



JOHN A. WAGNER  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



ARNOLD SCHWARZENEGGER  
GOVERNOR

May 5, 2010

ALL COUNTY LETTER NO. 10-23

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CalWORKs PROGRAM SPECIALISTS  
ALL CONSORTIUM PROJECT MANAGERS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS  
(CalWORKs): CHANGES TO THE CW 81 LIEN AGREEMENT FORM TO  
CONFORM TO ASSEMBLY BILL (AB) 886 (CHAPTER 399, STATUTES OF  
2007)

REFERENCES: CIVIL CODE (CC) SECTIONS 1185 AND 1189, WELFARE AND  
INSTITUTIONS (W&I) CODE SECTION 11257.5, MANUAL OF POLICIES  
AND PROCEDURES (MPP) SECTIONS 42-213.121, 42-213.122

The purpose of this All County Letter (ACL) is to inform County Welfare Departments (CWD) of updates to the CW 81 Lien Agreement form to conform with CC Section 1189(a)(1) that was amended by AB 886 (Chapter 399, Statutes of 2007). MPP Section 42-213.121 and W&I Section 11257.2 require that under certain circumstances, as a condition of receiving aid under the CalWORKs program, the applicant/recipient must grant the county a lien against any real property in which they have an ownership interest, if the property is not exempt. The granting of the lien to the county allows the CWD to exempt the value of the real property from being counted as a resource to the Assistance Unit (AU), per MPP Section 42-213.12. The exemption is granted for a period of up to nine consecutive months to give the applicant/recipient time to make a good-faith effort to sell the property. MPP Section 42-213.122 requires that the lien agreement be notarized.

**Background**

Civil Code Section 1185 defines the duties of a notary public in witnessing and authenticating the identity and signatures of persons when they appear before them to sign documents. When the CalWORKs applicant/recipient is required to sign the CW 81 Lien Agreement, a notary public must authenticate the signature. The CC formerly allowed the notary public, when witnessing the execution of various documents, to determine from personal knowledge or satisfactory evidence that the person executing the document is the person identified in the document. The CC now, as amended by AB 886 (2007), only allows this determination to be made from satisfactory evidence. Satisfactory evidence is defined in of CC Section 1185 (b).

REASON FOR THIS TRANSMITTAL
<input checked="" type="checkbox"/> State Law Change
<input type="checkbox"/> Federal Law or Regulation Change
<input type="checkbox"/> Court Order
<input checked="" type="checkbox"/> Clarification Requested by One or More Counties
<input type="checkbox"/> Initiated by CDSS

### **CW 81 Form Revisions**

The CW 81 Lien Agreement is the required form for clients to use in granting the county a lien against non-exempt real property as a condition of receiving CalWORKs aid. The “Notarization” section of the CW 81 Lien Agreement was updated to reflect the changes in the law made by AB 886 (2007). The term “*personally known to me*” was removed and the phrase “*I certify under PENALTY OF PERJURY under the laws of the state of California that the foregoing paragraph is true and correct*” has been added.

The MPP lists the information that must be included in or attached to the CW 81 Lien Agreement (MPP Section 42-213.122). That information must include a legal description of the property as listed on the county assessor’s rolls; the name(s) of the owner(s) as it appears on the assessor’s rolls; and state that the purpose of the lien is to repay the county the amount of repayable aid received during the exempt period. The CWD is responsible for assisting the applicant/recipient in establishing their eligibility (MPP Section 40-107(a)) including having the CW 81 Lien Agreement notarized and recorded with the county recorder’s office (MPP Section 42-213.122).

### **Camera Ready Copies and Translations**

For a camera-ready copy of English forms, contact the Forms Management Unit at [fmudss@dss.ca.gov](mailto:fmudss@dss.ca.gov). If your office has Internet access, you may obtain this form from the CDSS web page at: <http://www.dss.cahwnet.gov/cdssweb/entres/forms/English/CW81.PDF>. When translations are completed, they are posted on an ongoing basis on our web site at: [http://www.dss.cahwnet.gov/cdssweb/FormsandPu\\_274.htm](http://www.dss.cahwnet.gov/cdssweb/FormsandPu_274.htm). For questions on translated materials, please contact Language Services at (916) 651-8876.

The former version of the CW 81 Lien Agreement is obsolete and has been removed from the internet; CWDs shall use the revised form immediately. If you have any questions or need additional information regarding this ACL, please contact your CalWORKs county consultant, or call the CalWORKs Eligibility Bureau at (916) 654-1322.

Sincerely,

### **Original Document Signed By:**

CHARR LEE METSKER  
Deputy Director  
Welfare to Work Division

Attachment