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January 27, 2011

ALL COUNTY LETTER NO. 11-04

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
ALL CALFRESH COORDINATORS
ALL WELFARE-TO-WORK COORDINATORS
ALL COUNTY CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL COUNTY CHIEF PROBATION OFFICERS
ALL COUNTY CAL-LEARN PROGRAM COORDINATORS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) FAMILY REUNIFICATION SERVICES – QUESTIONS AND ANSWERS

REFERENCE: WELFARE & INSTITUTIONS CODE SECTION 11203; AB 429 CHAPTER 111, STATUTES OF 2001, ALL COUNTY LETTER (ACL) 02-36, ACL 03-52, ALL COUNTY INFORMATION NOTICE (ACIN) I-49-04, ACIN I-58-08.

Assembly Bill (AB) 429 (Chapter 111, Statutes of 2001) permits continuation of CalWORKs services to parents after removal of their children from the home by the Child Welfare Service Agency (CWSA). These CalWORKs-funded reunification services are part of a Family Reunification (FR) plan established by the county CWSA and may continue for 180 days during which time the children are considered temporarily absent from the home. The FR services may be extended beyond 180 days for good cause and remain in place until termination of the plan. This letter transmits a series of questions and answers initiated by counties regarding FR services under the CalWORKs program and provides clarification of existing policy.

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If you have any questions or need further information regarding this letter, please contact the following:

CalWORKs	CalWORKs Eligibility Bureau (916) 654-1322
Welfare to Work	Employment Bureau (916) 654-2137
CalFresh	CalFresh Branch (916) 651-8047
Child Welfare Services	Permanency Policy Bureau (916) 657-1858

Sincerely,

Original Document Signed By:

CHARR LEE METSKER
Deputy Director
Welfare to Work Division

Attachment

**CalWORKs FAMILY REUNIFICATION SERVICES
QUESTIONS AND ANSWERS**

ELIGIBILITY

- 1. When the eligible child(ren) is removed from the home, and a CalWORKs Family Reunification (FR) plan is established, is the family's case considered "open," "closed," "discontinued," or "suspended," or, do we keep the case open with no grant for the length of the reunification plan?**

In a CalWORKs FR case, the eligible child(ren) is considered temporarily absent from the home and the CalWORKs case remains open with a reassigned aid code of 4P or 4R in accordance with instructions in ACL 03-52. While the child(ren) is temporarily absent from the home, the parent(s) is eligible for CalWORKs FR services only and will not receive a cash grant. The temporary absence period and absence of a cash grant can last for any period of time up to 180 days (MPP Section 82-812.681). According to MPP Section 82-812.688, if the court determines an extension is necessary for reunification, the 180 day period may be extended.

A FR case should not be assumed each time a child(ren) is removed from the home (see Response to Question #9). If the court determines reunification is improper, the CalWORKs FR plan will be terminated and the FR case discontinued.

- 2. All County Letter (ACL) 02-36 states that the family must be receiving CalWORKs cash aid at the time of the child(ren)'s removal to be eligible for FR services. Does this mean the parent(s) must be included in the cash payment? Are Supplemental Security Income (SSI) parents, drug felon parent(s), parent(s) under child support, immunization or school attendance penalties, etc., considered FR cases?**

According to MPP Section 82-812.681(b), the parent(s) must have been receiving a cash aid payment at the time of the child(ren)'s removal to receive CalWORKs FR services. The exception is when the AU has a parent with a child support or Welfare-to-Work (WTW) sanction, who would otherwise be eligible for CalWORKs cash aid. This parent(s) may participate in CalWORKs FR services regardless of any time remaining in their sanction (MPP Section 42-711.512).

FR parents who have been penalized for immunization or school attendance penalties, may also participate in CalWORKs FR services because they continue to receive cash aid until the removal of the child(ren). However, an SSI recipient, undocumented noncitizen, drug felon, or 60-month CalWORKs timed-out parent is not eligible to receive CalWORKs FR services because he/she is not eligible to receive CalWORKs benefits.

- 3. If a family was not receiving CalWORKs at the time the child(ren) were removed, would there ever be circumstances that would make them a FR case at a later time?**

No. According to MPP Section 82-812.681(b), one of the requirements for receipt of CalWORKs FR services is that the AU was receiving CalWORKs benefits when the child(ren) was removed from home. See response to question # 2 above for treatment of parent(s) not receiving aid.

- 4. If a parent(s) has a “voluntary” reunification plan that does not go through the court system, are they eligible for FR services?**

Yes, under the following circumstances: 1) the family was in receipt of CalWORKs when the child(ren) was removed from the home; 2) the parent(s) voluntarily agrees that the eligible child(ren) should be placed out of the home; and 3) the voluntary CalWORKs FR plan is in accordance with MPP Section 80-301(r)(5).

- 5. If the case is closed due to removal of the only eligible child(ren) from the home and it is later learned that the family is eligible for, and the CWSA requests CalWORKs FR services, is a new application required?**

No, a new application is unnecessary. According to ACL 03-52, the County Welfare Department (CWD) will restore the case in order to assign the proper aid code (4P or 4R) and to align the six month redetermination with the court’s six month review. There is no delay between when the case is closed and when FR services can be started.

- 6. Rather than counting the 180-day periods and extensions, is it safe to assume that the parent(s) will remain eligible for CalWORKs FR services until either the child is returned to the home or parental rights are terminated?**

No, the length of eligibility for CalWORKs FR services is determined by the reunification plan developed by the CWSA (MPP Section 80-301(r)(5)). The CWD must track the 180-day period to ensure that case reviews and/or actions are done in a timely fashion. The law states that the parent(s) shall be considered living with the needy child(ren) for a period of up to 180 consecutive days of the needy child(ren)’s absence from the family AU (Welfare and Institutions Code (WIC) Section 11203.b(1)). CalWORKs FR services would only be extended when there is a good cause determination by the court that FR is expected to occur after the initial 180-day period (MPP Section 82-812.688). During the 180-day period, and any court-ordered extension, the parent(s) would remain eligible for any CalWORKs activities or services that are specified in the court-ordered FR plan as stated in MPP Section 82-812.684.

TEMPORARY ABSENCE

- 7. The county CWSA removes a child(ren) from the home. When is the parent(s) no longer eligible for cash aid because the parent(s) no longer retains care and control under temporary absence rules pursuant to MPP Section 82-812? What is the process?**

When a child(ren) is removed from the home by the CWSA, the child(ren) is deemed to be temporarily absent from the AU (MPP Section 80-301(r)(4)). Once the detention hearing takes place, if it is determined that the child(ren) will remain in protective custody, the CWD can transfer the CalWORKs case to that of a FR case. If the CWSA develops a reunification plan and has determined that CalWORKs services are necessary for FR, FR services may be provided. The CWD shall reassign aid codes in accordance with instructions in ACL 03-52. Subsequently, the CWD shall discontinue cash benefits for the AU with adequate notice in accordance with MPP Section 22-072. The discontinuance will take place at the end of the month in which the detention hearing determines that the child(ren) will still remain in protective custody.

In cases where appropriate notification was not given to the AU and cash benefits are issued for an additional month, the CWD shall establish an overpayment and follow guidelines in MPP Section 44-352 on overpayment recoupment.

- 8. If a CalWORKs case is ineligible because it has exceeded property limits or lacks deprivation (i.e. a parent moves back into the home and absence deprivation no longer exists), is the CalWORKs FR case discontinued?**

Per MPP Section 40-181.223 (QR), a CalWORKs FR parent is not required to submit a quarterly report (QR 7) while in receipt of FR services for CalWORKs purposes. However, a QR7 must still be submitted for continued receipt of CalFresh (formerly known as Food Stamp) benefits. If a change is reported mid-quarter for CalFresh that results in ineligibility for CalWORKs, the CWD would not take action mid-quarter. The earliest opportunity to discontinue the CalWORKs case due to ineligibility will be at the end of the current quarter.

- 9. It sometimes takes a few months for the courts to decide if FR services are appropriate for a child(ren). Do we just assume that all cases where the child(ren) is removed are CalWORKs FR cases? How will the CWD know whether or not the family is eligible for CalWORKs FR services?**

The CWD shall not assume that all cases where a child(ren) is removed from the home are CalWORKs FR cases. For example, if not all of the children in the family

are removed from the home, and the parent remains eligible for a cash grant, the parent is not a reunification parent and the family is not a reunification family (MPP Section 82-812.683).

In order to receive CalWORKs FR services, the parent(s) must meet the following conditions: 1) the child(ren) has been removed from the home and placed in out-of-home care; 2) the AU was receiving CalWORKs assistance when the child(ren) was removed; and 3) the CWSA worker has determined that the provision of CalWORKs services is necessary for FR and the family can reunify within six months (MPP Section 80-301(r)(3)). According to MPP Section 82-812.681(c), authorization for CalWORKs FR services does not require that the court has reviewed the FR plan, only that the CWSA has determined that those services are needed for reunification.

10. If a parent(s) is receiving CalWORKs FR services while the child(ren) is placed with a caretaker relative, can the caretaker relative receive aid for the child(ren)?

Yes, the FR parent(s) continues to be eligible for CalWORKs services if the CWSA worker has determined that provision of these services will aid in FR. In addition, for the caretaker relative to receive aid for the child(ren) he or she must: 1) live with the child(ren) who is a part of the filing unit, and 2) exercise responsibility for the day-to-day care and control of the child (MPP Section 80-301(c)(2)).

TIME LIMITS

11. What services can a county provide if a parent has already reached her/his 60-month CalWORKs time limit when the only eligible child(ren) is removed from the home by the CWSA?

These parent(s) would not be eligible for CalWORKs services as a component of a FR plan (please refer to question #1).

CalFresh and MEDI-CAL

12. Are these FR families are no longer considered Categorically Eligible (CE) households?

No, during the time in which the family is participating in a FR plan, they are not in receipt of cash assistance. As such, the FR families shall be eligible for services, such as Transitional CalFresh benefits (formerly known as Transitional Food Stamp) benefits. However, should the family complete its FR plan and resume its case, they shall be considered a CE household once more. For more information, see ACIN I-58-08, which clarified the FR policy put forth in ACL 02-36.

13. Is eligibility for FR services limited only to CalWORKs recipients? What about families receiving only CalFresh or Medi-Cal?

If a family is receiving Medi-Cal and/or CalFresh only and are not receiving CalWORKs benefits, they are not eligible for CalWORKs FR services.

14. The CWD shall ensure cash benefits are discontinued for the FR parent(s) with adequate notice in accordance with MPP Section 22-072.1. How does the removal of the child(ren) affect the household's receipt of CalFresh?

For CalFresh purposes, the CWD would not discontinue the benefits on behalf of the children until the end of the quarter. If the parent(s) remains eligible, he or she would continue to receive CalFresh benefits, decreased accordingly.

15. Why are CalFresh benefits in a FR case considered Public Assistance Food Stamps (PAFS) if no cash aid case is open or active?

Any household in which all CalFresh eligible members receive public assistance benefits is considered a PA household. CalWORKs services are considered benefits and therefore, CalWORKs reunification parents will continue to be considered PA cases (see ACL 02-36; ACIN I-58-08 p. 17).

WELFARE-TO-WORK

16. If not all of the children are removed from the home and the AU continues to receive a cash grant, it is not considered a CalWORKs FR case. Can the WTW work participation requirement be waived so the parent(s) can complete their CWSA FR plans to get their child(ren) back?

The 32- or 35-hour WTW work participation requirement cannot be waived based solely on the requirement that a parent participate in accordance with either a FR plan or a family maintenance plan. The FR plan activities can be incorporated into the required 32-35 hour WTW participation requirement.

If, however, the county finds that a parent's participation in CalWORKs FR activities and/or services, or activities required in accordance with a family maintenance plan, interferes with or prevents the individual from participating in WTW activities for the required number of hours, the county may grant good cause pursuant to MPP Section 42-713 or MPP Section 42-721.3.

In addition, there may be situations involving domestic abuse in which a parent has his/her WTW participation requirement waived in accordance with MPP Section 42-715.5. In some instances, the parent's participation in CalWORKs FR activities or services, or activities required by a family maintenance plan, may count toward the 32- or 35-hour work participation requirement (e.g., mental health counseling or substance abuse treatment).

Counties are encouraged to establish a collaborative case management process that includes the CWSA, and CalWORKs WTW and Eligibility staff to facilitate the coordination of services and requirements with those of the CalWORKs WTW program (please refer to pages 5 and 6 of ACL 02-36, regarding FR case management).

ELIGIBILITY REDETERMINATION

- 17. When a CalWORKs reunification family is reunified, an eligibility redetermination will be required to reissue CalWORKs cash benefits. Does this mean a regular redetermination/renewal – new SAWS 2, Rights and Responsibilities, certifications, etc.? Also, do extensions to the 180-day period apply only to the receipt of services, or to the six-month eligibility redetermination? Can the six-month eligibility redetermination be extended to align with the county review of the reunification plan?**

Yes, all the existing redetermination requirements and applicable forms are still mandated for CalWORKs FR cases. However, the timing of the redetermination will coincide with the court's six-month review of the case. If the court determines that additional time is needed, a redetermination would also be required when the family reunifies after the extension. After reunification, the family would again be subject to an annual redetermination of CalWORKs eligibility.

- 18. What is the beginning date of aid upon reissuance of cash benefits?**

The reissuance of cash aid would be the first of the following month.

- 19. In redetermining eligibility for CalWORKs services (six-month redetermination or change reported for CalFresh), what type of elements are we looking for if the CalWORKs parent(s) has no eligible children in the home or they become income ineligible because the AU is now smaller?**

The parent(s) in the above-mentioned case is considered a recipient and the child(ren) is considered temporarily absent for the purposes of receiving CalWORKs services. The redetermination requirements remain the same for CalWORKs FR cases (MPP Section 40-181.1(e)(4) and (5)). All information needed during the annual CalWORKs redetermination process will be applicable at the six-month eligibility redetermination in CalWORKs FR cases. Income eligibility is determined by calculating the parent(s) total net nonexempt income (NNI) after applying all appropriate disregards. If the NNI does not exceed the MAP for the family size that includes the temporarily absent children, the AU would remain eligible for the FR services. If upon reunification the family is rendered ineligible for CalWORKs and CalFresh benefits the case would be discontinued.

- 20. When the child(ren) is returned to the home and an eligibility redetermination to reissue cash benefits is conducted, is the client considered an applicant or a recipient?**

CalWORKs FR cases are considered recipient families. Subsequently, the status would change from the 4P or 4R to the appropriate cash aid code.

- 21. If the annual redetermination is due after the child(ren) is removed but before the CWSA establishes a FR plan, should the county wait to do the redetermination until the FR plan is established?**

Yes. The redetermination will be postponed to coincide with the court's review of the FR plan. If the court determines that additional time is needed, a redetermination would also be required when the family reunifies after the extension. After reunification, the family would again be subject to an annual redetermination of CalWORKs eligibility. If no court-ordered reunification plan is established and there are no eligible children in the home, the case would be discontinued.

CHILD WELFARE SERVICES

- 22. If the parent(s) is not participating in the CalWORKs funded components of the court ordered FR plan, is it possible to discontinue the CalWORKs FR services prior to a court order?**

No, because WIC Section 361.5 requires that CWSA FR services be provided to all families where a child(ren) has been removed. Unless the parent(s) has voluntarily relinquished the child(ren) for adoption or the court has ordered otherwise, those services shall not be discontinued without a court order to that effect. The need for a CalWORKs FR plan arises out of the removal of the child(ren) from the home and a subsequent order from the court to provide FR services. Therefore, any decision to withdraw the provision of those services must be made by the entity that created the initial order.

- 23. Pursuant to WIC Section 361.5(1)(B), court ordered CWS FR services for the parent(s) of a child(ren) under the age of three years of age shall be provided for a period of six months from the hearing, but no longer than 12 months from the date the child entered foster care. If the court grants an extension to this time for the family to complete a CWS FR plan, is the parent(s) permitted an extension to their CalWORKs FR plan? If so, would this be considered a reason to exercise the good cause provision to extend services?**

Yes. CalWORKs FR services should be provided unless the parent(s) has relinquished the child(ren) for adoption or the court orders otherwise. The court may extend FR services if the court finds there is a substantial probability the child(ren) will be returned within six months.

CAL-LEARN

24. If a child were removed from the home of a Cal-Learn teen, would Cal-Learn participation continue?

If a Cal-Learn teen meets the requirements for CalWORKs FR services specified in ACL 02-36, the teen is eligible to continue participation in the Cal-Learn Program and receive Cal-Learn case management services as part of their FR plan. This is regardless of their head-of-household status and includes nested teens (minor parents) in AUs that remain financially eligible for a CalWORKs cash grant.

In addition to Cal-Learn case management services, a Cal-Learn FR parent shall continue to receive supportive services necessary for school attendance in accordance with MPP Section 42-765.1 and the \$500 graduation bonus which is paid directly to the teen (MPP Section 42-769.124).