



CDSS

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GOVERNOR

September 15, 2010

ALL COUNTY LETTER NO. 10-41

TO: ALL COUNTY WELFARE DIRECTORS  
ALL TRIBAL TANF ADMINISTRATORS  
ALL CALWORKS PROGRAM SPECIALISTS

SUBJECT: JOINT RESPONSIBILITIES OF COUNTIES AND TRIBAL TANF PROGRAMS REGARDING CONFIDENTIAL INFORMATION, DUPLICATE AID AND TIME ON AID DATA

REFERENCE: 45 Code of Federal Regulations (CFR), Section 286; Welfare and Institutions Code Sections 10850 and 11454

The purpose of this letter is to assist Tribal Temporary Assistance for Needy Families (TANF) programs and county welfare departments (CWDs) in working together to share confidential information, to prevent duplicate aid, and to facilitate acquiring time on aid data. This exchange and a strong coordinated working relationship are critical to properly administer both Tribal TANF and the California Work Opportunity and Responsibility to Kids (CalWORKs) programs.

Sharing Confidential Information: In accordance with the Welfare and Institutions Code Section 10850 (b), CWDs and Tribal TANF programs (TTP) may share confidential information regarding applicants and recipients to the extent required to verify eligibility or for other purposes directly connected with the administration of public social programs. Counties and TTPs should use this authority to ensure the timely and appropriate sharing of information that is necessary to assist in determining eligibility for cash aid, other benefits or services, or to minimize the reporting burden on recipients.

Preventing Duplicate Aid: In accordance with federal regulations, each TTP must ensure that a family receiving Tribal TANF assistance does not receive duplicate aid from another state or TTP. The TTP's Tribal Family Assistance Plan must include a description of the means by which the TTP will ensure that duplication of aid does not occur. Further, the Memorandum of Understanding (MOU) between each TTP and California Department of Social Services (CDSS) requires that the county and the TTP establish an MOU to ensure that there will be no duplication of TANF services (TTP/CDSS MOU, § IV B (1) (a)).

REASON FOR THIS TRANSMITTAL

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

There are some situations that may be susceptible to instances of duplicate aid: during the start up period of a new TTP, when a TTP undergoes program expansions or withdrawals affecting its caseload, and when a Tribal TANF recipient transfers from a TTP to CalWORKs. The CDSS is committed to keeping involved parties informed about new TTPs, changes in service area or service population, and/or effective date(s) of any such changes. Some CWDs and TTPs have also exchanged lists of new and/or transferred recipients on a monthly or quarterly basis to help detect possible cases of duplicate aid. These efforts, along with detailed processes in the county/TTP MOUs, can help improve compliance with this federal mandate.

Time on Aid: Just as CWDs are required by state law to impose time limits upon CalWORKs recipients (Welfare and Institutions Code Section 11454 (b) (c)), TTPs are required by federal law to impose similar restrictions on Tribal TANF recipients (45 CFR § 286.115). To meet this mutual requirement, CWDs and TTPs must share confidential time on aid (TOA) data in a timely manner so as to track a recipient's aid history. Further, the MOU between each TTP and CDSS requires that the county and TTP establish an MOU to outline the process the county and TTP will implement to share TOA information.

Several TTPs have expressed concern about widely varying response times of counties to a TTP's request for confidential TOA information. A lack of timeliness in responding to these requests may result in the denial of aid to an otherwise eligible Tribal TANF applicant due to lack of verification. Delays in providing TOA information can also result in inappropriate claiming of federal TANF funding if the adults have exceeded their 60 month time limit. It is in everyone's best interest to avoid these negative consequences by enhancing coordination and collaboration in this area.

Access by TTPs to the Welfare Data Tracking Implementation Project (WDTIP). The TTPs are in the process of seeking approval from the Department of Health Care Services (DHCS) and CDSS for direct access to WDTIP. However, no California TTP at present has been authorized such access. Until that time, pertinent TOA information requested by a TTP must be provided by county welfare staff. (Questions regarding WDTIP may be directed to <http://www.wdtip.ca.gov/contact2.shtml>.)

The CWDs and TTPs Collaboration: While authority to share a recipient's confidential information is somewhat limited, considerable flexibility has been given to CWDs and TTPs in determining how they will share this information. Commitment by both CalWORKs and Tribal TANF to develop and maintain mutually workable procedures to share TOA information and to prevent duplicate aid is paramount.

Results of a recent survey provided suggestions for other ways to improve and strengthen the connection between both Tribal TANF and CalWORKs, especially for TTP acquisition of needed information and county response time. Suggestions include:

- A revision or supplement to the existing county/TTP MOU specifically stating the obligations and responsibilities of the county and the TTP to prevent duplicate aid and track TOA information.
- Appointment of a liaison responsible for coordinating the inquiries and responses between the county and the TTP.
- Establishing back-up provisions to support unexpected and/or prolonged absences of the Tribal TANF/county liaison(s).

CDSS strongly encourages consideration of these suggestions in constructing your internal procedures and MOU language and in discussions with your counterpart agency. Even though CalWORKs and Tribal TANF are separate though somewhat parallel programs, all of us share an important responsibility to maintain program integrity in and between the programs. To do so jointly, strengthens the accountability needed in both programs and helps provide timely access to aid eligible needy families.

If there are any further questions or comments about this subject, county staff may contact their CalWORKs County Consultant or call the CalWORKs Eligibility Bureau at (916) 657-3293. Tribal TANF program staff may contact the CDSS Tribal TANF analyst assigned to assist their program.

Sincerely,

***Original Document Signed By:***

CHARR LEE METSKER  
Deputy Director  
Welfare to Work Division