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July 27, 2015

ALL COUNTY INFORMATION NOTICE (ACIN) NO. I-63-15

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
ALL CalWORKs PROGRAM SPECIALISTS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) INSTRUCTIONS ON HOME COUNTY RULES

REFERENCE: ALL COUNTY LETTER (ACL) [NO. 10-01](#); [NO. 12-25](#); [NO. 13-99](#); and [NO. 14-30](#); [ASSEMBLY BILL 74](#) (CHAPTER 21, STATUTES OF 2013); WELFARE AND INSTITUTIONS CODE [11265.1\(c\)\(2\)](#); MANUAL OF POLICIES AND PROCEDURES (MPP) Sections [20-189](#), [42-400](#) and [42-407.2](#).

The purpose of this All County Information Notice (ACIN) is to provide further clarity to County Welfare Departments (CWDs) regarding home county rules, address changes, and adverse actions already outlined in previous ACLs.

As stated in MPP Section 42-400, residence in the state, but not in the county, is a requirement for receipt of aid. However, it is necessary to determine the county in which the applicant lives in order to establish county responsibility for the payment of aid.

As stated in ACL No. 12-25, page 44, CalWORKs recipients are required to report address changes to the CWD within 10 days. This reporting requirement is necessary in order to provide CWDs with the most up-to-date address so that recipients can receive benefits and NOAs in a timely manner.

However, it is important to note that CWDs shall not take adverse action for recipient failure to report an address change, absent other factors. ACL No. 13-99 states, in part: "WIC section 11265.3(c)(2) was changed to indicate that when reporting address changes (which is a mandatory mid-period report and must be reported within 10 days), the act of failing to report the address change in and of itself shall not result in any adverse action. This provision does not preclude overpayments from being pursued in instances where, for example, a recipient moved out of state and failed to report this to the CWD in a timely manner. The provision merely indicates the act of failing to report

an address change, on its own and without any other case discrepancies, shall not result in any adverse action.”

CWDs are reminded that ACL No. 10-01 also addresses issues pertaining to address changes, to situations where a recipient’s whereabouts are unknown, and what actions CWDs must take when address changes are not reported. Nothing in this ACIN is intended to contradict or supersede the directives of ACL No. 10-01. Rather, to the extent that ACL No. 10-01 does not address issues pertaining to overpayments, this ACIN is meant to be supplementary and provide additional clarity.

CWDs are further reminded that pursuant to the MPP Section 40-189, a recipient’s home county is the county in which the recipient physically resides. Exceptions to this rule are listed. For instance, a recipient can temporarily reside in a county other than the home county for up to four months, provided the recipient has an intention of returning to the home county. However, living in another county for more than four months in and of itself does not create an overpayment unless the recipient is living in a county outside California.

The following examples are meant to illustrate how CWDs are to treat unreported address changes. In the examples clients are moving within the same region (i.e., Region 1 to Region 1). Moving from a Region 1 county to a Region 2 county may result in an overpayment, but that overpayment would not be caused just by the failure to report the address change within 10 days. In that case the recipient would be overpaid because they were no longer eligible to receive the larger grants in Region 1.

Example 1: A CalWORKs recipient reports on the SAR 7 that she moved five months ago to a neighboring California county within Region 1. The facts reported on the SAR 7 and a follow-up call to the recipient indicate she is still eligible for CalWORKs. Although the recipient failed to report the address change within 10 days, no overpayment shall be assessed, as the recipient was still eligible for CalWORKs. However, the CWD would initiate an Inter County Transfer (ICT).

Example 2: A CalWORKs recipient calls to report to the CWD that he moved out of state four months ago and has no intention of returning. In this case, pursuant to MPP Section 42-407.2, the CWD would discontinue the case and assess an overpayment.

Example 3: During a redetermination interview, a CalWORKs recipient reports moving to a neighboring California county within Region 1 three months ago, with no intention of returning to the previous county of residence. The recipient also reports that she obtained employment when she moved and failed to report income over the Income Reporting Threshold (IRT). In this scenario, the CWD would assess an overpayment

only because of the income and not because she moved to another county and failed to report. If the recipient is still eligible, the CWD would also initiate an ICT.

Example 4: The CWD becomes aware of a possible address change and contacts the recipient to clarify. During the call, the CWD learns that the recipient has been out of the home county for two months but intends to return the following month. No other changes in eligibility occurred during the SAR payment period, such as changes to income or household composition. In this example, the CWD would make a note of the address change, but there would be no overpayment assessed.

Example 5: During an interview for CalWORKs, an applicant reports she is temporarily living in a neighboring county to care for an ill family member. She reports she began staying with the family member the previous month. However, the applicant reports she intends to return to the county in which she is applying for aid the following month. In this case, consistent with home county rules, the CWD would process the application.

For questions regarding this letter, please contact the CalWORKs Eligibility Bureau main line at (916) 654-1322.

Sincerely,

Original Document Signed By:

KÄREN DICKERSON, Chief
CalWORKs Employment and Eligibility Branch