by completing the Immediate Need section of the application.

.321 The county shall encourage applicants who indicate that they are in an emergency situation to complete the Immediate Need section of the application.

.322 If an applicant indicates verbally or in writing that he/she has an emergency situation, after the application has been submitted, the county shall provide the applicant with the Immediate Need Payment Request (CA 4, 9/90).

.323 The Immediate Need Payment Request (CA 4, 9/90) shall only be required for applicants who request an Immediate Need payment after the initial application.

.33 The county shall not complete the Immediate Need section of the application or the Immediate Need Payment Request (CA 4, 9/90), except at the applicant's specific request.

.34 All Immediate Need payment requests received during regular business hours shall be accepted on that date.

.341 In no event shall any person wishing to file a request for an Immediate Need payment be denied the right to do so.

.342 The county shall not ask an applicant to withdraw an Immediate Need payment request.

.35 The applicant shall be given a copy of the application or the Immediate Need Payment Request (CA 4, 9/90) when it is received by the county indicating the date of receipt.

.4 The Immediate Need Interview

.41 If the applicant indicates on the initial application or the Immediate Need Payment Request (CA 4, 9/90) that the family has an emergency situation as defined in MPP 40-129.13, the county shall conduct an Immediate Need interview no later than the next working day following the date the Immediate Need request is received.

HANDBOOK BEGINS HERE

- .411 When feasible, the county should conduct the interview the same day the Immediate Need payment is requested, but no later than the next working day.

HANDBOOK ENDS HERE

- .412 The face-to-face interview shall be conducted in accordance with MPP 40-131.

- .413 During the Immediate Need interview, the county shall review:

- (a) The completed Statement of Facts; and
- (b) The application or, if applicable, the completed Immediate Need Payment Request (CA 4, 9/90).

- .414 To the extent that it is reasonable for the county to expect the applicant to do so within the Immediate Need time frame, the applicant shall provide all documentation necessary to verify the family's eligibility for AFDC.

- (a) The county shall not deny an Immediate Need payment because the applicant failed to provide verification/documentation of eligibility for AFDC except as required under MPP 40-129.211(a) and (b) or when such verification is in the applicant's possession.

.5 Action on The Immediate Need Payment Request

- .51 A determination of eligibility for an Immediate Need payment shall be made no later than the next working day following receipt of the request.

- .52 When eligibility to an Immediate Need payment exists:

- .521 And eligibility for AFDC is verified within the Immediate Need time frame specified in MPP 40-129.51, the county shall issue the regular aid payment to which the applicant is eligible in lieu of the Immediate Need payment.

- (a) The aid payment shall be issued in the same manner as the Immediate Need payment in MPP 40-129.8.

40-129	IMMEDIATE NEED (Continued)	40-129
---------------	-----------------------------------	---------------

- .522 And eligibility for AFDC is not verified within the Immediate Need time frame, the county shall issue the Immediate Need payment in accordance with MPP 40-129.8 unless the emergency situation is pending eviction and the applicant has requested an expedited determination of eligibility in accordance with MPP 40-129.7.

- .523 The county shall notify the applicant in writing in accordance with MPP 22-001a.(1).

- .53 When eligibility for an Immediate Need payment does not exist:
 - .531 The Immediate Need payment request shall be denied and the applicant notified in writing in accordance with MPP 22-001a.(1). Where notification is hand-delivered, a new Immediate Need Payment Request (CA 4, 9/90) shall also be given to the applicant.

 - .532 The AFDC eligibility determination process shall continue unless the family fails to meet financial eligibility or deprivation standards, in which case the AFDC application and the request for an Immediate Need payment may be denied concurrently.

 - .533 A denial of an Immediate Need payment request shall not constitute a basis for denial of the application for aid.

 - .534 The county shall deny the Immediate Need request in the following situations:
 - (a) The applicant is eligible for Immediate Need based on the need for food as defined in MPP 40-129.133 and the need for food has been met through the issuance of food stamps within one working day from the date of the Immediate Need request.

HANDBOOK BEGINS HERE

- (1) In order for the request for an Immediate Need payment to be denied based on the issuance of food stamps to meet a food need, the applicant must be able to use the food stamps to feed the applicant and the applicant's family.

- (2) For example, a family is living in a hotel which prohibits the family from bringing food into the room. In this situation, the food stamps will not meet the family's need for food unless the food stamps can be used to purchase prepared meals at a location reasonably accessible to the hotel. If such prepared meals are not available, the request for an Immediate Need payment cannot be denied based on the issuance of food stamps.

HANDBOOK ENDS HERE

- (b) The applicant is eligible for an Immediate Need payment based on homelessness as defined in MPP 44-211.511 and a homeless assistance payment has been issued within one working day of the Immediate Need request.

- (c) The applicant is not apparently eligible in accordance with MPP 40-129.211.

- (d) The county has concluded, based upon all available information, that the applicant does not have an emergency situation.

- (e) The applicant is eligible for an Immediate Need payment based on an eviction as specified in MPP 40-129.132 and the applicant chooses an expedited eligibility determination for aid.

- (f) The need has been met through a referral to a community resource made in accordance with MPP 40-129.6.

- (g) The applicant is currently receiving AFDC or Refugee Cash Assistance.

- (h) The Immediate Need request was made by an individual being added to an existing assistance unit.

- (i) The Immediate Need request was made on behalf of a child placed in foster care.

40-129	IMMEDIATE NEED (Continued)	40-129
---------------	-----------------------------------	---------------

- (j) The entire assistance unit is currently being sanctioned.
 - (k) The county is unable to establish the applicant's eligibility in the following circumstances:
 - (1) The applicant fails to cooperate as specified in MPP 40-129.214 or refuses to cooperate as specified in MPP 40-129.414(a).
 - (2) The applicant fails to keep the scheduled face-to-face interview.
- .6 Referral to Community Resources
- .61 The county shall have the option to refer the applicant to another public program or private resource to meet an emergency situation other than the need for shelter or food and the request for an Immediate Need payment may be denied, when all of the following conditions are met:
 - .611 During the application period not more than one referral is made and the referral, when made, is to meet no more than one need.
 - .612 The county has verified in advance that the specific need will be fully met by the public program or private resource by the end of the working day following the request for an Immediate Need payment. The case record shall be documented to show that the county has verified in advance that such need will be met.
 - .613 The family has the mental and physical capabilities to travel to the public program or private resource. Counties will complete the referral with due regard to the situation of the family as a whole.
 - .62 The county shall not refer the applicant to the public program or private resource when travel will create another emergency situation.
 - .63 When a referral to another public program or private resource is made, the county shall provide the applicant the following information in writing:
 - .631 The name, contact person, address and phone number of the public program or private resource, and
 - .632 The applicant's specific need that will be met by the referral to the public program or private resource, and
 - .633 If the other public program or private resource does not fully meet the applicant's need and the applicant returns within the Immediate Need time frame and remains eligible for an Immediate Need payment, the payment will be issued no later than the next working day following the date the county received the Immediate Need request.

40-129	IMMEDIATE NEED (Continued)	40-129
---------------	-----------------------------------	---------------

- .64 When the other public program or private resource does not fully meet the applicant's need and the applicant returns within the Immediate Need time frame, the county shall provide the applicant with an Immediate Need payment, providing the applicant remains eligible.

- .65 When the other public program or private resource does not fully meet the applicant's need and the applicant returns after the Immediate Need time frame, the county shall provide the applicant with a new Immediate Need Payment Request (CA 4, 9/90).

- .7 Expedited Determination of Eligibility
 - .71 If the emergency situation is an eviction, and the applicant is found to be eligible for an Immediate Need payment, the applicant shall be permitted to choose in writing either the Immediate Need payment or an expedited determination of AFDC cash aid eligibility when all of the following conditions are met:
 - .711 The applicant is in receipt of a notice of eviction, including a three-day notice to pay or quit; and
 - .712 The applicant has insufficient funds to pay the rent owing; and
 - .713 The applicant is currently residing in his/her home.

 - .72 Before the applicant chooses between the two options, the county shall inform the applicant in writing of the information and verification known to be necessary to determine eligibility for aid.

 - .73 The applicant's decision shall be documented in writing and retained in the case record.

 - .74 The expedited eligibility determination shall be completed and payment issued within three working days from the date of the Immediate Need payment request.

 - .75 The county shall issue the Immediate Need payment no later than the third working day if the eligibility determination cannot be completed.

40-129	IMMEDIATE NEED (Continued)	40-129
---------------	-----------------------------------	---------------

.8 Payment Issuance

.81 If AFDC eligibility has not been verified, the county shall issue the Immediate Need payment as follows:

.811 If the office where the Immediate Need payment request is received has in-house payment issuance capabilities for AFDC FG and U, then the Immediate Need payment shall be hand-delivered to the applicant in that office.

(a) The county shall deliver the payment no later than the next working day following the day the county received the Immediate Need request.

.812 If the office where the Immediate Need payment request is received does not have in-house payment issuance capabilities, the applicant shall be given the choice of having the Immediate Need payment hand-delivered either at another specified location or to the applicant at the office where the application was filed.

(a) When an applicant chooses to receive payment at another specified location, the county shall deliver the payment no later than the next working day following the day the county received the Immediate Need request.

(b) When an applicant chooses to receive payment at the office where the application was filed, the county shall deliver the payment no later than the third working day following the day the county received the Immediate Need request.

(c) When the applicant fails to pick up the payment, the county shall deposit it in the mail no later than the end of the next working day.

(d) The applicant's choice of payment method shall be documented in the case record.

.9 Completion of the AFDC Eligibility Determination Process

.91 When an Immediate Need payment has been issued, the county shall verify the applicant's eligibility for aid within 15 working days from the date of receipt of the Immediate Need payment request.

.911 The 15-working-day time frame shall apply to an Immediate Need request that was denied because the need was met by another public program or private resource.

40-129 IMMEDIATE NEED (Continued) 40-129

- .912 The 15-working-day time frame shall apply to an Immediate Need payment request that was denied because the emergency situation was a lack of housing and the need was met by the issuance of a homeless assistance payment.
- .913 When the 15-working-day time frame cannot be met, the eligibility verification process shall continue.
- .92 If verification of eligibility is completed, and the applicant determined eligible, the county shall compute the aid payment in accordance with the beginning date of aid rules at MPP 44-317.13.
- .93 The amount of aid payment shall be the grant amount less any Immediate Need payment the county issued for that month.
- .94 The county shall issue the payment as soon as administratively possible.
- .95 When an Immediate Need payment has been issued, and the applicant family is determined to be ineligible for AFDC benefits, the application shall be denied.

NOTE: Authority cited: Sections 10553, 10554, and 11209, Welfare and Institutions Code. Reference: Sections 11056, 11266, and 11270, Welfare and Institutions Code; and 45 CFR 205.52, 206.10 and 233.10(a)(1)(iv).

40-131 INTERVIEW REQUIREMENT 40-131

- .1 Interview Required Prior to Granting Aid
 - .11 A face-to-face interview with the applicant is required prior to the granting of aid. For the home visit requirement in CalWORKs, see Section 40-161.
 - .12 For any applicant who chooses to apply for both CalWORKs and CalFresh, as specified in Section 40-107(a)(6)(B), the CWD shall conduct a single interview for both programs. CalWORKs applicants shall not be required to see a different eligibility worker or otherwise be subjected to two interview requirements to obtain the benefits of both programs.

HANDBOOK BEGINS HERE

- .121 Following the single interview, the application may be processed by separate workers to determine the eligibility and benefit levels for CalWORKs and CalFresh.

HANDBOOK ENDS HERE

40-131 INTERVIEW REQUIREMENT (Continued)**40-131****.2 Inability of Applicant to Participate in Interview**

When the applicant's appropriate Statement of Facts is to be completed on his/her behalf by a guardian, conservator, or other person as provided in Section 40-128, the application interview must be with such guardian, conservator, or other person and also with the applicant unless the applicant is unable to participate because of his/her physical or mental condition or is a child in foster care. The applicant's inability to participate in the interview must be determined by the county through personal contact with the applicant. Such personal contact is required before aid is authorized.

.3 Content of Application Interview

The application interview shall include discussion of the following as pertinent:

- (a) The meaning of the eligibility requirements for both cash grant and medical assistance.
- (b) The applicant's responsibility for reporting all facts and for notifying the county immediately of all changes of circumstances material to a correct determination of eligibility and grant.
- (c) The joint responsibility which the county and the applicant have for exploring all the facts concerning eligibility, needs and income, and the circumstances under which the applicant will be held responsible for presenting records or documents in his possession to support his statements.

This includes the circumstances under which the applicant will be asked to secure statements of their earnings and deductions from their employers and to report both to the county.

- (d) The confidential nature of all information disclosed to the CWD including circumstances under which information may be released to law enforcement officials. See Section 19-004.4.
- (e) The kinds of evidence which may be needed to establish eligibility. (See Section 40-157.)
- (f) The fact that an investigation may be undertaken with the full knowledge and consent of the applicant.
- (g) The purpose and provisions of appropriate public social service programs. (See Services Regulations.)
- (h) The availability of appropriate services and resources within the agency, including family planning (See Section 40-107(f)(2)).
- (i) The availability of assistance or service under some other program either public or private if the needed assistance or service cannot be met by the county department.

40-131	INTERVIEW REQUIREMENT (Continued)	40-131
---------------	--	---------------

- (j) The right to request a state hearing in relation to any action or inaction of the county, including a verbal explanation, in a manner and language which the applicant understands, of the nature of the state hearing process.
- (k) The purpose, provision, and availability of early and periodic screening, diagnosis and treatment services for children under the Child Health Disability Prevention (CHDP) program.
- (l) The responsibility of a parent to support his or her children and the right of the parent or caretaker relative living with the child for whom aid is requested to claim exemption from the cooperation requirements as provided in Section 82-512. The law requires as conditions of eligibility:
 - (1) the assignment of accrued spousal and child support rights for himself or herself and for all children required to be in the AU, and that the receipt of public assistance operates as an automatic assignment unless there is a written refusal to assign such rights; and
 - (2) cooperation in the identification and location of the absent parent, establishment of paternity, and establishment and enforcement of the support obligation unless exempted in accordance with the provisions of Section 82-512.
- (m) The furnishing of the Social Security Number (SSN) is a condition of eligibility required by 42 U.S.C. Section 1320b-7(a)(1) of the Social Security Act, and that the SSN will be utilized in the administration of the CalWORKs Program.
- (n) The fact that information regarding his/her eligibility will be requested through the automated Income and Eligibility Verification System (IEVS) and will be used to aid in determining their eligibility for assistance.
- (o) The applicant's responsibility to apply for and take all appropriate steps to obtain specific benefits for which he/she appears to be potentially eligible.
- (p) Reserved

40-131 INTERVIEW REQUIREMENT (Continued) **40-131**

- (q) The applicant's responsibility to cooperate in a quality control review.

HANDBOOK BEGINS HERE

See Chapter 40-200, Quality Control Cooperation Requirements.

HANDBOOK ENDS HERE

- (r) The availability of transitional child care benefits and transitional Medi-Cal benefits for recipients who are discontinued from CalWORKs due to certain employment-related circumstances.
 - (1) The county shall be permitted to discuss this information either at application or at time of approval.
- (s) The availability of program activities and supportive services of the WTW Program for which applicants and recipients may be eligible. (See Sections 40-107(a)(6) and (a)(7).)
- (t) The actions which constitute an IPV and the penalties to be applied to an individual who committed an IPV.
- (u) At application and each annual redetermination, applicants/recipients shall receive an informing notice regarding the availability of Stage One child care (see Section 47-301.2).

HANDBOOK BEGINS HERE

- (v) Reserved

HANDBOOK ENDS HERE

- (w) The applicant's responsibility for identifying and providing information about third parties who may be liable for medical care and services.

40-131 INTERVIEW REQUIREMENT (Continued) 40-131

- (x) The applicant's responsibility, as specified in Section 40-105.4(c), to secure age-appropriate immunizations for all children in the AU under the age of six. Applicants shall also be informed of any county-specific immunization requirements. This informing shall include but is not limited to the criteria for what constitutes good cause.
- (y) The requirement that all school-age children in the AU must regularly attend school as specified in Section 40-105.5(a). Applicants shall also be informed of any county-specific school attendance requirements. This informing shall include but is not limited to: what constitutes irregular school attendance, the criteria for what constitutes good cause, time frames for complying, and the penalties for not complying.
- (z) See Section 42-715 for instructions in handling the discussion of domestic abuse in the application interview process.

NOTE: Authority cited: Sections 10553, 10554, 10604, and 18904, Welfare and Institutions Code. Reference: Sections 10613, 11209, 11253.5, 11265.8, 11268(a), 11280, 11323.3, 11324.8(a), AB 312, Chapter 1568, Statutes of 1990, 11495.1, 11500(b), and 11511(a), Welfare and Institutions Code; Section 37 of AB 444 (Chapter 1022, Statutes of 2002); 7 U.S.C. 2020(i), 7 CFR 273.2(j), 42 U.S.C. 616(f), 682(c)(2), (3) and (4), and 1320b-7(a)(1), 45 CFR 205.52(a)(1), 45 CFR 250.20, 45 CFR 250.40(a) and (b); 45 CFR 255.1; 45 CFR 256.1(b), and Section 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193): California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996.

40-157 PRINCIPLES AND METHODS OF DETERMINING ELIGIBILITY 40-157

- .1 Principles of Gathering Evidence
 - .11 All information secured in the process of determining eligibility shall be evaluated in light of its internal consistency.
 - .12 Each piece of evidence shall be evaluated in light of the motives and adequacy of knowledge of the person completing the record or document or making the statement.
 - .13 Evidence shall be evaluated qualitatively rather than quantitatively.
 - .14 When evidence is conflicting, inconsistent or incomplete, the investigation shall be pursued to the point that the preponderance of evidence supports the determination regarding the applicant's eligibility.
- .2 Methods of Gathering Evidence
 - .21 The gathering of evidence necessary to make an eligibility determination of an applicant is a joint responsibility of the applicant and the county.

40-157	PRINCIPLES AND METHODS OF DETERMINING ELIGIBILITY (Continued)	40-157
---------------	---	---------------

- .211 The county shall inform the applicant what evidence is desired, why it is needed and how it will be used.
- .212 The applicant shall cooperate with the county in the evidence gathering process to the fullest extent possible.
- .213 When it is not possible for the applicant to obtain necessary evidence, the county shall obtain it for him.

- .22 When needed in the evidence gathering process, and as evidence of the applicant's consent thereto, a specific consent form, signed by the applicant and, if necessary, by the spouse (by both parents in AFDC when this is possible) shall be obtained for each such contact. The consent form should cover the purpose of the specific contact as well as the individual or agency to be consulted. Form 228, Applicant's Authorization for Release of Information, may be used for this purpose. A signed consent form is not required when public records are used or for the purposes of verifying information obtained through IEVS in accordance with Section 20-006.5.

- .3 Participation by the Applicant

If the applicant is able to assist in resolving incomplete, unclear or inconsistent statements on the Form CA 2 or is able to assist in the evidence gathering process but refuses to do either or both, the application shall be denied.

40-159	SPECIAL PROVISIONS FOR DETERMINING ELIGIBILITY	40-159
---------------	---	---------------

.1 Aid Received Previously in Another County

When aid was received previously in another county, the county to which the recipient has moved will be responsible for determining the recipient's continued eligibility for payment of aid.

HANDBOOK BEGINS HERE

For Medi-Cal eligibility, see Medi-Cal Eligibility Manual Section 50136.

HANDBOOK ENDS HERE

.2 Aid Received Previously in Another Program

When aid was received previously under another public social services program, or as medically needy only, the determination of eligibility made under such other program is to be used, to the maximum extent possible, in determining eligibility under this program. (See Section 40-185 and Beginning Date of Aid sections.)

40-161	HOME VISIT	40-161
---------------	-------------------	---------------

A home visit prior to approval of aid and prior to completion of periodic redetermination of eligibility pursuant to 40-181.1 is required when living arrangements or other factors affecting eligibility, or apparent eligibility in cases of immediate need or diversion, cannot be satisfactorily determined without such a visit. However, the recipient's failure to comply with the provisions of Section 40-181.22 will result in the termination of the recipient's grant without the requirement of a home visit.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11266.5 (Ch. 270, Stats. 1997), Welfare and Institutions Code.

40-167	APPLICATION AND DETERMINATION OF ELIGIBILITY PROCEDURE FOR APPLICANTS IN STATE HOSPITALS WHO ARE TO BE RELEASED	40-167
---------------	--	---------------

Repealed by Manual Letter No. EAS-86-01 (effective 1/17/86).

40-169	GAIN PARTICIPATION OR EMPLOYMENT REGISTRATION REQUIREMENTS FOR PERSONS APPLYING FOR AFDC OR INCLUDED IN THE ASSISTANCE UNIT	40-169
---------------	--	---------------

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

40-171	ACTION ON APPLICATIONS, INTERPROGRAM TRANSFERS AND INTRAPROGRAM STATUS CHANGES	40-171
---------------	---	---------------

.1 Application Held Pending

.11 Action Deferred

When the individual, family, or child is ineligible at the time of application as provided in W&IC 11052 but it appears there will be eligibility within 60 days, action on the application is withheld. The applicant is notified of the withholding and of the date when action is to be taken. If the applicant is subsequently determined to be eligible, the beginning date of aid is determined as provided in the Aid Payment Chapter of these regulations.

.2 Actions -- General

Actions on applications consist of approvals, denials, withdrawals, or cancellations.

.21 Application or Request for Restoration Approved

40-171	ACTION ON APPLICATIONS, INTERPROGRAM TRANSFERS AND INTRAPROGRAM STATUS CHANGES (Continued)	40-171
---------------	---	---------------

.211 Application Granted -- General

If eligibility is established aid to begin at a specified time shall be authorized on the date the determination of eligibility is completed.

(See Section 40-129 regarding applications granted on the basis of "immediate need" prior to the completion of the determination of eligibility.)

.212 Certification for Medical Assistance

Every applicant who is determined to be eligible shall be certified for medical assistance. If eligibility for medical assistance only is determined, the application is granted but is designated as "medically needy" and the applicant is certified for medical assistance. Certifications are to be made as provided in Medical Assistance Regulations, Title 22, California Administrative Code, Division 3, (W&IC 14017). The effective date of certification is determined as provided in Section 44-317.

.213 Restoration Following Discontinuance Due to Confinement in an Institution

Under this circumstance the county may elect to effect an "automatic restoration." To do this, two authorization documents shall be approved at the time aid is discontinued. On one form discontinuance is authorized. On the second form restoration of aid is authorized with no effective date specified. Upon release of the recipient from the institution the second authorization is completed by entering the effective date for restoration. (See Aid Payment Chapter.)

When aid is restored to a former recipient who has not during the period of discontinuance been known to the agency, the CA 2 shall be secured and any indicated determination of eligibility completed before aid is paid.

.22 Application or Request for Restoration Denied

.221 County action shall be taken to deny aid if:

- a. Proof of ineligibility for public assistance or for certification for medical assistance as medically needy is obtained. This does not apply when the applicant will become eligible with 60 days of his application. (See Section 40-171.11.)
- b. All reasonable facts concerning eligibility are examined without establishing eligibility.

40-171	ACTION ON APPLICATIONS, INTERPROGRAM TRANSFERS AND INTRAPROGRAM STATUS CHANGES (Continued)	40-171
---------------	---	---------------

- | | | | |
|------|--|--|--|
| | c. | The applicant's whereabouts is unknown. | |
| | d. | The applicant fails to complete the Form CA 2. | |
| | e. | Reserved | |
| | f. | Reserved | |
| | g. | Ineligibility occurs after the legal beginning date of aid but before action is taken to grant aid. | |
| | h. | The applicant establishes residence in another state before the determination of eligibility is completed. | |
| | i. | Failure to cooperate in providing evidence of eligibility in accordance with Section 40-126.344(b). | |
| | j. | Refusal to cooperate in accordance with Section 40-105.1. | |
| | k. | Any person required to provide fingerprint and photo images refuses or otherwise fails to do so. | |
| .23 | Application or Request for Restoration Withdrawn | | |
| .231 | An application can be withdrawn only upon the voluntary initiative of the applicant or person applying on his behalf. The request for withdrawal shall be in writing. | | |
| .232 | There is no requirement that denial action be taken on an application which has been withdrawn. | | |
| .233 | The Notice of Applicant Who Withdraws Application form is mailed or given to the applicant unless the county elects to take denial action, when the notification is by means of the appropriate Notice of Action form or its equivalent. | | |

40-171	ACTION ON APPLICATIONS, INTERPROGRAM TRANSFERS AND INTRAPROGRAM STATUS CHANGES (Continued)	40-171
---------------	---	---------------

.24 Application or Request for Restoration Cancelled

.241 An application or request for restoration of a cash grant is considered cancelled if the applicant dies before the determination is completed.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10830, 11201 (Ch. 270, Stats 1997) and 11275, Welfare and Institutions Code; and 42 USC 402(a)(6).

40-173	COUNTY DEPARTMENT RESPONSIBILITY FOR NOTIFYING APPLICANTS AND RECIPIENTS	40-173
---------------	---	---------------

Prior to county action (except as provided in .7 below), the applicant or recipient shall be (a) notified of any county action which relates to his application, affects aid payment to him or his certification for medical assistance, or affects aid payments to him or his family, and (b) informed of his responsibility for reporting facts material to the determination of his eligibility. Such notification, advice, etc., shall be in simple understandable language. Required notifications are:

.1 Notice of County Action Granting Aid, Changing the Amount of the Grant, Changing the Recipient's Status or Not Changing the Amount of the Grant Following the Submittal of a Recipient Mid-Period Report.

Use appropriate Notice of Action form. Use appropriate Notice of Action form to report county action authorizing a supplemental grant or changing status from a cash grant to MN. (See Section 40-183.)

.2 Notification When Application is Held Pending Eligibility

Use appropriate Notice of Action form.

40-173	COUNTY DEPARTMENT RESPONSIBILITY FOR NOTIFYING APPLICANTS AND RECIPIENTS (Continued)	40-173
---------------	---	---------------

.3 Notice of County Action Denying, Cancelling or Discontinuing Aid

Use appropriate Notice of Action form. (See Sections 22-021 and 22-022.)

.4 Notification When Application is Withdrawn

Use the Notice to Applicant Who Withdraws Application form. If the county elects to deny the application, use appropriate Notice of Action form.

.5 Notice to Recipient of His/Her Responsibility

Use the SAWS 2 instruction sheet to notify the recipient of his/her responsibilities according to Section 40-181. The notification shall be given at least the following times:

.51 At the time of the initial application on new cases or restorations.

.52 At the time of annual redetermination of eligibility.

.6 Confirmation of Guidance and/or Suggestions Regarding Sale of Property

Regarding the sale of his real or personal property, written confirmation given to the applicant or recipient. Such written confirmation shall include a statement regarding the effect of the proposed sale on eligibility. A copy of such confirmation shall be filed in the case record.

.7 Notification of Child/Spousal Disregard Payment

.71 An informational notice must be sent no later than concurrently with each child/spousal support disregard payment issued under Section 82-520.4. The notice language developed by the California Department of Social Services for this purpose shall be used.

.8 Notification of Income Reporting Threshold (IRT)

(SAR) Counties must inform each AU in writing of their individual IRT at least once per SAR Payment Period. Informing shall also occur when the AU or family MAP size changes, when there is a change of persons who are required to report income, when the amount of income used to calculate the grant changes, at redetermination, when the federal poverty levels are updated, upon recipient request and any other time the AU's IRT amount changes. The informing notice shall include:

(AR/CO) Counties must inform each AU in writing of their individual IRT at least once per AR/CO Payment Period. Informing shall also occur when the AU or family MAP size changes, when there is a change of persons who are required to report income, when the amount of income used to calculate the grant changes, when the federal poverty levels are updated, upon recipient request and any other time the AU's IRT amount changes. The informing notice shall include:

40-173	COUNTY DEPARTMENT RESPONSIBILITY FOR NOTIFYING APPLICANTS AND RECIPIENTS (Continued)	40-173
---------------	---	---------------

- | .81 The requirement to report the receipt of gross monthly income that exceeds the IRT;
- | .82 The dollar amount of the IRT for the AU; and
- | .83 The consequences of failing to report.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10553, 10554, 10613, 11209, 11265.3, 11500(b), 11502(a) and (b), and 11511(a), Welfare and Institutions Code; 45 CFR 250.20; 45 CFR 250.40(b); 45 CFR 255.1; 45 CFR 256.1(b); 45 CFR 256.2(b)(1); 45 CFR 256.4(c); and Administration for Children and Families-Action Transmittal-91-1, dated June 16, 1992; and Section 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996.

40-181	CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY	40-181
---------------	---	---------------

.1 General County Responsibility

- | (SAR) (a) The county paying aid shall be responsible for continuing to determine eligibility to ensure payment only to eligible recipients in the correct amount, to assist recipients to meet their financial and service needs as fully as possible, and to make maximum use of their resources and capabilities. For CalWORKs cases, eligibility shall be established by the use of the SAWS 2 at the time of application and then at one-year intervals, and also by the SAR 7, and by recipient mid-period reports (see Sections 44-316(SAR) and 82-832.3(SAR)).
- | (AR/CO) The county paying aid shall be responsible for continuing to determine eligibility to ensure payment only to eligible recipients in the correct amount, to assist recipients to meet their financial and service needs as fully as possible, and to make maximum use of their resources and capabilities. For CalWORKs cases, eligibility shall be established by the use of the SAWS 2 at the time of application and then at one-year intervals, and by recipient mid-period reports (see Sections 44-316(AR/CO) and 82-832.3(AR/CO)).

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181
(Continued)

- (SAR) (1) Eligibility regarding deprivation, household/AU composition, property, and the transfer of assets for less than fair market value shall only be determined on a semi-annual basis based on the information reported on the SAR 7 or the SAWS 2. The county shall compare the information reported on the SAR 7 or the SAWS 2 with any mid-period recipient reports for accuracy. (See Sections 44-316(SAR) and 82-832.3(SAR).)

- (AR/CO) Eligibility regarding deprivation, property, and the transfer of assets for less than fair market value shall only be determined on an annual basis based on the information reported on the SAWS 2. The county shall compare the information reported on the SAWS 2 with any mid-period recipient reports for accuracy (See Section 44-316(AR/CO)).

- (SAR) (2) The SAR 7 only asks for the recipient to report any changes since he or she last reported in regards to property, deprivation, and household/AU composition. If a recipient reports on the SAR 7 that there have been no changes since they last reported, the information on the last verified report (the SAWS 2 or any verified mid-period report) shall be used to determine continuing eligibility.

HANDBOOK BEGINS HERE

- (SAR) (3) Example: A recipient is in a March through August SAR Payment Period. They make a voluntary mid-period report in April that they received an inheritance in the amount of \$5,000 and provide verification. The county sends the recipient a "no-change NOA" informing them that property is only evaluated once per SAR Payment Period. On the July SAR 7 submitted in August, the recipient reports that there have been no changes to their property since they last reported. The county discontinues the AU at the end of the SAR Payment Period for being over the property limit.

- (AR/CO) Example: A recipient has a redetermination due in August. They make a voluntary mid-period report in April that they received an inheritance in the amount of \$5,000 and provide verification. The county sends the recipient a "no-change NOA" and does not take action until the annual redetermination in August.

HANDBOOK ENDS HERE

- (b) Reserved

40-181	CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY	40-181
---------------	---	---------------

(Continued)

- (c) Extended CalWORKs for Non-Minor Dependents
 - (1) For non-minor dependents, eligibility shall be established at the time of application with the county welfare department by use of the Six-Month Certification of Extended Foster Care Participation form (SOC 161, rev. 9/11) and the Mutual Agreement for Extended Foster Care form (SOC 162, rev. 10/11), incorporated in their entirety herein by reference. Eligibility shall be reestablished by use of the SOC 161 certifying eligibility at six-month intervals.

- (SAR) (d) Additional determinations shall be made as necessary if unexpected changes in income or other circumstances occur which affect the eligibility or grant level of the recipient in accordance with Section 44-316(SAR).

- (AR/CO) Additional determinations shall be made as necessary if unexpected changes in income or other circumstances occur which affect the eligibility or grant level of the recipient in accordance with Section 44-316(AR/CO).

- (e) Issuance of aid in the correct amount is a primary program objective. To achieve this objective it is essential that the county shall:
 - (SAR) (1) Give applicants and recipients at the time of application and at least once every 12 months thereafter complete explanations in writing regarding factors which may cause ineligibility, underpayments or overpayments, penalties due to an IPV, and their responsibility to report changes as prescribed by Section 40-105.14(SAR) (Applicant and Recipient Responsibility). The factors which are to be explained shall include changes in income and resources, changes in need, etc. These requirements are met by the use of the SAWS 2A in CalWORKs. These requirements are met by the use of the KG 2A in Kin-GAP. Verbal explanations shall also be given when necessary to assure understanding. The recipient shall signify his/her understanding of his/her responsibilities in writing.

 - (AR/CO) Give applicants and recipients at the time of application and at least once every 12 months thereafter complete explanations in writing regarding factors which may cause ineligibility, underpayments or overpayments, penalties due to an IPV, and their responsibility to report changes as prescribed by Section 40-105.14(AR/CO) (Applicant and Recipient Responsibility). The factors which are to be explained shall include changes in income and resources, changes in need, etc. These requirements are met by the use of the SAWS 2A in CalWORKs. These requirements are met by the use of the KG 2A in Kin-GAP. Verbal explanations shall also be given when necessary to assure understanding. The recipient shall signify his/her understanding of his/her responsibilities in writing.

40-181	CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY	40-181
---------------	---	---------------

(Continued)

- (SAR) (2) In CalWORKs, the semi-annual redetermination of eligibility shall follow the procedures described in Section 40-181.1(a). This requirement is met by the use of the SAR 7 or the SAWS 2. The SAR 7 and SAWS 2 shall be carefully checked each semi-annual period upon receipt so that correct grant computations are made. Special care should be taken to correct grant adjustments for overpayments when income/resources change.

- (3) All applicants for, and recipients of, assistance shall be notified in writing at the time of application, and at each redetermination that information available through IEVS will be requested, used, and may be verified through collateral contact when discrepancies are found by the CWD, and that such information may affect his or her eligibility and level of benefits.

- (4) In reunification cases, as defined in Section 80-301(r)(4), the parents shall be subject to a six-month CalWORKs eligibility redetermination based on the criteria in Section 40-181.2. The six-month period shall coordinate with the court's review of the reunification plan.

- (5) An eligibility redetermination shall be required to restore cash aid to the CalWORKs case when a family is reunified.

- (f) Aid shall not be discontinued nor a warrant cancelled without compliance with Section 22-022.

- (SAR)(g) Aid shall not be discontinued due solely to circumstances beyond the control of the recipient which prevents reporting changes that are required to be reported within ten calendar days of the change or prevents the prompt return of the SAWS 2 or SAR 7 eligibility redetermination forms. (See Section 40-181.216(SAR) for information on good cause determinations for failing to complete the annual redetermination timely and Section 40-181.23(SAR) for information on good cause determinations for failure to submit a complete SAR 7 timely.)

- (AR/CO) Aid shall not be discontinued due solely to circumstances beyond the control of the recipient which prevents reporting changes that are required to be reported within ten calendar days of the change or prevents the prompt return of the SAWS 2 eligibility redetermination form. (See Section 40-181.216 for information on good cause determinations for failing to complete the annual redetermination timely.

- (h) The county is responsible for continuing identification of service needs of the recipient, including medical assistance, and to provide prompt referral for these services.

This page is intentionally left blank

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181
(Continued)

- (i) Referrals for child abuse and neglect are mandatory and may be made without the knowledge or consent of the relative or other person with whom the child is residing.
 - (1) Income Maintenance staff shall refer to protective services whenever they suspect a child is being abused, neglected or exploited or that the home in which the child is living is unsuitable.
 - (2) Income Maintenance staff shall cooperate with protective services, the court, or other agency in planning or implementing action in the best interest of the child.
- (j) Index and file controls shall be established and maintained to ensure appropriate and timely action on items which could affect the recipients' eligibility or the amount of aid. This includes, but is not limited to, maintaining a "tickler file" informing eligibility workers when annual redeterminations are due.
- (k) Documents and/or evidence required of the applicant/recipient to support the initial and/or continuing determination of eligibility must be received by the county on or before the appropriate deadline established by the county and/or in conjunction with each Eligibility Chapter or these regulations. However, when the deadline falls on a Saturday, Sunday or holiday, the documents and/or evidence received on the first business day following the weekend or holiday shall have the same effect as if it had been received on the appointed day.
- (l) At each annual redetermination, recipients shall receive an informing notice regarding the availability of Stage One child care (see Section 47-301.2).
- (m) The county shall inform recipients in writing as specified in Section 40-105.4(c) of the requirement to obtain age-appropriate immunizations for all children in the AU under the age of six. Recipients shall also be informed of any county-specific immunization requirements. This informing shall include but is not limited to the criteria for what constitutes good cause, as defined by the county.
- (n) The county shall inform recipients in writing of the requirement that all school-age children in the AU must regularly attend school, as specified in Section 40-105.5(a). Recipients shall also be informed of any county-specific school attendance requirements. This informing shall include but is not limited to: what constitutes irregular school attendance, the criteria for what constitutes good cause, time frames for complying, and the penalties for not complying.
- (o) See Section 42-715 for general county responsibilities for addressing domestic abuse as part of continuing activities and eligibility determination.

40-181	CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY	40-181
---------------	---	---------------

(Continued)

.2 Periodic Determination of Eligibility

.21 A redetermination of all circumstances of the recipient subject to change shall be completed at least once every twelve (12) months. The applicant/recipient shall complete the appropriate Statement of Facts at the time of application and at least once every 12 months after determination of eligibility. At the time of the annual redetermination and completion of the appropriate Statement of Facts, each recipient shall be either given or mailed informational material required by CDSS.

.211 For CalWORKs brochures describing benefits available under the Child Health and Disability Prevention (CHDP) program and how and where the benefits are provided within the county shall be given to the recipient during the redetermination interview specified in .311 below. Provisions of CHDP informational material shall be documented by notation upon the SAWS 2 form.

(SAR).212 The annual redetermination must be completed in the sixth month of the second Semi-Annual Payment Period of every year (six months after the SAR 7 is submitted). Because the redetermination acts as the second income eligibility report, a complete SAWS 2 must be received by the 15th day of the month in which it is due in order to allow sufficient time to determine benefit amounts and issue timely notice for the following Semi-Annual Payment Period.

(SAR) (a) Because the redetermination process acts as the second semi-annual eligibility report, the redetermination must be aligned with the SAR reporting cycle. The redetermination must be completed in the 6th month of the SAR cycle in which a SAR 7 is not due. However, if for any reason a redetermination takes place outside of the normal SAR Cycle, the county shall act mid-period on all information to increase, decrease, or discontinue cash aid as appropriate.

(SAR) Counties must align the CalWORKs redetermination period with the CalFresh recertification period (Section 63-504). In addition, counties must also align the submission of the annual redetermination with the 6th month of the SAR Payment Period in which a SAR 7 is not due.

40-181	CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY	40-181
---------------	---	---------------

(Continued)

.213 The determination shall be considered completed as soon as the appropriate Statement of Facts has been reviewed and a decision made and recorded by the Eligibility Worker as to whether eligibility continues or ineligibility exists. The Statement of Facts shall be due once a year, in the same month of each year, unless the redetermination date needs to be changed in order to align it with the CalFresh recertification date.

.214 Late Redeterminations

(a) When the redetermination of eligibility (SAWS 2) is not received by the 15th day of the month in which it is due, the county shall send the appropriate discontinuance notice.

(b) In addition to the notice of discontinuance, the county shall attempt to make a personal contact by a county worker with the recipient either by telephone or in a face-to-face meeting. During the personal contact the county shall remind the recipient that a redetermination must be completed no later than the last day of the month in which it is due.

(c) The CWD shall document in the case file how and when the contact was attempted or made.

(d) If the recipient submits a completed SAWS 2 by close of business on the last day of the month in which it was due, the county shall rescind the discontinuance and determine eligibility and grant amount pursuant to 40-181.215 and 44-315.

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181
(Continued)

.215 Processing Late Redeterminations

- (a) If a redetermination is completed after the 15th but on or before the last day of the month, the county shall:
 - (1) Rescind the discontinuance action; and
 - (2) Determine eligibility based on the information reported on the SAWS 2.
- (b) If the recipient submits a complete SAWS 2 during the month following discontinuance, upon recipient request, the CWD shall determine whether the recipient had good cause for failure to complete the redetermination timely, in accordance with Section 40-181.216.

.216 Good Cause Determination for Failure to Complete a Redetermination Timely

A recipient may have good cause for not meeting the redetermination reporting requirements. Good cause exists only when the recipient cannot reasonably be expected to fulfill his/her reporting responsibilities due to factors outside of his/her control. The burden of proof rests with the recipient.

- (a) A good cause exemption shall only be granted if the request is made by the parent, other caretaker relative, or an authorized representative.
- (b) A request is defined as any clear expression to the county, whether verbal or written, that the recipient wants an opportunity to present his/her explanation for not meeting the redetermination reporting requirements. A request for a State Hearing also may be considered a request for good cause determination when the issue to be heard specifically relates to Section 40-181.21.
- (c) In lieu of a request, as required by (2) above, a county has the discretion to independently determine that one of the situations specified in (d) below exists.
- (d) Good cause exists in only the following situations:
 - (1) When the recipient is suffering from a mental or physical condition which prevents timely and complete reporting.
 - (2) When the recipient's failure to submit a timely and complete report is directly attributable to county error.
 - (3) When the county finds other extenuating circumstances.

40-181	CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY	40-181
---------------	---	---------------

(Continued)

- (e) When the recipient has good cause for not reporting timely, the county shall rescind the discontinuance.
 - (f) If the recipient is not found to have good cause for not reporting timely, the county shall determine eligibility based on applicant rules from the date that the complete SAWS 2 was submitted.
 - (g) If the SAWS 2 is received more than a month following discontinuance, it shall be treated as a request for restoration of aid and eligibility shall be determined based on applicant rules from the date the complete SAWS 2 was received. (See Section 40-125.9.)
- .217 For CalWORKs purposes, a redetermination is complete when all of the following requirements are met:
- (a) The response to all questions pertaining to CalWORKs eligibility and grant amount shall provide the county with information sufficient to answer the question. The information provided on the SAWS 2 together with the submitted evidence must be sufficient for the county to determine eligibility and grant amounts. This includes the income and any change in resources of a stepparent living in the home, and any person who is required to apply for aid under Section 40-118 but is excluded from the AU. Reported income shall include current earned, unearned, exempt, and nonexempt income and any reasonably anticipated changes to that income; and
 - (b) Evidence shall be submitted with the SAWS 2 to verify the gross amount of all earned income received and the date of receipt. Evidence shall be submitted to verify initial receipt of or a change in the amount of unearned income received. Such evidence includes but is not limited to: pay stubs, letters of award or benefits (such as unemployment, disability, or Social Security), statements showing interest income, dividend income, tax return showing the amount of EIC received, etc. Documents and records submitted with the SAWS 2 shall be promptly returned to the recipient; and
 - (c) The address along with other information provided on the SAWS 2 shall be sufficient for county administrative purposes, including the ability to locate the recipient; and
 - (d) Information reported on the SAWS 2 must be consistent with other information which the county has verified to be accurate; and

40-181	CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY	40-181
---------------	---	---------------

(Continued)

- (e) The SAWS 2 shall be signed under penalty of perjury by each natural or adoptive parent or aided spouse of a parent or other caretaker relative living in the home, unless an individual so specified is temporarily absent from the home (see Section 82-812); and
- (f) The redetermination interview has been completed; and
- (g) The SAWS 2 shall include the SAR 22 (Sponsors Statement of Facts, Income and Resources) when the recipient is a sponsored non-citizen; and
- (h) The SAWS 2 shall include the SAR 23 (Senior Parent Statement of Facts) when a minor parent lives with his/her senior parent (see Section 89-201.5).

.218 If the recipient is receiving or is potentially eligible to receive unconditionally available income, including but not limited to Old Age, Survivors, and Disability Insurance (OASDI) or benefits available to veterans of military service, it shall not be necessary to initiate a verification or referral procedure unless circumstances indicate a change in the recipient's eligibility for the benefit.

.219 If, during a redetermination, the county determines that a recipient is no longer exempt from cooperation requirements, the county shall enforce those requirements.

HANDBOOK BEGINS HERE

- (a) See Section 82-510, Cooperation Requirements

HANDBOOK ENDS HERE

(SAR).22 CalWORKs recipients shall, in addition to the annual completion of the SAWS 2, complete and return a SAR 7 to the county by the 5th calendar day of the SAR Submit Month in which a redetermination is not due, but not before the first calendar day of that month. SAR 7s not received by the 11th of the SAR Submit Month shall be considered late.

40-181	CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY	40-181
---------------	---	---------------

(Continued)

(SAR) .221 Late SAR 7s

(SAR) (a) When the SAR 7 is not received by the 11th day of the SAR Submit Month or the SAR 7 is received but is not complete in accordance with the completeness criteria specified in Section 40-181.241(SAR), the county shall send the appropriate discontinuance notice.

(SAR) (b) When a SAR 7 has not been received at the county after the notice of discontinuance has been sent, the county shall attempt to make a personal contact by a county worker with the recipient either by telephone or in a face-to-face meeting. During the personal contact the county shall remind the recipient that a complete SAR 7 must be received by the county no later than the end of the first working day of the next SAR Payment Period.

(1) When the recipient cannot be personally contacted, a written reminder notice, which shall include language specified by CDSS, shall be mailed no later than five days prior to the last calendar day of the report month. Under no circumstances shall the reminder notice be mailed in the same envelope as the discontinuance notice required in Section 40-181.221(a).

(c) The CWD shall document in the case file how and when the contact was attempted or made.

(SAR) (d) If the recipient contacts the county on the first working day of the SAR Payment Period to report nonreceipt of his or her benefits, the county shall inform the recipient of a pending discontinuance due to nonreceipt of a complete SAR 7 and shall inform him/her that the discontinuance will be rescinded if a complete SAR 7 is received by the end of that day.

(SAR) (e) If the recipient turns in an incomplete SAR 7 to the county on or before the first working day of the next SAR Payment Period, the county shall attempt to make a personal contact with the recipient, either by phone or by mail, to inform them that their SAR 7 is still not complete and that the discontinuance still stands.

40-181	CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY	40-181
---------------	---	---------------

(Continued)

- | (SAR) (f) The county shall not take action to notify the Local Child Support Agency or any affected employment or training program of a SAR 7 related discontinuance until after the first working day of the next SAR Payment Period.

- | (SAR) .222 Processing Late SAR 7s

- | (SAR) (a) If a complete SAR 7 is received after the 11th but on or before the first working day of the next SAR Payment Period, the county shall:
 - (SAR) (1) Rescind the discontinuance action; and
 - (SAR) (2) Determine eligibility based on the information reported on the SAR 7.

- | (b) Upon the request of the recipient, the CWD shall determine whether the recipient had good cause for failure to submit a timely report of earnings in accordance with Section 40-181.23

- | (SAR) (c) If a complete SAR 7 is received after the first working day of the next SAR Payment Period, but during the month following discontinuance for non-submittal of a complete SAR 7, eligibility and benefits shall be determined as described in Section 40-125.943(SAR).

- | (SAR) .223 In family reunification cases, as defined in Section 80-301(r)(4), the parents are not required to submit a semi-annual eligibility report as long as the reunification plan remains in place.

- | (SAR).23 Good Cause Determination for Failure to Submit a Complete SAR 7 Timely
 - (SAR) A recipient may have good cause for not meeting the semi-annual reporting requirements. Good cause exists only when the recipient cannot reasonably be expected to fulfill his/her reporting responsibilities due to factors outside of his/her control. The burden of proof rests with the recipient.

- | (SAR) .231 A good cause exemption shall only be granted if the request is made by the parent, other caretaker relative, or an authorized representative unless a good cause determination is required in accordance with Section 40-125.94(SAR) (Restoration in the Calendar Month Following a SAR 7 Discontinuance).

- | (SAR) (a) A request is defined as any clear expression to the county, whether verbal or written, that the recipient wants an opportunity to present his/her explanation for not meeting the semi-annual reporting requirements. A request for a State Hearing also may be considered a request for good cause determination when the issue to be heard specifically relates to Section 40-181.22(SAR).

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181
(Continued)

.232 In lieu of a request, as required by .231 above, a county has the discretion to independently determine that one of the situations specified in .233 below exists.

.233 Good cause exists in only the following situations:

- (a) When the recipient is suffering from a mental or physical condition which prevents timely and complete reporting.
- (b) When the recipient's failure to submit a timely and complete report is directly attributable to county error.
- (c) When the county finds other extenuating circumstances.

.234 When the recipient has good cause for not reporting timely, the county shall rescind the discontinuance.

| (SAR).24 Criteria for Evaluating Information Reported on the SAR 7

| (SAR) .241 For CalWORKs purposes, a SAR 7 is complete when all the following requirements are met:

| (SAR) (a) The date the SAR 7 is signed shall be no earlier than the first day of the SAR Submit Month.

| (SAR) (1) This requirement is met when the date entered on the SAR 7 by the recipient, together with other dated material provided with the SAR 7 and the date on which the county mailed or gave the SAR 7 to the recipient, clearly establishes that the SAR 7 was signed no earlier than the first day of the SAR Submit Month.

| (SAR) (b) The address along with other information provided on the SAR 7 shall be sufficient for county administrative purposes, including the ability to locate the recipient; and

| (SAR) (c) The SAR 7 shall be signed under penalty of perjury by each natural or adoptive parent or aided spouse of a parent or other caretaker relative living in the home, unless an individual so specified is temporarily absent from the home (see Section 82-812); and

(d) (Reserved)

40-181	CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY	40-181
---------------	---	---------------

(Continued)

- | (SAR) (e) The response to all questions pertaining to CalWORKs eligibility and grant amount shall provide the county with information sufficient to answer the question. The information provided on the SAR 7 together with the submitted evidence must be sufficient for the county to determine eligibility and/or grant amounts. This includes the income and any change in resources of a stepparent living in the home, and any person who is required to apply for aid under Section 40-118 but is excluded from the AU. Reported income shall include earned, unearned, exempt, and nonexempt income received during the SAR Data Month and any reasonably anticipated changes to this income during the next SAR Payment Period; and

- | (SAR) (f) Evidence shall be submitted with the SAR 7 to verify the gross amount of all earned income received and the date of receipt. Evidence shall be submitted to verify initial receipt of or a change in the amount of unearned income received. Such evidence includes but is not limited to: pay stubs, letters of award or benefits (such as unemployment, disability, or Social Security), statements showing interest income, dividend income, tax return showing the amount of EIC received, etc. Documents and records submitted with the SAR 7 shall be promptly returned to the recipient; and

- | (SAR) (g) Information reported on the SAR 7 must be consistent with other information which the county has verified to be accurate, including any verified mid-period reports; and

- | (SAR) (h) The SAR 7 shall include form SAR 72 (as defined in Section 40-181.25(SAR)) when the recipient is a sponsored non-citizen.

- | (SAR) (i) The Senior Parent Semi-Annual Income Report (SAR 73) shall be submitted with the SAR 7 when a minor parent lives with his/her senior parent (see Section 89-201.5). The completeness of the SAR 73 shall be determined using the criteria for evaluating the completeness of the SAR 7.

- .242 (Reserved)

- .243 The following information or evidence shall be provided before the appropriate deduction or disregard from earnings is allowed:
 - (a) Verification of self-employment expenses (see Section 44-113.212).

- | (SAR) .244 Failure to provide the information or evidence specified in Section 40-181.243 shall result in the disallowance of the deduction. Failure to provide the information on the form or to provide the evidence shall not, in and of itself, render the SAR 7 incomplete as defined in Section 40-181.241(SAR).

40-181	CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY	40-181
---------------	---	---------------

(Continued)

.25 Sponsored Non-Citizen Reporting.

(SAR) In addition to the Semi-Annual Eligibility Report (SAR 7), the recipient who is a sponsored non-citizen as defined in Section 43-119 shall report the income and resources of the sponsor.

.251 Reporting of the sponsor's income and resources.

(SAR) The recipient shall submit a completed Sponsors Semi-Annual Income and Resources Report (SAR 72) to the county. The recipient is responsible for obtaining all information necessary to complete the SAR 72 and for obtaining any cooperation necessary from the sponsor.

(SAR) .252 The SAR 72 shall be due by the 5th calendar day of the SAR Submit Month but not before the first calendar day of the next SAR Submit Month. When the county has not received the completed SAR 72 by the 11th calendar day of the SAR Submit Month, the recipient has not met the requirement for returning a complete SAR 7. See Section 40-181.22(SAR). The SAR 72 shall be considered complete if all the following requirements are met:

- (SAR) (a) Dated no earlier than the first day of the SAR Submit Month; and
- (b) The boxes for the address and county where signed shall be completed; and
- (c) Signed by the sponsor and the recipient; and
- (d) All questions and items pertaining to the income and resources of the sponsor shall be fully answered; and
- (e) The information together with the submitted evidence must provide the CWD with the necessary information to correctly determine the amount of income and resources to be deemed to the recipient; and

(SAR) (f) Evidence shall be submitted with the SAR 72 to establish the gross amount of income received by the sponsor, and the date of receipt. See Section 40-181.241(f)(SAR) for examples of acceptable evidence.

(SAR) .253 A complete SAR 7 includes form SAR 72 (as defined in Section 40-181.251(SAR)) when a member of the AU is a sponsored non-citizen. The failure to provide a completed SAR 72 on or before the 1st calendar day of the next SAR Payment Period shall result in discontinuance for those members of the AU who are sponsored non-citizens.

40-181	CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY	40-181
---------------	---	---------------

(Continued)

(SAR).26 Failure to report or verify the receipt of a child/spousal support disregard payment issued under Section 82-520.2 will not result in an incomplete SAR 7 nor in termination of aid.

.3 Methods of Periodic Determination of Eligibility

.31 Regulations governing the method of the initial determination also govern all continuing and periodic determinations. (See Sections 40-157 and 40-161.)

.311 Annual redeterminations, using the SAWS 2 form, shall include an interview with the parent or person responsible for the child. Where the parent is institutionalized, the interview should be conducted with the person having the responsibility for care and control of the child. This interview shall include a discussion of the recipient's responsibility to cooperate in a quality control review [see Section 40-131.3 (q)].

(SAR) .312 Semi-Annual redeterminations using the SAR 7 form, or special nonscheduled investigations conducted by the county, may include an interview with the parent or person responsible for the child.

(AR/CO) Special nonscheduled investigations conducted by the county, may include an interview with the parent or person responsible for the child.

(SAR).32 The recipient's statements or the statements of his/her guardian or any other person acting for him/her and completing the appropriate Statement of Facts and SAR 7(s), together with information obtained from all other sources, shall be assessed in the light of facts previously known and in relation to potentials for change in eligibility status or amount of grant.

(AR/CO) The recipient's statements or the statements of his/her guardian or any other person acting for him/her and completing the appropriate Statement of Facts, together with information obtained from all other sources, shall be assessed in the light of facts previously known and in relation to potentials for change in eligibility status or amount of grant.

.33 Failure to comply with the requirements of any periodic determination of eligibility shall result in a fraud penalty if the recipient is found to have committed an IPV.

40-181	CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY	40-181
---------------	---	---------------

(Continued)

.4 Verification of Eligibility Through IEVS

.41 The county shall verify the eligibility of, and amount of assistance for, each applicant and recipient for aid through IEVS by:

.411 Submitting applicant information to IEVS as specified in Sections 20-006.211 and .212.

.412 Requesting on a quarterly basis income and eligibility information through IEVS for recipients in accordance with Section 20-006.22; and

.413 Including, for the purposes of .411 and .412 of this section, any other individuals whose income and resources are considered in determining the amount of assistance to the extent that the county collects the SSN of such individuals.

HANDBOOK BEGINS HERE

- (a) Other individuals whose income and resources are considered in determining the amount of assistance include, unless otherwise exempted by state or federal rule:
- (1) Stepparents and senior parents living with the assistance unit;
 - (2) Individuals excluded due to ineligible alien status;
 - (3) Individuals who are excluded due to sanction or due to failure to cooperate in meeting a condition of eligibility; or
 - (4) The sponsor of a sponsored alien and the sponsor's spouse, if living with the sponsor.
- (b) For instance, if the county obtains the SSN of an ineligible alien parent living with the assistance unit, the number must be submitted to IEVS. However, if the number is not available for submission to IEVS, the assistance unit's eligibility shall not be affected.

HANDBOOK ENDS HERE

This page is intentionally left blank

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181
(Continued)

- .42 The county shall act on all information received through IEVS in accordance with the procedures specified in Section 20-006.4 and .5.

- .5 Determination of Eligibility During Absence From the State, County or Country
 - .51 A recipient who leaves the state, county, or country is responsible for informing the county paying aid immediately of his/her departure and of changes in his/her living plan, income, and needs. If absent from the state, he/she is also required to inform the county of his/her residence intent. If in the state but absent from the county paying aid, he/she is required to give information from which the county can determine if an intercounty transfer is in order (see Section 40-187). If the recipient leaves the state, the county shall immediately determine his/her residence intent and take appropriate action as provided in Chapter 42-400.

 - .52 Except for children receiving Kin-GAP, when a periodic determination of eligibility is due during a recipient's temporary absence from the state or county, the Statement of Facts (SAWS 2) shall be sent to a welfare agency in the locality. Such agency shall be requested to interview the recipient, secure the signed SAWS 2 and return it with a report on the recipient's plan regarding his/her living arrangements, current needs and income, if he/she is out of state.

 - .53 If it is not possible to secure the signed form and report through the agency within a reasonable time, direct request shall be made to the recipient to submit a completed form with a statement of his/her living arrangements, income and needs, and his/her intent as to residence out of state.

 - .54 If a periodic determination of eligibility is due within the transfer period (see Section 40-185) the county currently paying aid requests the county to which the case is being transferred to make the periodic determination.

NOTE: Authority cited: Sections 10553, 10554, 10604, 11203, 11265.1, 11369, and 18904, Welfare and Institutions Code. Reference: 42 U.S.C. 616(b) and (f); 45 CFR 233.28 and 233.29(c); and 45 CFR 235.112(b); 7 CFR 273.16(b); Sections 10063, 10553, 10554, 10604, 11008, 11203, 11253(b), 11253.5, 11254, 11265, 11265.1, 11265.2, 11265.3, 11265.8, 11280, 11403, 11450.12, 11451.5, 11486, and 11495.1, Welfare and Institutions Code; and Section 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193): California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

40-183 INTRAPROGRAM STATUS CHANGE**40-183**

Each assistance program has the following integral parts:

- (a) cash grants for maintenance with medical assistance, and
- (b) medical assistance for the medically needy.

.1 Intraprogram Status Change -- Defined

An intraprogram status change means change in status from one part of the same program to the other, i.e., from cash grant to medically needy and vice versa within the same program and changes between CalWORKs and AFDC-FC, or AFDC-FC and Kin -GAP, or CalWORKs and Kin-GAP. (See Sections 40-183.5 and 44-317.6.)

.2 Using Same Case Number and Record

It is recommended that the same case number and the same case record be utilized for aid and/or medical assistance certifications under either part of the program. The case is then designated by program as cash grant or medically needy, according to which ever is appropriate at the time.

.3 Circumstances in Which Status Change is Appropriate

An intraprogram status change is appropriate under the following circumstances:

- .31 The recipient becomes ineligible for a continuing cash grant but is eligible for certification for medical assistance as a medically needy person within the same program or
- .32 Circumstances of the person who has been certified as medically needy change so that upon application for AFDC or request for restoration as specified in Section 40-121 he/she is eligible for cash assistance for his/her maintenance needs within the same program.

.4 Change From a Cash Grant Recipient to Medically Needy

When the recipient becomes ineligible to a continuing cash grant but remains eligible for medical assistance as a medically needy person, the cash grant shall be discontinued. The discontinuance notice shall indicate that only the cash grant is terminated and that the recipient continues eligible as medically needy. Any necessary change in his certification for medical assistance to reflect his change in status from recipient to a medically needy person, shall be made.

40-183 INTRAPROGRAM STATUS CHANGE (Continued) 40-183

.5 Change From Medically Needy to Cash Grant Recipient

Application for AFDC as specified in Section 40-121, and determination of eligibility to receive an AFDC cash grant are necessary before the status of a medically needy person may be changed to that of an AFDC recipient. A new Statement of Facts (CA 2) is required only when a periodic determination of eligibility is due or there has been some significant change in circumstances which gives a basis for questioning eligibility for AFDC. See Section 40-181.212. When all eligibility criteria are met for AFDC, the grant shall be authorized and the authorization document shall indicate a status change from medically needy to AFDC cash grant. Any necessary change in his/her certification from medical assistance, to reflect his/her change in status from a medically needy person to an AFDC cash grant recipient, shall be made.

NOTE: Authority cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code. Reference: Sections 11053 and 11102, Welfare and Institutions Code.

40-185 INTERPROGRAM TRANSFERS 40-185

.1 Interprogram Transfer -- Defined

An Interprogram Transfer is a transfer from one cash grant program to another, which is completed without interruption in aid payment.

.2 When Interprogram Transfer Initiated

An interprogram transfer shall be made to AFDC when a recipient in one program applies for and is determined to be eligible for AFDC

.3 Repealed by Manual Letter No. EAS-91-02, effective 2/1/91.

40-187 INTERCOUNTY TRANSFER 40-187

.1 The following definitions pertain to intercounty transfer (ICT) and intercounty collection (ICC) procedures in Sections 40-188 through 40-197.

.11 30-Day Transfer Period The 30-day transfer period begins with the postmarked date or the date of the electronic transfer of the notification of the ICT. When the 30th day falls on a Saturday, Sunday or a legal holiday, the first business day following the weekend or holiday is considered to be the last day of the 30-day transfer period.

40-187	INTERCOUNTY TRANSFER (Continued)	40-187
---------------	---	---------------

- | | | |
|-----|-------------------------------|---|
| .12 | Expiration of Transfer Period | The end of the month following the 30-day transfer period after the first county either mails or electronically transfers the notification of the ICT to the second county or the end of the month in which aid is discontinued for cause, whichever is earlier. By mutual agreement of the counties involved, the transfer of responsibility may occur at an earlier date. |
| .13 | First County | The county from which the recipient has moved. |
| .14 | Intercounty Transfer | A transfer of responsibility for determination of eligibility and for provision of social services from one county to another. |
| .15 | Second County | The county to which the recipient has moved to make his home. |
| .16 | Transfer Period | The period of time in which the second county determines eligibility and the first county remains responsible for payment of aid. |

NOTE: Authority cited: Sections 10553, 10554, 10604, 11053, and 11102, Welfare and Institutions Code.
Reference: Sections 10553, 10554, 10604, 11450.018(a) and (b) and 11452.018(a), Welfare and Institutions Code.

40-188	TRANSFER PROCEDURE	40-188
---------------	---------------------------	---------------

- | | | |
|------|----------------------|--|
| .1 | First County | The first county shall: |
| .11 | Notify Second County | Notify the second county of the initiation of a case transfer in writing using the "Notification of Intercounty Transfer" form or via electronic data transfer. |
| .111 | Foster Care | Notify the second county of the initiation of a case transfer in writing by form FC 18 (2/97) "Notification of AFDC-Foster Care Transfer" or via electronic data transfer. |

40-188	TRANSFER PROCEDURE (Continued)	40-188
---------------	---------------------------------------	---------------

- | | | |
|------|--------------------------------|---|
| .12 | Inform Recipient | Inform the recipient in writing of his/her responsibility to immediately apply for a redetermination of eligibility in the second county to avoid a break in aid. |
| .121 | Foster Care | For children receiving AFDC-FC, where there is a legal guardian for the child, the first county shall inform the legal guardian in writing of his/her responsibility to apply for a redetermination of eligibility in the second county. |
| .13 | Provide Documentation | Provide the second county within seven working days from the date that the first county notifies the second county of a case transfer (per Section 40-188.11), with copies of the most recent: |
| .131 | CalWORKs | SAWS 1 (Application for Cash Aid, CalFresh and/or Medical Assistance). |
| .132 | CalWORKs | Welfare-to-Work plan (See Section 42-711.6). |
| .133 | CalWORKs-Incap | Medical verification of incapacity. |
| .134 | Exempt AU Status | Verification of the AU's MAP exempt status. |
| .135 | Foster Care | SAWS 1; FC 2/JA 2/KG2; SOC 158A; SOC 161; SOC 162; Birth Certificate/Alien Status; Social Security Number, FC 3/FC 3A; Voluntary Placement Agreement, Legal Guardianship Papers, or Court Order which establishes the authority for placement; Independent Living Plan; evidence supporting federal and/or state eligibility; and any other information necessary to determine eligibility. |
| .136 | Maximum Family Grant Informing | Maximum Family Grant (MFG) informing notice or other documentation verifying that MFG informing requirements have been met (see Section 44-314). |

40-188	TRANSFER PROCEDURE (Continued)	40-188
--------	--------------------------------	--------

.137	AU with Children Under Age 6	Verification of age-appropriate immunizations pursuant to Section 40-105.4(d), which the county has determined acceptable.
.138		Copies of any documents supporting the eligibility determination made by the first county when requested by the second county.
.139		Overpayment repayment record for overpayment(s) that will not be repaid before the end of the transfer period and will continue to be recouped by the second county through grant adjustment.
(SAR).14	Determine Eligibility	Determine continuing eligibility and amount of cash aid from the most recent Semi-Annual Eligibility Report (SAR 7 or SAWS 2) due during the transfer period. Once eligibility is determined, cash aid shall continue until the end of the SAR Payment Period in which the transfer period ends.
(AR/CO)		Determine continuing eligibility and amount of cash aid from the most recent Statement of Facts (SAWS 2) during the transfer period. Once eligibility is determined, cash aid shall continue until the end of the AR/CO Payment Period in which the transfer period ends.
.15	Inform	Inform the second county of any changes in eligibility or payment level and send a copy of any resulting notice of action.
.16	Discontinue	Discontinue responsibility for the provision of aid at the end of the transfer period.
.17	Foster Care	Obtain notification, written or via electronic data transfer, from the second county of the receipt and disposition of the transfer.

40-188	TRANSFER PROCEDURE (Continued)	40-188
---------------	---------------------------------------	---------------

- | | | |
|-----|--------------------------|--|
| .25 | Foster Care Notification | Provide the first county with notification, written or via electronic data transfer, of the receipt and disposition of the transfer documentation. |
|-----|--------------------------|--|

NOTE: Authority cited: Sections 10553, 10554, 10605, 11052.6, 11053, 11102, and 11369, Welfare and Institutions Code. Reference: Sections 10553, 10554, 10605, 11265.1, and 11403(b), Welfare and Institutions Code; and Nickols v. Saenz Court Order Case Number 310867; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

40-189 COUNTY IN WHICH RECIPIENT MAKES HIS/HER HOME 40-189

- .1 Home County

A recipient is considered to "make his/her home" in the county in which he/she is physically residing.

- .2 Exceptions

The following are exceptions to .1 above:

 - .21 Maintaining Home

The recipient is maintaining a home in a county other than the county in which he/she is physically residing with the intent of returning to that home within four months.

 - .211 Four-Month Limitation

The four-month period starts from the date the county paying aid determines that the recipient is "maintaining a home" in a county other than that in which he/she is physically residing.
 - .212 Fails To Return Home

If the recipient fails to return within the four-month period, he/she is considered to have moved to the county in which he/she is physically residing.
 - .22 Farm Labor Family

The four-month limitation does not apply to the recipient farm labor family that goes to another county to work when a home is maintained to which the family will return when not working.

 - .221 County of Responsibility

The county responsible for paying aid is the county where the farm labor family maintains a home. The home county continues to be responsible for aid payment until the family establishes a home base in another county.
 - .23 AFDC-FC Placement

In AFDC-FC, a child placed by a public agency or a private agency which has legal custody because the child was relinquished to them or a court has given them legal custody, shall be considered to make his/her home in the county in which the court having jurisdiction for the child is located, regardless of whether the child's placement is located in another county.

40-189 COUNTY IN WHICH RECIPIENT MAKES HIS/HER HOME **40-189**
(Continued)

- .24 Inpatient in Public or Private Health Care Institutions
When the AU moves because a member of the AU must go to another county to be admitted to a public or private health care institution for inpatient care, the AU is considered to make its home in the first county. The AU must continue to maintain the existing home while out of the first county.
- .25 Inpatient Released From State Hospital
A recipient, who was part of an existing AU prior to entering a state hospital and is released from inpatient status in a state hospital, is considered to continue to make his/her home in the county where the AU resided prior to the AU member's admittance to the state hospital from which he/she was admitted for a period not to exceed three years following his/her release from the hospital.
- .26 Medical Care in Another County
When a member of an AU must go to another county solely because needed medical care is not available in the home county, the AU's home is considered to be the first county. The AU must continue to maintain the existing home while out of the first county.
- .27 Kin-GAP
In Kin-GAP, a child shall be considered to make his/her home in the county which had legal custody of the child pursuant to Section 40-125.8 immediately prior to the dismissal of dependency and establishment of the legal guardianship by the court.

NOTE: Authority cited: Sections 10553, 10554, 10604, 11053, 11102, and 11369, Welfare and Institutions Code. Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

40-190 COUNTY RESPONSIBILITY 40-190

- .1 Initiation of Intercounty Transfer
An intercounty transfer shall be initiated immediately when:
 - .11 First County is Notified of Move
The first county is notified that the recipient has moved his/her permanent residence to another county.
 - .12 Foster Care Transfer
Responsibility for the child welfare services case management function of a child receiving AFDC-FC is transferred from an agency in one county to an agency in another county.
 - .121 Legal Guardian
The child's legal guardian changes his/her county of residence, the first county shall transfer the AFDC-FC case to the second county.
 - .13 Court Jurisdiction
Court jurisdiction for a child receiving AFDC-FC is received by a court that is located in another county.
 - .14 Kin-GAP Transfer
A Kin-GAP child has been receiving aid from a county other than the county of responsibility as identified in Section 90-105.2, the case should be transferred to the county of responsibility.
 - .15 Non-Minor Dependent Transfer
A minor has been receiving aid in his/her caretaker relative's AU from a county other than the county with court jurisdiction over the minor. The non-minor dependent's case shall be transferred to the county with court jurisdiction.
- .2 Payment Responsibility
There shall be no interruption nor overlap in payment of aid when a recipient moves from one county to another county.
 - .21 Semi-Annual Reporting Cycle
The second county shall establish the recipient's semi-annual reporting cycle which may differ from the first county's semi-annual reporting cycle, but must remain aligned with the CalFresh recertification date.
 - .22 General Rule
The first county is responsible for continuing eligibility and aid payment during the transfer period.

40-190 **COUNTY RESPONSIBILITY (Continued)** **40-190**

| .23 Transfer of AU Members When a child(ren) moves to the home of a new caretaker relative, who resides in the second county, the first county's responsibility for payment of CalWORKs during the transfer period is as follows:

| .231 Creation of New AU When the transfer of a child(ren) results in the creation of a new AU which consists of the transferred child plus one or more applicants for aid, the first county is responsible for eligibility and aid payment during the transfer period. The first county is responsible for adding the applicants to the existing AU in the first county.

HANDBOOK BEGINS HERE

(a) A child receiving CalWORKs from one county, the first county, moves to another county, the second county, to live with his mother. Also in the home are three of the mother's other children. The mother and the other children are unaided, but the mother requests aid for herself and also for these children.

The first county is responsible for eligibility and payment during the transfer period. The mother and children are added to the existing AU in the first county.

HANDBOOK ENDS HERE

| .232 Addition to Existing AU When a transferred child is added to an existing AU which consists of the transferred child and persons currently aided in the second county, the second county is responsible for eligibility and payment for the entire AU. The second county is responsible for adding the transferred persons to the existing AU in the second county.

HANDBOOK BEGINS HERE

- (a) A child receiving CalWORKs from the first county moves to a second county to live with his mother, who is receiving CalWORKs from the second county for her three other children. The mother requests aid for the transferred child. The second county becomes responsible for eligibility and payment. The first county discontinues its case with appropriate notice. The second county adds the transferred child to the existing AU in the second county if otherwise eligible. There is no break in aid for the transferred child.

HANDBOOK ENDS HERE

- .24 Intraprogram Status Change When an intraprogram status change occurs during the transfer period, the first county is responsible for determining continuing eligibility and the aid payment until the end of the transfer period.

HANDBOOK BEGINS HERE

- .241 If the intraprogram status change is from medically needy to cash grant status, see Sections 40-125.3 and 40-183.5 for county responsibility for determination of eligibility and payment of aid. Also, see Medi-Cal Eligibility Manual Section 50136 for county responsibility for continued Medi-Cal eligibility.

HANDBOOK ENDS HERE

- .25 Expiration of Transfer Period Upon the expiration of the transfer period, the second county is responsible for the payment of aid.
- .3 Exceptions to Payment Responsibility The following are exceptions to the payment responsibilities rule specified in Section 40-190.2.
- .31 Request for Homeless Assistance When an AU requests homeless assistance, see Section 44-211.515. The MAP amount for the county of residence is used.

40-190 COUNTY RESPONSIBILITY (Continued) **40-190**

.32	Foster Care Placement	No intercounty transfer is necessary when the first county places a child in a second county. The first county continues to be responsible for payment of aid.
.4	Discontinuance During Transfer Period	Responsibility of the first county ceases when payment of aid is discontinued during the transfer period.
.5	Overpayment Adjustment During Transfer Period	When the grant has been reduced to recoup an overpayment:
.51	First County	If the overpayment adjustment will continue beyond the transfer period, then the first county shall transmit the current repayment record and notify the second county to continue the overpayment adjustment upon expiration of the transfer period.
.52	Second County	When the intercounty transfer is completed, the second county shall continue to recoup the overpayment by grant adjustment until:
.521	Repaid in full	The overpayment is repaid in full, or
.522	Intercounty Transfer	The recipient moves to a subsequent county and, pursuant to an intercounty transfer, that county assumes responsibility for collection of the overpayment, or
.523	Aid is Discontinued	Payment of aid is discontinued, at which time the second county is responsible for recouping the balance of the overpayment through appropriate collection procedures.
.53	Retain Collections	Regardless of where the overpayment originated, the county that collects the overpayment will retain the amount collected and receive any collection incentives.

HANDBOOK BEGINS HERE

See Sections 44-351 and 44-352, overpayment recovery and recoupment.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553, 10554, 10604, 11053, 11102, and 11369, Welfare and Institutions Code. Reference: Sections 10553, 10554, 10604, 11004, 11265.1, and 11403(b), 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)].

40-191 DISCONTINUANCE DURING TRANSFER PERIOD 40-191

.1 Recipient Responsibility

Where aid is discontinued for cause during the transfer period, and the recipient does not appeal the discontinuance through the state hearing process but wishes to reapply due to a change in his/her circumstances, he/she must reapply for aid with the county in which he/she currently resides.

NOTE: Authority cited: Sections 10553, 10554, 10604, 11053 and 11102, Welfare and Institutions Code.
Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

40-193 GRANT REDUCED DURING TRANSFER PERIOD 40-193

Renumbered to Section 40-190 by Manual Letter No. EAS-97-07, effective 5/1/97.

40-195 TRANSFER PROCEDURE 40-195

Renumbered to Section 40-188 by Manual Letter No. EAS-97-07, effective 5/1/97.

This page is intentionally left blank.

40-197	DISPUTE REGARDING COUNTY RESPONSIBILITY	40-197
---------------	--	---------------

.1 Referring Dispute to Department of Social Services (DSS)

When a county wishes to refer a dispute to DSS, a letter, signed by the director of the CWD, shall be sent in triplicate to DSS. The county shall also send copies of documents, correspondence, etc., which are pertinent to a determination of county responsibility and a summary of its contention in the dispute. The decision of DSS shall be final. When responsibility for payment is found to be in a county other than that paying aid, intercounty transfer shall be initiated. DSS will make any claim adjustments which are indicated based on a determination of county responsibility.

.2 Grant of Services During Dispute Period

In the event of a dispute, payment of aid to an otherwise eligible applicant or recipient, shall be provided by the county to which application is made or shall be continued by the county currently paying aid. Such payment shall continue pending the determination of the dispute and shall be subject to the claim adjustments provided in Section 40-197.1 above.

This page is intentionally left blank.