
that the claimant made a request for restoration of benefits at a date earlier than the hearing request, and if the county failed to act on such request.

*California Department of Social Services - State Hearings Division
Notes from the Training Bureau - April 16, 2003*

Item 03-04-01F -- Car Repairs as a WTW Supportive Service
--

Facts

The claimant was participating in Cal-Learn. The claimant needed the use of a car to go to classes to comply with Cal-Learn requirements. She did not own the car. There is no specific written county policy limiting payment for car repairs to persons who own a vehicle.

Law

Supportive services which are necessary for participation in the assigned program activity, or in order to accept employment, must be available to every participant, including those in SIPs. When necessary services are not provided, the individual will have established good cause for nonparticipation, under §42-713.21.

Supportive services must include childcare, transportation costs, ancillary expenses, and personal counseling. Payments for all such services, except for childcare, shall be advanced to the participant whenever necessary, and when desired by the participant. Requiring CalWORKs participants to use their income, income disregard or cash assistance payment to pay for supportive services violates state statutes and regulations. (§42-750.1, effective July 1, 1998; ACL No. 00-54, August 11, 2000)

Teen parents shall receive childcare, transportation and ancillary expenses under §42-750. The procedures under §42-750 shall be used for the payment of supportive services. Supportive services shall be limited to those services teen parents need to attend their school programs regularly. (§42-765.1)

When there are laws or CDSS regulations which authorize counties to adopt specific standards which affect an applicant's or recipient's eligibility, grant amount, or welfare-to-work (WTW) activities, including supportive services, these standards shall be in writing and made available to the public on request. (§11-501.3, effective February 10, 1999; All-County Letter (ACL) No. 02-03, January 18, 2002) These county standards must be in compliance with translation requirements. (§21-115; ACL No. 00-08, January 3, 2000)

Examples of such mandated written standards include but are not limited to: (1) Definitions of what constitutes regular school attendance and good cause criteria under §40-105.5; extending the 18-month time limit and work exemption based on caring for a young child under §§42-710.12 and 42-712.47; diversion program requirements under

§81-215.32; child care or other required activities for children not in the AU under §§47-201.12 and 47-401.45; and continuing case management and/or supportive services for former recipients, under §42-717.1. (Handbook §11-501.3) Approximately 15 other examples of mandated written standards have been set forth by the CDSS. One of those examples is determining when an ancillary expense is necessary for the individual to participate in WTW activities. (ACL No. 00-08)

Analysis

The claimant is a Cal-Learn participant. She is entitled to the same supportive services as any other Welfare to Work participant as long as the services are needed to attend school. The procedures for payment of supportive services are the same as those for other Welfare to Work participants.

In Welfare to Work, per MPP §11-501.3 and ACL 00-08, the county must have written standards in applying Welfare to Work activities, including WTW supportive services. In this case, the county had no written policy against paying for car repairs, or limiting car repairs to the owner of a car. In the absence of such a written policy, the county is not permitted to limit car repairs to the owner of a car, if the non-owner claimant needs the car to attend classes to complete her Cal-Learn requirement.

*California Department of Social Services - State Hearings Division
Notes from the Training Bureau - April 16, 2003*

Item 03-04-01E -- Calculating the CalWORKs Grant In Cases Involving an MFG Child

Facts

The claimant receives CalWORKs for herself and her aided children. Also living in the home are two children who have been excluded from the assistance unit because of the MFG rule. The claimant has earned income. The county calculated the CalWORKs grant by considering only the needs of the claimant and the aided children. The county did not consider the needs of the MFG children as part of the "Family Maximum Aid Payment (MAP)".

Law

State law provides that for purposes of determining the Maximum Aid Payment (MAP), and for no other purpose, the number of needy persons in the same family shall not be increased for any child born into a family that has received aid continuously for the 10 months prior to the birth of the child. Aid shall be considered continuous unless the family did not receive aid for two consecutive months. (W&IC §11450.04(a), see also §§44-314.2, .32, and .6)

Analysis