

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



July 23, 2002

ALL COUNTY INFORMATION NOTICE NO. I-54-02

TO: ALL COUNTY WELFARE DIRECTORS
 ALL CalWORKs PROGRAM MANAGERS
 ALL TRIBAL CHAIRPERSONS

REASON FOR THIS TRANSMITTAL

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

SUBJECT: SERVING NATIVE AMERICANS IN CALIFORNIA WORK
 OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs)

REFERENCE: MANUAL OF POLICIES AND PROCEDURES 40-109, 40-181,
 82-610, DIVISION 2142 USC SECTION 602 (a)(5)

This All County Information Notice (ACIN) serves to reiterate the responsibilities of counties to ensure the effective delivery of CalWORKs benefits and services to Native Americans in California. County responsibility includes: to identify services available to any applicant, to promptly refer applicants to all programs and services, and to inform Native American applicants of Tribal services. This ACIN also details the process for Native Americans to access Tribal Temporary Assistance to Needy Families (TANF) and clarifies conditions of income eligibility.

County Responsibilities

In accordance with Manual of Policies and Procedures (MPP) Section 40 -109 any person has the right to apply for aid, either on his or her own behalf or on behalf of another, whether or not there is a local Tribal TANF Program available. Applicants who appear to be ineligible must still be allowed to exercise their right to make an application. Additionally, a person who believes he or she may meet the eligibility requirements for more than one category of aid has the right to choose the type of aid for which he or she will apply.

Counties are required and directed by regulation MPP Section 40-181 to identify services available to the applicant. Therefore, if an eligible recipient in one program appears to be eligible for aid/services in another program, such as Food Stamps, Medi-Cal, or Tribal TANF, and wishes to take advantage of such eligibility, the county is obligated to provide a prompt referral to that program or service. Transfer of eligibility to another program is to be carefully coordinated to avoid duplication or interruption of aid.

Accessing Tribal TANF

There are currently three Tribal TANF Programs serving Native Americans on or near Reservations and Urban Indians in California. These Tribal TANF programs provide cash aid and services to their participants. Attached is a list of Tribal TANF Program agencies, the Tribes served by these programs, and the counties in which the programs are located.

Applicants residing within the service delivery area defined by the Tribal TANF Program may be eligible for benefits and services from the Tribal TANF Program. At the time a Native American family applies for aid in one of the counties that has a Tribal TANF program, the county will begin the CalWORKs application process. Additionally, in accordance with procedures detailed in the county's Memorandum of Understanding (MOU) with the Tribal TANF program agency, the county shall inform the applicant family of the potential availability of Tribal services and will make a referral to the Tribal TANF program. The county will continue to process the CalWORKs application, including issuing benefits, while the Tribe determines Tribal TANF eligibility. It is important for counties to make these referrals to ensure that all needy families are aware of the assistance to which they may be eligible. Once eligibility for Tribal TANF has been established, the county will discontinue the family from CalWORKs in accordance with the MOU procedures, in order to avoid duplicate aid.

Regardless of tribal membership, everyone is eligible for CalWORKs benefits and services as long as they meet program requirements. Additionally, because Tribal TANF programs have not received authority to administer Medi-Cal or to distribute Food Stamps, the counties must ensure processing of the application for these programs, even if the family is ultimately served by the Tribal TANF Program.

Condition of Eligibility

As a condition for CalWORKs eligibility, an Assistance Unit (AU) is to seek or accept potentially available income. A Native American AU is required to adhere to this condition as identified in MPP Section 82-610. However, counties are cautioned not to assume that merely because an AU is Native American that there are income sources, such as gaming income, potentially available to it. The county needs to verify that income is potentially available to the particular tribe to whom the Native American AU belongs. Only if that verification is available, can the county direct the individual to apply for those funds. In these situations, the county should continue processing the application so long as the AU has applied for the income by the aid approval date.

If you have questions regarding this letter, you may contact Terry Mallin at (916) 653-8395 regarding Tribal TANF and income or Cheryl Almquist at (916) 653-9546 regarding the CalWORKs application process.

Sincerely,

***Original signed by
Maria Hernandez for
Charr Lee Metsker
On 7/23/02***

CHARR LEE METSKER, Chief
Employment and Eligibility Branch

Attachment

c: CWDA
CSAC

**TRIBAL TANF Programs in California
January 1, 2002***

| TRIBAL TANF PROGRAM AGENCY | TRIBES | COUNTIES |
|---|--|--------------------|
| Southern California Tribal Chairmen's Association | Barona, Campo, Cuypaibe, Inaja-Cosmit, Jamul, La Jolla, La Posta, Los Cayotes, Los Viejas, Manzanita, Pala, Pauma, Rincon, San Pasqual, Santa Ysabel, Sycuan | San Diego |
| | Santa Ynez | Santa Barbara |
| Torres Martinez | Torres Martinez, Pechanga, Morongo, Soboba, Ramona, Agua Caliente, Augustine, Cahuilla, and Santa Rosa | Riverside |
| | Members of federally-recognized tribes | Los Angeles County |
| Owens Valley Career Development Center | Big Pine, Lone Pine, and Bishop | Inyo County |
| | Members of federally-recognized tribes | Kern County |

* This list will be periodically updated as more Tribal TANF programs are established.