

June 14, 2024

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY LETTER NO. 24-41**

The purpose of this All-County Letter is to provide uniform guidance regarding the use and implementation of electronic signatures for the Cash Assistance Program for Immigrants, pursuant to requirements set forth in Civil Code, Section 1633.1 *et seq.*



KIM JOHNSON  
DIRECTOR

CALIFORNIA HEALTH & 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

June 14, 2024

ALL COUNTY LETTER NO. 24-41

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

SUBJECT: **ELECTRONIC SIGNATURE POLICY FOR THE CASH  
ASSISTANCE PROGRAM FOR IMMIGRANTS**

REFERENCE: [CIVIL CODE, SECTION 1633.1 ET SEQ](#); [PROGRAM MANAGERS LETTER DATED MARCH 20, 2020](#); [ALL COUNTY LETTER NO. 20-64](#); [ALL COUNTY LETTER NO. 15-26](#); [ALL COUNTY LETTER NO. 17-31](#); [ALL COUNTY LETTER NO. 23-44](#); [FORM SSP-14](#)

The purpose of this All County Letter (ACL) is to provide uniform guidance to County Welfare Departments regarding the use and implementation of electronic signatures for the Cash Assistance Program for Immigrants (CAPI), pursuant to requirements set forth in [Civil Code, Section 1633.1 et seq.](#), which codified the [Uniform Electronic Transactions Act \(UETA\)](#).

### **New Electronic Signature Policy for Cash Assistance Program for Immigrants**

California Civil Code, Section 1633.1 *et seq.*, codified the UETA, which provides standards on electronic storage, document transmission, security procedures, and electronic signatures. Section 1633.7(c) specifies that if a law requires a signature, then an electronic signature satisfies the law. Furthermore, Section 1633.2(h) defines an electronic signature as an electronic sound, symbol, or process attached to or logically associated with an electronic record—which must be executed or adopted by a person with the intent to sign the electronic record.

Accordingly, counties that possess electronic signature capabilities have the option to use their specific electronic-signature technology for CAPI applications and redeterminations, as long as the process put into place meets the requirements for a legal signature in accordance with California's UETA. Please note that electronic

signature technology includes telephonic signature options, as described in California Civil Code, Section 1633.2(h). Specifically:

- Counties can utilize electronic signature technology for all CAPI forms that require a signature from an applicant or recipient.
- Counties can accept electronic signatures on form [SSP-14](#). This policy supersedes the wet signature requirement discussed in [ACL No. 20-64](#) and the CAPI [March 20, 2020 Program Managers Letter](#).

Counties must continue to accept CAPI applications/renewals by phone, mail, fax, email, or in-person, as outlined in [ACL No. 17-31](#) and [ACL No. 23-44](#).

### **Utilizing Electronic Signatures**

As with a handwritten signature, when an electronic signature is used, normal business practices regarding rights and responsibilities shall be followed. Counties are not required to obtain a handwritten signature in addition to an electronic signature.

Accordingly, counties can implement any method of electronic signature, including telephonic signatures, if the process put into place meets the requirements for a legal signature in the State of California, as defined by UETA, and are supported by county business practices and available technology.

### **Necessary Steps Regarding Implementation**

Counties must implement the following steps when using electronic signatures:

- The retention period for public assistance records, as set forth in [ACL No. 15-26](#), shall also relate to electronic signatures.
- The process put in place must constitute a legal signature in the State of California, as defined by UETA, codified by Civil Code Section 1633.1 *et seq.* An electronic signature is valid only if the signatory understands that an electronic signature is being used, consents to the use of an electronic signature in place of a handwritten signature and intends the signature to have the same force and effect as a written signature.

### **County Responsibilities**

County Welfare Departments must ensure that their electronic signature method(s) meet the following requirements, which should include the following responsibilities:

1. For telephonic signature options, counties must have the necessary technology in place to catalog and maintain a retrievable audio file that records the verbal assent, as well as a summary of information to which the individual assents.
2. For other electronic signature options, counties must have the necessary technology in place to catalog and maintain a retrievable electronic record of the

applicant's affirmative action (e.g., a record of the applicant entering a unique identifier) in a recordkeeping system. The county shall maintain a written policy that designates responsibilities and describes methodologies that accurately document the overall management of the recordkeeping system. The recordkeeping policy should be integrated into the process, so that all records are immediately captured and are secure in a manner that is easily recoverable by authorized staff. Only authorized personnel shall be permitted and enabled to create, capture, or purge electronic records. Electronic records should be accessible and retrievable in a timely manner throughout their retention period.

3. For those that file for CAPI via a non-printed means (e.g., over the telephone), promptly provide a printed copy of the information given over the phone and the completed application to the claimant, along with instructions for correcting errors or omissions, so that the individual may review any necessary changes. The copy must contain the information used to determine CAPI eligibility and the benefit level.
4. Counties must use the date the application is received rather than the date of the electronic signature as the filing date.
5. Counties must implement confidentiality procedures to address accurate identification, authentication, and authorization. Counties must also have effective safeguards to protect against identity theft, impersonation, and invasions of privacy.

### **Electronic Signatures within California State Automated Welfare System**

For those programs that can be applied for using the BenefitsCal portal (e.g., CalWORKs, CalFresh, Medi-Cal), electronic signature technology on various program forms has been activated in the California State Automated Welfare System (CalSAWS) and meets the policy requirements contained within this ACL. Thus, the California Department of Social Services (CDSS) is currently working with CalSAWS on ensuring that this same electronic signature functionality is enabled for the following current CAPI forms:

- SOC 814 CAPI Statement of Facts,
- SOC 804 CAPI Statement of Facts for Determining Continuing Eligibility,
- SOC 809 CAPI Indigence Exception Statement
- SOC 453 CAPI Statement of Household Expenses and Contributions
- SOC 807 CAPI Request for Waiver of Overpayment Recovery – Income/Expenses
- SOC 807A CAPI Request for Waiver of Overpayment Recovery – Without Fault
- SOC 830 Request for Conditional CAPI After Naturalization
- SOC 887A CAPI Retroactive Certification of NMOHC Payment Standard Eligibility

- Any future published CAPI forms that require the signature of a CAPI applicant or recipient

Once enabled by CalSAWS, this functionality will provide counties with yet another electronic signature option.

If you have any questions or need additional guidance regarding the information in this letter, please contact the Benefit Programs Unit in the CDSS Adult Programs Division at (916) 653-3850 or [capi@dss.ca.gov](mailto:capi@dss.ca.gov).

Sincerely,

***Original Document Signed By***

LEORA FILOSENA, P.M.P.  
Deputy Director  
Adult Programs Division