

July 16, 2020

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY WELFARE DIRECTORS LETTER**

The purpose of this letter is to provide County Welfare Departments with guidance to implement the provisions of Executive Order N-71-20 signed by Governor Newsom on June 30, 2020, pertaining to California Work Opportunity and Responsibility to Kids (CalWORKs), Refugee Cash Assistance (RCA), Entrant Cash Assistance (ECA), and the Trafficking and Crime Victims Assistance Program (TCVAP) pregnancy verification, in-person identity verification, signature, and interview requirements.



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GAVIN NEWSOM  
GOVERNOR

July 16, 2020

ALL COUNTY WELFARE DIRECTORS LETTER

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: IMPLEMENTATION OF EXECUTIVE ORDER N-71-20 REGARDING CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CALWORKS), REFUGEE CASH ASSISTANCE (RCA), ENTRANT CASH ASSISTANCE (ECA), AND THE TRAFFICKING AND CRIMES VICTIM ASSISTANCE PROGRAM (TCVAP) PREGNANCY VERIFICATION, IN-PERSON IDENTITY VERIFICATION, INTERVIEW, AND SIGNATURE REQUIREMENTS

REFERENCE: EXECUTIVE ORDERS [N-71-20](#), [N-69-20](#), [N-59-20](#), AND [N-29-20](#); AND WELFARE AND INSTITUTIONS CODE (WIC) SECTIONS [10831](#), [11052.5](#), [11054](#), AND [11450\(b\)](#); MANUAL OF POLICIES AND PROCEDURES (MPP) SECTIONS [40-105.31](#), [40-115.22](#), [40-126](#), [40-128.11](#), [40-129](#), [40-131](#), [40-157](#), [44-316.32](#), [69-201.4](#), [69-301](#), [70-105](#) AND [80-301\(m\)\(3\)](#); ALL COUNTY LETTER (ACL) NO. [14-26](#); AND ACWDLS DATED [MARCH 27, 2020](#), [MAY 4, 2020](#), AND [JUNE 16, 2020](#)

The purpose of this All County Welfare Directors Letter is to provide County Welfare Departments (CWDs) with guidance on implementing the provisions of Executive Order [N-71-20](#) signed by Governor Newsom on June 30, 2020, regarding CalWORKs, RCA, ECA, and TCVAP pregnancy verification, in-person identity verification, signature, and interview requirements. This guidance is effective immediately and will not expire until Executive Order N-71-20 is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

Executive Order N-71-20 extends the provisions related to pregnancy verification, in-person identity verification, signature, and interview requirements within Executive Order N-59-20, signed by the Governor on May 1, 2020, and extended via Executive Order N-69-20, signed by the Governor on June 15, 2020.

In response to COVID-19 and to ensure that Californians are able to continue meeting their basic needs and receiving CalWORKs benefits, Executive Order N-71-20 extends the authority for the Department to temporarily exempt or suspend the following eligibility requirements:

- (1) Suspend the requirement that medical verification of pregnancy be provided before approving benefits for individuals who are not able to provide medical verification of pregnancy;
- (2) Suspend the in-person photo identification requirement for applicants;
- (3) Suspend the requirement that all applicants file a written affirmation that they meet the specific conditions of eligibility prior to the approval of assistance or services; and
- (4) Suspend the requirement that all applicants must be personally interviewed before being approved for CalWORKs.

Suspending these eligibility requirements will allow additional flexibility for CWDs to process new applications effectively and in a timely manner. Detailed guidance on extending these provisions is provided below.

### **RCA, ECA and TCVAP Administration**

The RCA, ECA, and TCVAP cash assistance programs follow the CalWORKs administrative rules with certain exceptions. Pursuant to MPP Section [69-201.4](#), CalWORKs program regulations apply to financial eligibility and payments for the RCA program, unless specifically superseded by RCA regulations. Unless otherwise provided, ECA and TCVAP recipients must be provided cash assistance under the same conditions and to the same extent as the RCA program per MPP Sections [69-301](#) and [70-105](#), respectively.

Although RCA, ECA, and TCVAP cash assistance is intended for families without children, recipients entering their second trimester of pregnancy are eligible to apply for and transition to the CalWORKs program and are subject to the same medical verifications and temporary suspensions provided in the Governor's Executive Order. RCA, ECA, and TCVAP cash assistance applicants are subject to the same in-person requirements regarding identity verifications, signatures, and interviews, and those requirements are subject to the same temporary suspensions as the CalWORKs program. A Social Security Number is not an eligibility requirement for receipt of RCA, ECA, and TCVAP cash assistance.

### **Verification of Pregnancy**

Pursuant to WIC Section 11450(b) and MPP Section 80-301(m)(3), verification of pregnancy is required as a condition of eligibility in order for aid to be paid to a pregnant person in a family that does not include a needy child. Any applicant who cannot provide medical verification of pregnancy will be allowed, whenever possible, to submit a sworn statement, signed under penalty of perjury, to verify the pregnancy in order for aid to be authorized. Pregnant applicants who are unable to provide either the medical verification or sworn statement will be allowed to provide a verbal attestation of their pregnancy, and will then be required to provide the medical verification of pregnancy within 30 working days following submittal of the sworn statement/verbal attestation for benefits to continue. If upon the expiration of 30 days, the applicant presents evidence of good-faith efforts to obtain and submit medical verification of pregnancy, the CWD must continue aid.

### **In-Person Photo Identification**

Pursuant to WIC Section 10831 and MPP Section 105.31, the nonbiometric identity verification method implemented and maintained in the CalWORKs program consists of an in-person identification requirement, wherein all adult applicants who are not known to the SAWS must present their photo identification in person before aid can be approved, with limited exceptions. Applicants who are unable to obtain photo identification will be allowed to provide a verbal attestation or submit a sworn statement, signed under penalty of perjury, to verify their identity in order for aid to be authorized.

Applicants who are unable to present photo identification in person will be required to submit photo identification within 30 working days following submittal of the sworn statement/verbal attestation for benefits to continue. If after 30 days, the applicant presents evidence of good-faith efforts to submit photo identification, the CWD must continue aid. If, however, the CWD's offices are closed to the public as a result of physical distancing guidance from the CDPH or the stay-at-home order due to COVID-19, aid will be continued until the applicant is able to submit identity verification in person, without having to present evidence of good faith efforts to submit photo identification. When a CWD's offices are closed, applicants must be asked to submit copies of photo identification electronically, and asked to present photo identification in person once the CWD's offices reopen to the public and no later than 90 days from the date the California Department of Public Health (CDPH) no longer requires physical distancing.

## **Signature Requirement**

Pursuant to WIC Section 11054, all CalWORKs applicants must file a written attestation, made under penalty of perjury, setting forth their belief that they meet the conditions of eligibility before approval of assistance or services. While many CWDs are capable of capturing signatures telephonically or by other electronic means, others are not. Executive Order N-71-20 extends the suspension of the requirement that the signatures on the application (SAWS 2 PLUS) and Rights and Responsibilities (AR 2 SAR or SAWS 2A SAR) be provided prior to CalWORKs approval. When telephonic or electronic signature capabilities do not exist, the CWD may document in the case notes that the client verbally attested to the information provided on the application. This flexibility must only be used when the CWD is unable to accept, or the applicant is unable to provide, an electronic or telephonic signature, and when a wet signature has not been provided by the client because, for example, the CWD is completing the application interview over the phone.

When utilizing this flexibility, the CWDs must document the:

- Applicant's name;
- Date and time of application;
- Summary of the information to which the applicant verbally assents; and
- Applicant's response indicating agreement or disagreement (Yes or No).

Such documentation will fulfill the requirements for a signed application for individuals who apply over the phone or who have submitted a paper application without a signature. If the applicant submitted a paper application without a signature, the CWD must contact the applicant to obtain verbal attestation, then note on the paper application that verbal attestation of the signature was given.

Following verbal attestation, the CWD must mail the Statement of Facts to the client to be signed and returned via U.S. Mail within 30 working days following the date of the verbal attestation in order for benefits to continue. If the applicant presents evidence of good faith efforts to submit the wet signature by mail following the interview, the CWD must continue aid.

## **Interview Requirement**

Pursuant to WIC Section 11052.5 and MPP Section 40-131.1, a face-to-face, telephonic, or electronic interview with the applicant is required prior to the granting of aid. Executive Order N-71-20 extends the suspension of the interview requirement for applicants whose identity has been verified and who have submitted all required verifications. This includes interviews for applicants who have requested an Immediate

Need payment pursuant to MPP Section 40-129. Action on Immediate Need payment requests must be made in accordance with existing policy pursuant to MPP Section 40-129.5, regardless of whether a personal interview is conducted.

For purposes of securing required verifications, CWDs are reminded to proactively use electronic verification when available. CWDs are further reminded that pursuant to MPP Section 40-115.22, when verifications do not exist, a sworn statement is considered adequate, except for verification of citizenship (and medical verification of pregnancy, suspended under this Executive Order). If required verifications exist, they must be submitted by the applicant in order to waive the interview requirement. However, CWDs shall not deny an application for failure to provide evidence of eligibility if the CWD has determined that the applicant is continuing to make a good faith effort to obtain the necessary evidence, pursuant to MPP Section 40-126.34. Please refer to MPP Sections 40-126.3 and 40-157, and ACL No. 14-26 for principles of gathering evidence and guidance on CalWORKs verifications.

If the CWD deems that any of the information provided on the application is questionable or cannot complete other mandatory verifications, an interview will be required.

### **Case Comments**

When implementing the temporary suspensions, adequate case documentation is essential. Case narration, including a reference to "COVID-19" will allow case reviewers to determine that all CalWORKs requirements have been met under Executive Order authority.

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

For the RCA, ECA, and TCVAP programs, contact the Refugee Programs Bureau at (916) 654-4356.