

December 15, 2020

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 20-135

The purpose of this All County Letter is to provide County Welfare Departments (CWDs) with guidance on the implementation of Section 84 and Section 85 of Assembly Bill (AB) 79 (Chapter 11, Statutes of 2020). Section 84 requires CWDs to seek verification from electronic sources or client statement to the extent possible prior to requesting verification from a CalFresh applicant or recipient. This letter also establishes that client statement will be considered the standard verification for dependent care expenses, unless the information provided is questionable, as outlined in Section 85.



KIM JOHNSON
DIRECTOR

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DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

December 15, 2020

ALL COUNTY LETTER (ACL) NO. 20-135

TO: ALL COUNTY WELFARE DIRECTORS
ALL CALFRESH PROGRAM SPECIALISTS
ALL CONSORTIA REPRESENTATIVES
ALL QUALITY CONTROL COORDINATORS

SUBJECT: CALFRESH IMPLEMENTATION OF ASSEMBLY BILL (AB) 79
(CHAPTER 11, STATUTES OF 2020) SECTIONS 84 AND 85:
RESPONSE PROCEDURES WHEN HOUSEHOLDS DO NOT
SUBMIT ADEQUATE VERIFICATION, AND VERIFICATION OF
DEPENDENT CARE EXPENSES

REFERENCE: [ASSEMBLY BILL \(AB\) 79 \(CHAPTER 11, STATUTES OF 2020\)](#);
[WELFARE AND INSTITUTIONS CODE \(WIC\) 18901](#); [WIC](#)
[18901.1](#); [7 CODE OF FEDERAL REGULATIONS \(CFR\) 273.2\(F\)](#);
[7 CFR 273.2\(F\)\(1\)](#); [7 CFR 273.2\(F\)\(1\)\(VI\)](#); [7 CFR 273.9\(D\)\(3\)\(X\)](#); [7](#)
[CFR 273.9\(D\)\(4\)](#); [ALL COUNTY INFORMATION NOTICE \(ACIN\) I-](#)
[45-11](#); [ACIN I-45-11E](#); [ALL COUNTY LETTER \(ACL\) 16-43](#); [ACL](#)
[16-118](#); [ACL 19-08](#); [ACL 20-48](#); [ACL 20-90](#)

The purpose of this letter is to provide County Welfare Departments (CWDs) with guidance on the implementation of [Assembly Bill \(AB\) 79 Sections 84 and 85](#) (Chapter 11, Statutes of 2020). [AB 79](#) amended [Welfare and Institutions Code \(WIC\) Sections 18901](#) and [18901.1](#), respectively. Effective as of the publication of this letter, CWDs must assist households that do not submit required verifications by using available electronic sources or accepting client statement, when allowable, before requesting additional verification. CWDs must also accept client statement as standard verification for dependent care expenses and must not seek any other form of verification unless the information provided is questionable.

Background

Households are required to submit various verifications to be determined eligible for and maintain CalFresh benefits. As amended, WIC Section 18901 directs the California Department of Social Services (CDSS) to develop policies and procedures for situations

in which households do not readily submit all required verifications. WIC Section 18901 further provides that this guidance, to the extent permitted by federal law, must require CWDs to seek verification via available electronic sources or client statement, when allowable, before requiring the submission of additional documentation, use of collateral contacts, or home visits.

The term “available electronic sources” refers to sources that can be reasonably inferred to contain verification of information provided by a household, and that can be checked without substantially slowing down the application process. Electronic sources include, but are not limited to, the Applicant and Recipient Income and Eligibility Verification System (IEVS), Medi-Cal Eligibility Data System (MEDS), verification with the Social Security Administration (SSA), the Case Management Information and Payrolling System (CMIPS) for information regarding the In-Home Supportive Services (IHSS) Program, or any other source available to CWDs. CWDs also have access to electronic sources like The Work Number® that can only be used for verification purposes when confirmed by a household to be accurate. For more detailed guidance on use of The Work Number®, see [ACL 19-08](#), [ACL 16-118](#) and [ACL 16-43](#). Data matching efforts must take place prior to sending a household a request for missing verification.

As amended, WIC Section 18901.1 reaffirms current policy that CWDs must accept a client statement as the standard verification for dependent care expenses, and that CWDs must not seek any other form of verification unless the information provided by a household is questionable.

Reminder: Mandatory Verifications

In accordance with [7 Code of Federal Regulations \(CFR\) 273.2\(f\)\(1\)](#), CWDs must verify the following information, if applicable to a household:

- gross non-exempt income;
- eligible and sponsored non-citizen status;
- utility expenses;
- medical expenses;
- social security numbers;
- residency;
- identity;
- disability;
- household composition, if questionable;
- student exemptions for household members identified as students;
- child support obligation and actual payments; and

- hours worked for Able-Bodied Adults Without Dependents subject to the time limit.

Not all mandatory verifications apply to all households. CWDs must only verify information if it is applicable to a household.

If a household does not provide verification for certain expenses, or provides questionable information, but the CWD determines that the household is eligible for CalFresh without deducting that expense, the CWD must approve the case without the deduction. If the household later provides verification, the CWD must recalculate the household's benefit amount for future months, considering the newly verified expense.

Regulations at [7 CFR 273.2\(f\)](#) clarify that "Verification is the use of documentation or a contact with a third party to confirm the accuracy of statements or information." Note that documentary evidence is not the only valid way to verify information, and that there are exceptions and special circumstances that alter the verification process. For instance, per [7 CFR 273.2\(f\)\(1\)\(vi\)](#) residency must be verified to the extent possible in conjunction with other information, or through collateral contacts. This means that CWDs must examine all documents already provided by a household, such as those submitted for the purpose of verifying other information, to see if those documents also verify residency.

For more information on mandatory verifications, special circumstances that allow for exceptions, and identifying questionable information, see [ACL 20-48](#) released April 22, 2020, [All County Information Notice \(ACIN\) I-45-11](#) released on October 28, 2011, and [ACIN I-45-11E](#) released on June 1, 2012. [ACL 20-48](#) also includes a list of notices and letters containing updated guidance on verifications.

Policy Change: Process for Securing Missing Verifications

In some cases, households may be missing required verifications. This may include verifications needed to determine eligibility or verifications that may maximize a household's benefits, for example by verifying an expense that can be claimed as a deduction. Amendments to WIC Section 18901 now require that before sending a household a request for missing verification, CWDs must:

- Check all available electronic sources to verify the missing information.
- Use client statement to the extent allowable by federal law. For some verifications, federal regulations only allow for client statement if all other attempts at verifying the information have failed. Refer to [ACIN I-45-11](#) and [ACIN I-45-11E](#) for clarification on situations where client statement serves as adequate verification.

CWDs must not send a request for missing verification or deny a case based on missing verifications, unless they have first checked all available electronic sources or determined whether client statement is an allowable option. If the verification cannot be found via any available electronic sources, and client statement is not an allowable form of verification for the information in question, CWDs must make the request for missing verification using the *Request for Verification* (CW 2200) form.

There are other factors, separate from the mandatory verifications listed above, that may impact a household's benefit amount. These factors include but are not limited to shelter expenses, dependent care expenses, zero income, and recent job loss. A client statement must be accepted as standard verification for these factors, unless the information provided is questionable.

While a household may choose to provide this information via a written client statement, including directly on the application, periodic report or recertification form, it is not necessary for a household to do so. CWDs must accept verbal confirmation provided by the household in any instance where client statement serves as a valid form of verification. Verbal client statement may be provided, for example, during the interview. If a household presents such information verbally, counties must note it in the case file and specify that the information is considered verified by virtue of client statement. Counties must not seek further verification unless the client statement is questionable.

For information that can be verified via client statement and that is not questionable, it is not necessary for CWDs to also check available electronic sources because the information is already verified by virtue of the clients' statement. CWDs must not delay the processing of an application, recertification, or periodic report by attempting to check electronic sources for information that is adequately verified by client statement, or that the client has already verified by other means. CWDs must not refuse to accept client statement on the grounds that electronic sources have not yet been checked.

The exception to this rule is when regulations only allow for verification via client statement under specific circumstances and after all other attempts for verification have been exhausted. For example, [ACIN I-45-11](#) specifies that, if all other attempts at verifying income have failed because the person or organization providing the income has refused to cooperate with a household's attempt to obtain verification, CWDs can use "the best available information." The best available information may include verbal client statement.

Dependent Care Expenses

In line with current policy, amendments to [WIC Section 18901.1](#) reaffirm that dependent care expenses must be verified via client statement, unless the information provided by a household is questionable. If a household wishes to provide this information in writing, they may use the existing *Dependent Care Cost Affidavit* (CF 10) form, but it is not required for them to do so. Households are not required to present this information in writing, and CWDs must not institute any rules or procedures requiring households to do so. Households may verbally attest to their dependent care expenses. Counties must note any such verbal attestation in the case file and specify that the information is considered verified. CWDs must not seek any additional verification for dependent care expenses unless the information provided by a household is questionable.

Regulations at [7 CFR 273.9\(d\)\(4\)](#) address situations in which dependent care expenses may qualify as either a medical expense or dependent care expense, specifying that they can be counted as either, but not both. If a household claims an expense that may qualify as either a medical expense under [7 CFR 273.9\(d\)\(3\)\(x\)](#) or as a dependent care expense under [7 CFR 273.9\(d\)\(4\)](#), CWDs must maximize a household's benefits by classifying the expenses in a manner that is most favorable to the household.

Verifying Questionable Information

CWDs must document in the case record why information provided by a household is questionable before requesting additional verification from the household. As with mandatory verifications, when verifying questionable information, CWDs cannot require a specific type of verification. Verification can be secured using methods such as, but not limited to, documentary evidence, electronic verification, collateral contacts, and client statement. When certain verification methods are unavailable to a household, CWDs must continue to use the best available information.

Quality Control (QC) Reviews

QC must apply the verification standards and procedures specified in the [Supplemental Nutrition Assistance Program \(SNAP\) Quality Control Review Handbook \(Food and Nutrition Service Handbook 310\)](#). For example, federal review guidelines for QC require verification of dependent care expenses. Households selected for QC review will be asked to provide verification of dependent care expenses even though state eligibility policy only requires client statement.

Furthermore, federal SNAP regulations at [7 CFR 273.2\(f\)\(6\)](#) require that the case record provide sufficient documentation to support eligibility, ineligibility, and benefit level determinations. Documentation must provide enough detail to permit a reviewer to

determine the reasonableness and accuracy of the determination. Especially when requiring verification of questionable information, CWDs are reminded to adequately document in the case record why the information was deemed questionable and verification was requested.

If you have any questions regarding this ACL, please contact the CalFresh Policy and Employment Bureau at CalFreshPolicy@dss.ca.gov.

Sincerely,

Original Document Signed By

Jennifer Hernandez
Deputy Director
Family Engagement and Empowerment Division