

May 4, 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-59-20 signed by Governor Newsom on May 1, 2020, pertaining to California Work Opportunity and Responsibility to Kids (CaWORKs) diversion services.



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

May 4, 2020

ALL COUNTY WELFARE DIRECTORS LETTER

TO: ALL COUNTY WELFARE DIRECTORS (ACWDL)

FROM: JENNIFER HERNANDEZ, DEPUTY DIRECTOR FAMILY  
ENGAGEMENT AND EMPOWERMENT DIVISION

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO  
KIDS (CALWORKS) IMPLEMENTATION OF EXECUTIVE ORDER  
N-59-20 REGARDING DIVERSION SERVICES

REFERENCE: [EXECUTIVE ORDER N-59-20](#) SIGNED MAY 1, 2020; [TITLE 45 OF THE CODE OF FEDERAL REGULATIONS \(CFR\) SECTION 260.31\(b\)\(1\)](#); [WELFARE AND INSTITUTIONS CODE SECTION 11266.5](#); [MANUAL OF POLICIES AND PROCEDURES \(MPP\) SECTION 40-129.11](#), [MPP SECTION 40-129.211](#), AND [MPP SECTION 81-200](#); [ACWDL DATED MARCH 27, 2020](#); AND [2020 FEDERAL POVERTY GUIDELINES](#)

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-59-20 signed by Governor Newsom on May 1, 2020, pertaining to the expansion of California Work Opportunity and Responsibility to Kids (CalWORKs) diversion services. This guidance is effective immediately and will expire on June 30, 2020, or earlier if determined by the California Department of Social Services, unless extended.

In response to COVID-19 and to assist Californians in meeting their basic needs, Executive Order N-59-20 provides authority for the Department to temporarily waive the provisions of apparent eligibility in order to approve diversion services if the applicant's gross income is below 200% of the Federal Poverty Level (FPL). Participation in the lump-sum diversion program will be contingent on the determination of a crisis situation or episode of need. Total payments issued to an applicant family pursuant to the Executive Order must not exceed \$5,000.

Under existing policy, all CalWORKs applicants must be informed of the availability of lump-sum diversion services to resolve the circumstances that require the family to apply for assistance prior to the family’s approval for aid. “Diversion Services” are defined in MPP Section 81-215.12 as cash or noncash payments or services provided to a CalWORKs applicant with the intent of diverting them from long-term aid. To be eligible for diversion services, the family must be apparently eligible for CalWORKs. “Apparent eligibility” means that the information provided on the Statement of Facts and information otherwise available to the county indicates that the applicant would be eligible for aid if the information on the Statement of Facts were verified.

Executive Order N-59-20 waives the requirement that applicants for Diversion Services be apparently eligible for CalWORKs in order to qualify for diversion. All other existing eligibility requirements for diversion apply, except that the applicant’s gross income can be up to 199% of the FPL in order to qualify. The Executive Order also specifies that applicants seeking to participate in the expanded lump-sum diversion program must establish a need for such participation that is related to the COVID-19 pandemic. Participation in the lump-sum diversion program is contingent on the determination of a crisis situation or episode of need, consistent with existing policy and federal criteria for non-assistance pursuant to Title 45 of the Code of Federal Regulations, Section 260.31(b)(1). For applicants to qualify for this expanded diversion program, the crisis situation or episode of need must be related to circumstances due to COVID-19.

The county will determine if the needy family’s gross income is less than 200% of the FPL at the time of the request for diversion services. The 2020 Poverty Guidelines for the 48 Contiguous States and the District of Columbia are listed below:

| <b>Persons in Family</b> | <b>Poverty Guideline<br/>(Annual Income)</b> | <b>200% of Poverty<br/>Level Guideline<br/>(Annual Income)</b> |
|--------------------------|--|--|
| 1                        | \$12,760                                     | \$25,520   |
| 2                        | 17,240                                       | 34,480   |
| 3                        | 21,720                                       | 43,440   |
| 4                        | 26,200                                       | 52,400   |
| 5                        | 30,680                                       | 61,360   |
| 6                        | 35,160                                       | 70,320   |
| 7                        | 39,640                                       | 79,280   |
| 8                        | 44,120                                       | 88,240   |
| ≥ 9                      | Add \$4,480 for<br>each additional<br>person | Add \$8,960 for<br>each additional<br>person                   |

When an applicant requests diversion services while this Executive Order is in effect, CWDs should follow these general guidelines:

- No asset test is required;
- The applicant's gross income must be below 200% of the FPL;
- The applicant must be otherwise apparently eligible for CalWORKs, aside from exceeding the income limits;
- Participation in the lump-sum diversion program is contingent on the determination of a crisis situation or episode of need; and
- Total payments issued to an applicant family must not exceed \$5,000.

### **Case Comments**

When approving applicants for diversion services pursuant to Executive Order N-59-20, 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 the authority of the Executive Order.

### **Notices of Action**

The CWD must use existing Notices of Action pertaining to diversion when approving diversion services under this Executive Order. Applicants who exceed 200% of the FPL will be denied using existing CalWORKs denial notices.

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