

August 12, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY LETTER NO. 21-89**

The purpose of this letter is to inform County Welfare Departments of the temporary policies and policy waivers to implement the California Work Opportunity and Responsibility to Kids (CalWORKs) 60-month time limit pursuant to Assembly Bill 135 (Chapter 85, Statutes of 2021). This letter also publishes a CalWORKs 60-month time limit mass informing notice.



KIM JOHNSON  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
744 P Street • Sacramento, CA 95814 • [www.cdss.ca.gov](http://www.cdss.ca.gov)



GAVIN NEWSOM  
GOVERNOR

August 12, 2021

ALL COUNTY LETTER (ACL) NO. 21-89

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CALWORKS PROGRAM SPECIALISTS  
ALL WELFARE-TO-WORK COORDINATORS  
ALL COUNTY REFUGEE COORDINATORS  
ALL COUNTY CALFRESH SPECIALISTS  
ALL CONSORTIA REPRESENTATIVES

SUBJECT: TEMPORARY POLICIES AND POLICY WAIVERS FOR THE  
IMPLEMENTATION OF THE CALIFORNIA WORK  
OPPORTUNITY AND RESPONSIBILITY TO KIDS (CALWORKS)  
60-MONTH TIME LIMIT AND MASS INFORMING NOTICE

REFERENCE: [ASSEMBLY BILL \(AB\) 135 \(CHAPTER 85, STATUTES OF 2021\)](#);  
[AB 79 \(CHAPTER 11, STATUTES OF 2020\)](#); [WELFARE AND  
INSTITUTIONS CODE \(WIC\) SECTION 11275; MANUAL OF  
POLICIES AND PROCEDURES \(MPP\) SECTIONS 40-119.32, 82-  
510.1 AND 44-316.33; ALL COUNTY LETTER \(ACL\) NO. 20-113  
AND 21-45](#)

The purpose of this letter is to inform County Welfare Departments (CWDs) of temporary California Work Opportunity and Responsibility to Kids (CalWORKs) policies and policy waivers to implement a temporary mid-period county-initiated change as a result of the 60-month time limit pursuant to [Assembly Bill \(AB\) 135 \(Chapter 85, Statutes of 2021\)](#). This letter also publishes the mass informing notice regarding the 60-month time limit.

**CURRENT GUIDANCE: 60-MONTH TIME LIMIT IMPLEMENTATION**

Under [ACL 20-113](#), the Department provided guidance to CWDs regarding the implementation of the 60-month time limit. This ACL supersedes the guidance provided in the following sections of ACL 20-113:

- Adding Formerly Timed-Out Adults,
  - Adding a New Household Member to an AU, and
- Verification Requirements to Add a Household Member to an AU.

These sections established that mandatory adults already known to the CWD and included within the most recent Statement of Facts were required to complete a [CW 8 Statement of Facts for An Addition Person](#) form to be added to an existing AU. This ACL supersedes that guidance by no longer requiring mandatorily included parents who are included within the most recent Statement of Facts to complete the CW 8 to join an existing AU.

The guidance provided in the following sections in ACL 20-113 remain current:

- Implementation of the CalWORKs 60-Month Time Limit for Aided Adults
- The 60-Month Federal TANF Time Limit for Aided Adults
- Adding Formerly Timed-Out Adults
  - New Applications
- Recipient Noticing Requirements
- Welfare Data Tracking Implementation Project (WDTIP) Tracking Recipients Across California (TRAC) Impact
- Welfare to Work (WTW) Reengagement and Safety Net Families Services
- Child Care Impact
- CalFresh Impact
- Medi-Cal Impact
- Refugee Cash Assistance (RCA)/Entrant Cash Assistance (ECA) and Trafficking and Crime Victims Assistance Program (TCVAP) Impact
- General Assistance (GA) Impact
- Forms and Notice of Action (NOAs)

#### **NEW GUIDANCE: ADDING FORMERLY TIMED-OUT HOUSEHOLD MEMBERS TO AN EXISTING AU**

Pursuant to AB 135, parents who meet all the following conditions will be added to their respective AU when the 60-month time limit is implemented on May 1, 2022, or when the SAWS can perform the necessary automation:

- They are living in the home with an existing CalWORKs AU, but they currently are not being aided solely due to reaching the CalWORKs time limit.
- They are a mandatory-included filing unit member and included in the most recent Statement of Facts.
- They are joining an existing AU mid-period because of the 60-month time limit waiver.
- They have not exhausted their CalWORKs 60-month time limit.

In this ACL, individuals who meet all these conditions are referred to as “**formerly timed-out household members**.”

Timed-out individuals who are (1) optional or (2) new household members are not considered “formerly timed-out household members” as defined by this ACL. Timed-out individuals who meet condition (1) and/or (2) who want to receive CalWORKs should follow the guidance provided in ACL 20-113 and request to be added to the existing AU.

### **Temporary CalWORKs Policies and Policy Waivers**

AB 135 issues temporary policies and policy waivers that authorize CWDs to add formerly timed-out household members to an existing AU as a county-initiated mid-period change. The temporary policies and policy waivers include the following:

1. **County-Initiated Mid-Period Changes:** AB 135 requires CWDs to add formerly timed-out household members to an existing AU as a county initiated mid-period change. CWDs must treat these mid-period AU additions as they would other county initiated mid-period changes per [MPP Section 44-316.33](#).
2. **Statement of Facts:** AB 135 waives the [CW 8](#) / [CW 8A](#) Statement of Facts form requirement to add a member to an existing AU per [MPP Section 40-119.32](#).
3. **Child Support:** AB 135 waives child support cooperation requirements per [MPP Sections 82-510.1-.3](#) for 60-days. Additional guidance concerning child support cooperation is included in this letter.

These temporary policies and policy waivers are for the sole purpose of implementing the CalWORKs 60-month time limit pursuant to [AB 79 \(Chapter 11, Statutes of 2020\)](#). They are effective when the 60-month time limit goes into effect and shall remain in effect for 120 days until eligible formerly timed-out household members have been added to their respective AUs. These temporary policies and policy waivers do not apply to all adults. They strictly apply to formerly timed-out household members as defined in this ACL.

If needed to complete an eligibility determination, CWDs may request additional information. The request for additional information should be rare as formerly timed-out household members are already on the most recent Statement of Facts and are mandatorily required to verify CalWORKs eligibility factors, including their income.

### **Child Support Cooperation**

AB 135 waives the following child support requirements for formerly timed-out household members being added to their respective AUs due to the 60-month time limit:

- [MPP Section 82-506.1](#) which requires applicants and recipients of CalWORKs to assign child and spousal support for themselves and for required AU members to the county as a condition of eligibility, unless otherwise exempt or already on file.
- MPP Sections [82-508.2](#) and [82-510.12](#) which require applicants and recipients, unless exempted from cooperation, to complete, sign and date the [CW 2.1 NA Notice and Agreement for Child, Spousal and Medical Support](#) and [CW 2.1 Q Support Questionnaire](#) for each absent parent or alleged parent.

These child support cooperation waivers expire 60-days after a formerly timed-out individual has been added to the AU or by the next scheduled semi-annual report or annual redetermination, whichever is earlier. If the formerly timed-out household member fails to submit the required child support forms within 60-days or by the next scheduled semi-annual report or annual redetermination, they will be excluded from the AU per [ACL 97-65](#). CWDs must issue a timely and adequate NOA to sanction and discontinue aid for an adult and/or apply the 25 percent penalty to the AU for non-cooperation per [MPP Section 22-072](#).

We remind CWDs that unless the AU is exempt, the CW 2.1 NA and CW 2.1 Q for the current application period must be on file— a CW 2.1 NA and CW 2.1 Q from a prior application does not suffice. A new set of forms must be completed each time there is a break in the AU's aid that requires a new application. In addition, any child born after the application date may also require completed and signed child support documentation to be on file.

Particularly for former K1/3F cases, CWDs are reminded that after a formerly timed-out household member is added to an existing AU, budgets for CalWORKs and CalFresh may be revised. Budgets revisions are needed when the Local Child Support Agency (LSCA) stops dispersing the full child support amount and begins to disperse only the child support disregard to the AU. Failure to revise the budgets when formerly timed-out household members are added back to the AU may result in underpayments/underissuances.

### **THE 60-MONTH TIME LIMIT MASS INFORMING NOTICE**

This letter introduces the following notice to inform CalWORKs applicants and recipients of the 60-month time limit and provide instructions on how families may request a time limit extender or request adding an optional member to their case:

- [TEMP 3022 60-Month Time Limit Informing Notice](#)

CWDs must distribute the TEMP 3022 notice to all CalWORKs recipients a minimum of 90-days before the 60-month time limit planned implementation date of May 1, 2022.

In addition, CWDs are required to provide the TEMP 3022 to applicants and recipients at intake and at annual redetermination. CWDs must begin providing the TEMP 3022 on the planned implementation date, and continue to do so until the [SAWS 2A SAR Rights, Responsibilities and Other Important Information](#), or redesigned [SAWS 2 Plus](#) have been revised to reflect the 60-month time limit.

## **TRANSLATIONS**

For general questions about forms, contact the CDSS Forms Management Unit at [fmudss@dss.ca.gov](mailto:fmudss@dss.ca.gov). You may obtain these forms from the CDSS webpage at: [CDSS Forms and Brochures Website](#).

For questions on translated materials, please contact the CDSS Language Services at (916) 651-8876. CWDs are required to provide CDSS translation to applicants and recipients in their primary languages when they are or become available. Until translations are available, recipients who have elected to receive materials in languages other than English must be sent the English version of the form or notice along with the [GEN 1365 - Notice of Language Services](#) and a local contact number.

The CWDs shall ensure that effective bilingual services are provided. When the percentage of non-English cases in a program and/or office location is less than five percent, this requirement may be met through utilization of paid interpreters, qualified bilingual employees, and qualified employees of other agencies or community resources. When the percentage of non-English cases in a program and/or office location is equal to or more than five percent, the CWD must assign a sufficient number of qualified bilingual employees to public contact positions in that program or location, as calculated pursuant to [MPP Section 21-115.1](#). Language services shall be provided free of charge to the applicant/recipient.

More information regarding languages services, which includes both interpretation and translations, can be found in [MPP Section 21-115](#).

If you have any questions or need additional guidance regarding the information in this letter, contact the Early Engagement and Eligibility Bureau at (916) 654-1322.

Sincerely,

### **Original Document Signed By:**

JENNIFER HERNANDEZ  
Deputy Director  
Family Engagement and Empowerment Division