

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



July 14, 2003

ALL COUNTY INFORMATION NOTICE I-40-03

TO: ALL COUNTY WELFARE DIRECTORS
ALL CalWORKs PROGRAM COORDINATORS
ALL WELFARE TO WORK COORDINATORS

REASON FOR THIS TRANSMITTAL

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

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS
(CalWORKs) 60-MONTH TIME LIMIT AND SAFETY NET QUESTIONS AND ANSWERS

REFERENCE: ALL COUNTY LETTERS (ACL) 01-66, 02-33, 02-66, AND 02-74 AND
ALL COUNTY INFORMATION NOTICE (ACIN) I-95-02

The purpose of this All County Information Notice is to provide counties with additional guidance regarding the CalWORKs 60-month time limit and Safety Net program. The following questions and answers were developed in response to county inquiries.

SAFETY NET

1. **In an Assistance Unit (AU) with Mom and one child, Mom reaches her CalWORKs 60-month time limit and the county changes the aid code to 3A to designate Safety Net status. Six months later, Mom becomes eligible for Supplemental Security Income (SSI). Does the case remain a Safety Net 3A case or should it be coded as a 3R case to reflect eligibility for a higher Exempt Maximum Aid Payment (MAP) level? If the case becomes an Exempt AU, when should the MAP level be increased?**

Although the AU will qualify for a higher MAP level due to its new Exempt AU status (Manual of Policies and Procedures (MPP) 89-110.22), the case remains coded as a Safety Net case in aid code 3A.

Since Mom's SSI status would also qualify the AU for the higher Exempt MAP, counties will need to establish a method to generate the higher MAP amount. The county should change the MAP level for the AU two months after the AU's status changed in accordance with MPP 89-110.282. In the event that Mom's condition changes and she is no longer eligible for SSI, she cannot receive CalWORKs cash aid because she is timed-out.

2. **Same scenario as question #1 except the timed-out adult is a needy caretaker relative. Would the AU be eligible for Exempt MAP or Nonexempt MAP, and would it be applied retrospectively?**

When a needy caretaker relative reaches the CalWORKs 60-month time limit and is removed from the AU, the AU qualifies for Exempt AU MAP status (MPP Section 89-110.23). The new Exempt MAP status would be retrospectively budgeted to increase the MAP two months later.

Example: The AU includes a needy grandmother and her two grandchildren. The AU receives a grant of \$679. The grandmother reaches her 60-month time limit in April and she is removed from the AU effective April 30. Benefits should be decreased to \$548 effective May 1 to reflect the smaller AU size (two). When the grandmother is discontinued she becomes an unaided non-parent caretaker relative which will qualify the AU for a higher Exempt MAP. Since May is the month in which the grandmother's status changes to unaided non-parent caretaker relative, the AU would be entitled to the higher Exempt MAP level beginning July 1. The AU's grant will be increased to \$613 effective July 1.

3. **In an AU with Mom, Dad, and one child, Mom and Dad reach their 60-month time limit, and the case is changed to 3C. Dad moves out of the home changing the case from Two-Parent to All-Other. Should the aid code be changed from 3C to 3A?**

Yes. Since the case is no longer a two-parent Safety Net case, it should be coded as 3A, Safety Net – All Other Families, CalWORKs Timed-Out.

4. **If the case is a 3A Safety Net (All Other Families, CalWORKs Timed-Out) case with a Mom (who is CalWORKs timed-out) and her two children in the AU, and Dad moves in changing the deprivation to Unemployed Parent, how should the case be coded?**

If Dad has also reached his Temporary Assistance to Needy Families (TANF) and CalWORKs 60-month time limits, the case would be re-coded as 3C to reflect its status as a Safety Net, Two-Parent, CalWORKs Timed-Out case.

If Dad had not reached the CalWORKs time limit and is still entitled to receive CalWORKs, the case should be coded as a two-parent case with aid code 35.

5. **How should Cal-Learn bonuses and sanctions be treated when vouchers are used to pay Safety Net families?**

Cal-Learn bonuses for making satisfactory academic progress and Cal-Learn sanctions for failure to demonstrate adequate academic progress or for non-submittal of a report card should both be reflected in the voucher payment made to Safety Net families. Since the graduation bonus is paid to the Cal-Learn teen and

not to the AU as part of the grant, it will continue to go directly to the teen as a separate payment and not be included in the voucher.

6. Which penalties are applied to Safety Net cases?

Counties cannot apply penalties to Safety Net cases that result in a reduction of cash aid due to an adult's failure to comply with immunization and school attendance requirements for a child under 16 years old, sanctions, or Intentional Program Violation (IPV) disqualification. These penalties cannot apply because they affect only the adult's portion of the grant, which no longer exists. These types of penalties will be applied if aid is reinstated to the adult as a result of overpayment or child support repayment or if the individual subsequently meets extender criteria.

The 25 percent grant reduction for failure to cooperate with child support requirements, and school penalties applied to children over 16 years of age would continue to be applied to the AU in Safety Net cases because the needs of the adult are not affected.

60- MONTH TIME LIMIT

7. Mom is TANF timed-out, but is not CalWORKs timed-out. The case is claimed to aid code 32 (AU with TANF timed-out adult who remains CalWORKs eligible). Prior to reaching the CalWORKs 60-month time limit, Mom then becomes SSI eligible. Which aid code is the case claimed to?

The county should use aid code 32 because Mom is TANF timed-out, but has not reached her CalWORKs time limit. Her case will remain in aid code 32 and her time clock will hold at the number of months she received aid up to the date that she became eligible for SSI and as a result, ineligible for CalWORKs. In the event that her condition changes and she is no longer eligible for SSI, she can re-apply for CalWORKs to receive the remaining number of months of CalWORKs aid.

8. Mom reaches the CalWORKs 60-month time limit. Two months later she becomes disabled and the doctor verifies that she cannot participate in Welfare to Work or employment activities. She would be meeting a time limit "exemption" criterion had she still been active in the AU. Can the mother still qualify for an exemption despite the fact that she has exhausted her 60 months of aid?

No. Exemptions (clock stoppers) only apply to individuals who have not reached their CalWORKs 60-month time limit. Although the mother can no longer claim an exemption, she may qualify for an extender for disabled individuals. In order to qualify for the extender based on disability, she must be receiving benefits from State Disability Insurance (SDI), Temporary Disability Insurance, In-Home Support Services, or State Supplementary Program and the disability impairs her ability to work or participate in welfare-to-work activities. Alternatively, she may qualify for the

extender for individuals who are unable to maintain employment or participate in welfare-to-work activities. (See MPP Section 42-302.11 for extenders.)

9. When should an individual be added back into the AU based upon an extender criterion?

In order to add an individual back into the AU based upon an extender criterion, the recipient must first make a verbal or written request for the extender as required in MPP Section 42-302.3. Individuals are added back into the AU based on Beginning Date of Aid rules (MPP Sections 44-317 – 44-318). The following examples demonstrate how Beginning Date of Aid rules apply to extender situations:

Example A: An aided Mom with two children reaches her CalWORKs 60-month time limit and is removed from the AU in March 2003. On June 5, 2003, she informs the county that she is disabled and the county provides her with the request form (CW 2186A) which she submits in June. After several months have passed, she provides the county the disability documentation that indicates she has been disabled as of August 2003. The documentation provided by the recipient states that her disability impairs her ability to work and that she is currently receiving benefits from SDI. When should she be added back into the AU?

In this situation, Mom, who is a mandatory included person, would be added back into the AU on the date she requests to be added into the AU or the date all eligibility requirements are met, whichever is later. Although she requested to be added into the AU in June, the date that all eligibility criteria were met occurred later. Therefore, the county would add her back into the AU effective August 2003, when the onset of the disability was established.

Example B: An aided nonparent caretaker relative with two aided grandchildren reaches the time limit and is removed from the AU in January 2003. On April 15, 2003, she becomes age 60 and informs the worker that she would like to receive aid. When should she be added back in the AU?

Nonparent caretaker relatives are optional members of the AU. Therefore, she would be added back into the AU on the date all eligibility requirements are met. The county would add her back into the AU effective April 15, 2003.

10. When a time clock is unticked (e.g., via child support reimbursement or overpayment recoupment) when do you add the adult back into the AU?

The county will add the adult back into the AU when the county is notified of the recoupment and it is determined that the adult is eligible for additional month(s) of aid. Since the child support recoupment occurred after the adult was discontinued from aid due to reaching the time limit, the county cannot retroactively add the adult back into the AU and provide a retroactive payment to the family. The adult is added

into the AU when the county is notified of the child support recoupment and it is determined that the adult is eligible for additional months of aid due to the exemption. The adult shall be mandatory included as of the first of the month in which additional months become available. See example below.

Example: The recipient reaches her time limit in April 2003. The child support recoupment accumulates and the county is able to reimburse the aid received for three months, March 1998 – May 1998. The county provides a NOA that states she reached her time limit in April 2003, the months of March, April and May of 1998 were exempt due to child support recoupment, and the remaining number of months on aid is three. As a mandatory included person, aid is restored to the timed-out individual effective the first of the month following the date the individual was notified of the additional months of aid.

- 11. The AU consists of Mom, Dad and their two children. Dad leaves the home on June 10. Neither Mom or Dad report that he is no longer living in the home. In December, the CWD finds out through the Special Investigation Unit that Dad has moved out of the home. Mom is charged with a partial overpayment for July-December. Do the months of aid from July through December count toward Dad's 60-month time clock tick?**

Yes. Both parents have the responsibility of informing the county of any change in circumstances that may affect their eligibility for aid. Since neither parent informed the county of the change in their household, Dad was considered to have been aided. Therefore, the six months of aid would count toward each parent's 60-month time clocks. The aid provided from July through December is an overpayment and the county should appropriately recover the overpayment. However, if the overpayment is fully reimbursed, the months of aid would be unticked on Dad's 60-month time clock, as he was totally ineligible for aid. The months would continue to count toward Mom's 60-month time clock because she was eligible for aid and partial months of aid do count toward the 60-month time limit as provided in MPP Section 42-302.2.

- 12. Mom has reached her 60-month time limit on January 1, 2003. She meets extender criteria because she has caretaking responsibility for her disabled child. Dad moves back into the home on February 15. He does not have any CalWORKs time on aid remaining, and does not meet an extender criterion. When would Mom be removed from the AU?**

Since both adults in a two-parent household must meet extender criteria in order to continue to be aided, Mom must be removed from the AU at the end of the month after appropriate 10-day notice is given, in this case February 28. The aid code should be changed to Safety Net aid code 3C effective March 1.

In the above example, if Dad had moved in on February 25th, it would not allow enough time to send a 10-day notice. Therefore, Mom would be removed from the

AU effective March 31st, and her portion of the grant would be charged as an overpayment for the month of March.

13. Are Homeless Assistance benefits included in the total grant amount when applying child support reimbursement to repay months of aid?

Yes. Homeless Assistance benefits are considered aid paid to the recipient. Therefore, child support recoupment shall be used to reimburse all aid received by the family in the month in order for the exemption to apply.

14. Homeless Assistance benefits, both temporary and permanent, are limited to once-in-a-lifetime (with exceptions). If Homeless Assistance benefits are repaid by child support recoupment, is the AU eligible to receive another Homeless Assistance benefit?

No. Although, the Homeless Assistance payment is repaid by child support recoupment, the recipient did receive the benefit and used the benefit for its intended purpose (i.e. to secure housing.) Therefore, the AU is ineligible to receive another Homeless Assistance benefit, unless specified in the exceptions provided in regulations, MPP Section 44-211.54. When the cash aid, including the Homeless Assistance payment is repaid, the recipient shall have the month exempt from the CalWORKs 60-month time limit.

15. A CalWORKs timed-out adult applies and receives permanent Homeless Assistance for the children in the AU, (the amount of Homeless Assistance benefit does not include the timed-out adult.) Is the permanent Homeless Assistance benefit now attached to the children and will it therefore be their once-in-a-lifetime Homeless Assistance?

No. The Homeless Assistance benefit is provided to the adult recipient on behalf of the children in the AU. As long as that adult recipient continues to reside with the children, the AU cannot receive an additional Homeless Assistance benefit. If another caretaker who has not previously received homeless assistance on behalf of or as part of another AU takes responsibility of the children, then the AU is eligible to receive homeless assistance.

16. A Dad and his two children begin receiving CalWORKs in May 1998. The case is discontinued for lack of cooperation in July 1998. Mom now has custody of the two children in the case, applies and is approved for cash aid in September 1998. The case is subsequently discontinued effective September 30, 2000. Child support was received from Dad from **April 2000 – September 2000.**

Question: How is the child support applied to the aid paid and whose time clock would be “unticked”, Mom or Dad’s?

The policy for application of child support recoupment requires that the child support recoupment collected from January 1998 forward shall be cumulatively applied to repay aid payments beginning with the earliest unreimbursed month(s) of aid, on or after January 1998 for the case. The child support recoupment must follow the aided children in the AU as intended. Therefore, any child support that fully reimburses month(s) of aid, will exempt months for all aided adults in the AU beginning with the first month of aid for the case - 5/98.

In the scenario described above, the child support is applied to the first month of aid for the case which included the father. Therefore his 60-month time clock would be unticked for May and June 1998. The recoupment for the children would then continue to be applied to the case in September 1998 and onward so the mother's time clock would be unticked as each month of aid is reimbursed. (See ACL 02-74 for more information about child support recoupment.)

17. Will CWDs be issuing informing notices to clients about the extenders?

Yes. CalWORKs form CW 2184 must be given to clients upon application, redetermination, and with all time limit NOAs, to inform clients about the 60-month time limit and what qualifies as extenders and clock stoppers. In addition, CWDs were provided NOA message 40-107f with ACIN I-90-02 to inform adult recipients who have reached their CalWORKs 60-month time limit but will continue to be aided because they meet extender criteria.

18. Are cases on extenders federal or state-only funded?

Extender cases are cases that continue to be aided beyond the CalWORKs 60-month time limit. As these cases remain eligible for CalWORKs, they are currently claimed to aid codes that are state-only funded because the original TANF 60-month time limit has expired.

19. Is a domestic abuse waiver considered an exemption (clock stopper) or extender to the 60-month time limit?

Domestic abuse waivers can be applied in both instances, during the 60-months of aid as a clock stopper and after the 60-month time limit, as an extender. State regulations MPP Sections 42-302.12 and 42-302.21(c) provide for the exception and exemption for individuals who are victims of domestic abuse and the county determines that good cause exists for waiving the 60-month time limit (MPP Section 42-713.22).

CONTACTS

If you have additional questions, please contact the following individuals for the subject areas listed:

Safety Net program – Paulette Dreher at (916) 654-3386, paulette.dreher@dss.ca.gov.

Sixty-month time limit and aid code questions – Charissa S. Miguelino at (916) 657-3665, charissa.miguelino@dss.ca.gov.

Safety Net grant calculations – Terry Mallin at (916) 653-8395, terry.mallin@dss.ca.gov.

Exempt/Nonexempt MAP – Eden Eulingborough at (916) 653-4992, eden.eulingborough@dss.ca.gov

Homeless Assistance – Rosie Avena at (916) 654-1514, rosie.avena@dss.ca.gov.

Domestic Abuse Waivers – contact your county's Work Support Bureau analyst at (916) 654-1424.

Sincerely,

***Original Document Signed By
Charr Lee Metsker on 7/14/03***

CHARR LEE METSKER, Chief
Employment and Eligibility Branch

c: CWDA
CSAC