

October 1, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 21-120

The purpose of this All County Letter (ACL) is to provide information regarding the use of authorized representatives (AR) in the Cash Assistance Program for Immigrants (CAPI). This ACL describes how to appoint an AR, requirements for an AR form/written notice, and other issues associated with appointing or revoking an AR.



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GAVIN NEWSOM
GOVERNOR

October 1, 2021

ALL COUNTY LETTER (ACL) NO. 21-120

TO: ALL COUNTY WELFARE DIRECTORS
ALL CASH ASSISTANCE PROGRAM FOR IMMIGRANTS (CAPI)
MANAGERS

SUBJECT: **AUTHORIZED REPRESENTATIVES IN THE CASH ASSISTANCE
PROGRAM FOR IMMIGRANTS (CAPI)**

REFERENCES: [20 CODE OF FEDERAL REGULATIONS \(CFR\) § 416.1500 et seq.](#);
[PROGRAM OPERATIONS MANUAL \(POMS\) §GN 03316.125](#), §§
[GN 03910.001](#), [GN 03910.020](#), [GN 03910.025](#), [GN 03910.040](#), [GN 03910.050](#), [GN 03910.060](#), [SSI 02003.005\(B\)](#);
[MANUAL OF POLICIES AND PROEDURES \(MPP\) §19-005.21](#);
[MANUAL OF POLICIES AND PROCEDURES \(MPP\) §19-005.22](#);
[MANUAL OF POLICIES AND PROCEDURES \(MPP\) § 22-001\(c\)\(2\)](#);
[MANUAL OF POLICIES AND PROCEDURES \(MPP\) §22-085](#);
[ALL COUNTY LETTER NO. 17-31](#);
[SOCIAL SECURITY ADMINISTRATION EMERGENCY MESSAGE EM-20022 REV 2](#).

The purpose of this All County Letter (ACL) is to provide information regarding the use of authorized representatives (AR) in the Cash Assistance Program for Immigrants (CAPI). This ACL describes how to appoint an AR, requirements for an AR form/written notice, and other issues associated with appointing or revoking an AR.

Important COVID-19 notice: This ACL contains temporary COVID-19 procedures provided under [Social Security Administration's \(SSA\) Emergency Message EM-20022 REV 2](#).

Once SSA's Emergency Message is no longer in effect, the section contained within this ACL titled [Temporary COVID-19 procedures regarding a claimant's signature on an AR form](#) (and its associated subsections) will no longer apply. All other information contained within this ACL will continue to apply.

Additionally, this ACL does not apply to AR appointments for the purpose of the State Hearings Division. For information on appointing an AR for the purpose of State Hearings, please refer to [Manual of Policies and Procedures \(MPP\) §22-085](#).

Background

A CAPI claimant may appoint an individual(s) to be their AR when the following conditions are met:

- When the claimant signs a notice stating that they want someone to be their representative in dealings with the county or state regarding their CAPI case,
- When the AR signs a notice agreeing to be the claimant's representative (an attorney does not have to sign a notice of appointment), and
- When the notice is filed at a county office. ([20 Code of Federal Regulations \(CFR\) § 416.1507](#); [Program Operations Manual \(POMS\) §GN 03910.001\(D\)](#)).

Temporary COVID-19 procedures regarding a claimant's signature on an AR form

SSA's emergency COVID-19 procedures regarding a claimant's signature on an AR form are temporary and only applicable to the CAPI authorized representative instructions while [SSA's Emergency Message EM-20022 REV 2](#) is in effect.

If the claimant's signature on an AR form or written notice appears to be electronic or a digitized image of a handwritten signature, contact the claimant to obtain a verbal confirmation of the signature.

If you obtain the verbal confirmation of the signature (temporary procedures only)

If you are able to verify the claimant's identity and the claimant confirms the signature and intent to sign, add the appointment to the claimant's case file. If the claimant did not date the document or if the date is not part of the electronic signature, use the date received (whether mailed, faxed, or uploaded).

If you are unable to contact the claimant (temporary procedures only)

Do not enter the appointment into the claimant's case file. Contact the claimant (utilizing your county's existing procedures for requesting and/or clarifying information) to request that the claimant contact the county to provide confirmation of the electronic/digitized signature. Document your attempt(s) in the claimant's case file.

If the claimant subsequently confirms signature and intent to sign (temporary procedures only)

If, through a subsequent contact, the claimant confirms the signature and their intent to sign, follow the steps listed in the subsection [If you obtain the verbal confirmation of the signature](#) (above).

Claimant appointment revocation (temporary procedures only)

If a claimant informs us that he or she wishes to revoke the appointment of a representative, but cannot mail, email, or fax the written revocation due to COVID-19 circumstances preventing the claimant from submitting the written statement, to avoid disclosing information to an AR who is no longer appointed:

- Document the contact with the claimant,
- Follow the steps listed in section [Revocation of an AR](#) contained within this ACL,
- Inform the claimant that they should submit the written statement when circumstances allow it, and
- Stop conducting business with and do not disclose any claimant information to the revoked AR.

Methods for appointing an AR

Claimants may appoint an AR by completing an existing AR form or by submitting a written notice. It is the county's responsibility to ensure their specific AR form meets all the minimum requirements for appointing an AR (see below). Additionally, a CAPI claimant may choose to prepare and submit their own written notice that appoints an AR, so long as the written notice meets all those same minimum requirements. Accordingly, when a form or written notice does not meet the minimum requirements, it must not be considered valid.

Minimum requirements for AR forms and written notices

For purposes of designating an AR for CAPI eligibility, a valid AR form or written notice must contain the following minimum requirements:

- Claimant's first and last name,
- AR's first and last name,
- Scope of appointment (e.g., "assistance with my CAPI application"),
- Reflect the claimant's intent to be represented by the identified individual,
- Reflect the AR's intent to accept appointment,
- Claimant must sign in wet ink,
- If the AR is a non-attorney – the AR must sign the AR agreement,
- If the AR is an attorney – there is no requirement for an attorney to sign the AR agreement, although it is encouraged,
- Whether an AR is the principal representative (if a claimant appoints more than one AR), and
- The AR form or written notice must be filed at a county office through mail, email, fax, or in person ([POMS §GN 03910.040](#)).

Although the absence of the following information would not otherwise make an AR form or written notice invalid (POMS GN 03910.040), counties should seek to collect the following information:

- AR's address,
- AR's telephone number,
- Authorization for the county to release information to an AR over the phone, and
- Authorization as to whether the claimant wants the AR copied on all notices.

Signature and submission requirements

All AR forms and written notices must be signed by the claimant in wet ink. (POMS §GN 03910.040(A)(1)). While in effect, the temporary COVID-19 procedures contained within this ACL may override this requirement. The claimant may file an AR form by mail, email, fax, or in person, so long as the claimant or the AR retains the originally signed document. (POMS §GN 03910.040(A)(3)). The claimant is not required to sign an AR form in the presence of a county eligibility worker. This guidance supersedes information provided in [ACL No. 17-31](#).

The AR's signature

All non-attorney representatives are required to sign the written notice of appointment. If a non-attorney does not sign the written notice of appointment, the county must not accept it even if the claimant has signed it. The county must return the written notice unprocessed or with a request to amend or correct sent to the party who submitted it. (POMS §GN 03910.040(A)(2)).

In contrast to the claimant's signature, which must be signed in wet ink, ARs may use a rubber stamp or electronic method to sign the written notice.

If an attorney does not sign the written notice of appointment and the claimant signs it consistent with the requirements outlined in this ACL, the county must accept the written notice. The county must not return the written notice to obtain the attorney's signature.

Temporary telephonic appointment followed by written authorization

Since a claimant's wet signature is required on any AR form or written notice, a telephonic appointment of a representative may not be utilized. However, when a CAPI claimant calls the county office, but does not have a signed AR form or written notice on file, a temporary authorization may be granted allowing the disclosure of confidential information to an individual.

Telephone authorizations may be accepted in lieu of a written authorization only on a temporary basis where the circumstances ensure that the applicant or recipient has adequately identified themselves to the county. Acceptable items of identification are to be determined by the county but may include such items as case numbers, driver's license numbers, social security numbers or the mother's maiden name.

The procedure for telephone authorizations will usually involve the claimant first calling their county eligibility worker and notifying the worker of whom will be calling on their

behalf. This call will authorize the temporary release of the claimant's confidential information. If the claimant wishes to appoint this individual in an ongoing capacity for their case, the county should follow up and obtain the claimant's written authorization as described in this ACL. (MPP §19-005.22).

Scope of appointment

Either on the AR form or in the written notice, the claimant decides the scope of the appointment in which they are appointing the AR to handle. At a minimum, the claimant must specify "CAPI" when defining the scope of how the AR may assist. A scope of appointment can be as simple as stating, "help with my CAPI case." However, the county must not limit or expand the scope of appointment. Also, the county must not assume that the claimant has appointed the AR to handle all pending claim(s), matter(s), or issue(s). If there is ambiguity in the scope of representation, the county must contact the claimant for further clarification and may request the claimant execute a new AR written notice with a more clearly defined scope of representation. (POMS §GN 3910.040(B)(3)).

Who can appoint an AR?

For purposes of CAPI eligibility, only the following individuals can appoint an AR:

- A claimant (if they have the legal capacity to make decisions for themselves),
- A parent of a claimant under age 18, or
- A legal guardian or conservator. (POMS §GN 03910.040(B)(1)).

Appointing multiple ARs

More than one individual may serve as a claimant's AR at any time. Each appointed individual must have their own AR form or written notice. Whenever there are multiple ARs on a pending claim, matter, or issue, the claimant (or authorized individual) must specify which AR will be the principal representative.

Please note: The county must send all notices including requests for additional documentation only to the principal representative in addition to the claimant. The principal representative must provide copies of the notices to other co-representatives.

Who can be an AR?

Only individuals can be appointed as ARs. An AR's residence in another county, state, or country does not prevent them from being an AR. The county may not recognize organizations, firms, partnerships, or other entities as ARs. If the claimant attempts to appoint an entity or organization as their AR, an individual from that entity or organization must sign to act as the claimant's AR. (POMS §GN 03910.040(B)(6)).

Authority of an AR

An AR can act on the claimant's behalf from the time the appointment begins until an event ends the AR's appointment. ([POMS §GN 03316.125](#), [POMS §GN 03910.025](#)).

An AR **may**, on behalf of the claimant:

- Sign an application (SOC 814 and SOC 804) or other CAPI forms on behalf of the claimant,
- Obtain information that would generally be provided to the claimant such as the county's determinations or decisions,
- Submit evidence,
- Appear at appointments or interviews on behalf of a claimant if they are unable to do so (e.g., claimant lives in a rural area and does not have easy access to transportation),
- Examine any documents to which the claimant would have access,
- Be informed of all additional evidence needed to support the claim,
- Request an appeal, and
- Be notified of any decision made on the claim.

However, an AR **may not**:

- Change the claimant's personal information (e.g., first or last name or mailing address) in the county's records unless the AR is otherwise qualified to do so (e.g., a parent of a minor child, a legal guardian, or a conservator),
- Consent to the disclosure of records on behalf of the claimant,
- Delegate the authority to represent the claimant, or
- Sign the [SSP-14 form](#) (Authorization for Reimbursement of Interim Assistance).

Disclosing information to an AR by telephone

The county may disclose information to an AR over the phone with the claimant's prior consent. (POMS §GN 03910.025(B)(3)(a)). To verify that the person calling is the AR, the caller must provide their name and the claimant's identifying information. ([POMS §GN 03316.125\(B\)](#)). The county should compare the information provided by the caller with the AR form or written notice on file.

To protect the claimant's privacy, the county must:

- Identify and authenticate the requester, as explained above,
- Review the record to confirm the AR's appointment is in effect,
- Carefully examine the request to disclose information from the claimant's record with the AR appointment form to ensure the request is within the scope of the AR appointment, and
- Review any limitations the claimant has set in place.

When there is no AR form or written notice on file, please see the [Temporary telephonic appointment followed by written authorization](#) section of this ACL for more information.

Sending notices to the AR

The county will send all written communications relating to the claimant's case to both the claimant and the AR ([POMS §GN 03910.050\(B\)](#)) unless the claimant has limited the AR from receiving such notices by documenting this intention on a valid AR form or written notice. Please see the [Scope of appointment](#) section within this ACL for more information.

When may the county directly contact a represented claimant?

Generally, when a claimant has an AR, the county will communicate directly with the AR and not the claimant. However, the county may contact the claimant directly if:

- The AR asks the county to deal directly with the claimant,
- There is an indication that an AR's appointment may have ended, but the information in the county's records is unclear or insufficient,
- There is ambiguity about the scope of representation,
- There are multiple ARs appointed and it is not clear who is currently appointed or who is the principal representative ([POMS §GN 03910.050\(A\)](#)), or
- The AR is not responsive after at least two attempts to contact them, at least one of which is a written request for contact with a reasonable time to respond.

Revocation of an AR

An AR's appointment ends when the claimant or responsible party (*i.e.*, parent of a claimant under age 18, the claimant's legal guardian, or the claimant's conservator) notifies the county in a signed and dated writing that they are revoking the AR's appointment. The claimant or responsible party can revoke the appointment of an AR at any time. ([POMS §GN 03910.060\(B\)\(3\)](#)).

Conversely, an AR may remove themselves as appointed representative when they notify the county in a signed and dated writing that they are withdrawing from the case. The AR can withdraw from representing the claimant at any time. ([POMS §GN 03910.060\(B\)\(4\)](#)). Please note: If an AR withdraws when there is a pending request for information from the county, resend a notice to the claimant requesting the information with a new deadline.

Additionally, an AR form or written notice expires one year (12 months) after the AR form is signed, unless the appointed AR or claimant withdraws prior to the form's expiration. ([MPP §19-005.21](#)).

Additional events which end the appointment of an AR

An AR may act on the claimant's behalf on a pending claim, matter, or issue from the time the appointment begins until one of the following events occurs:

- The county completes all actions on a pending claim, matter, or issue and no appeal is filed within the appeal period,
- The claimant revokes the appointment of the AR, or
- The AR dies. (POMS § GN 03910.060)).

When an AR form or written notice is not needed

There are some instances in which a CAPI claimant requests their friend or family member assist with the process of applying for CAPI benefits. Depending on the capacity in which the friend or family member is assisting, completion of an AR form or written notice may not be necessary.

Some types of general assistance are not considered representational services and can be provided without being appointed. Any individual can provide general assistance to a claimant on a claim, matter, or issue without being appointed as an AR. Examples of general assistance include accompanying a claimant to an appointment and providing general help. ([POMS §GN 03910.020\(D\)](#)). However, if the family member or friend wants to act in an ongoing role as the claimant's AR, the claimant must appoint them as an AR.

When the type of assistance provided to the claimant is unclear

During an interview or other administrative process, if a friend or family member is assisting the claimant, but it is not clear whether they are informally helping or acting as the claimant's AR, the county will:

- Advise the claimant regarding their right to representation, and
- Tell the claimant that if they would like that individual to act on their behalf as an AR, they must appoint the person to be their representative.

SSP 14 and the AR's signature

An AR may not sign the [SSP 14](#) form (Authorization for Reimbursement of Interim Assistance). In addition to the county's signature, only the claimant or their parent, legal guardian, conservator, or representative payee may sign the SSP 14. ([POMS §SI 02003.005\(B\)](#)).

For questions regarding the information contained in this notice, counties should contact the Benefits Programs Unit in the California Department of Social Services Adult Programs Division at CAPI@dss.ca.gov or (916) 653-3850.

Sincerely,

Original Document Signed By:

DEBBI THOMSON
Deputy Director
Adult Programs Division