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**DEPARTMENT OF SOCIAL SERVICES**  
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EDMUND G. BROWN JR.  
GOVERNOR

December 20, 2012

ALL COUNTY LETTER NO. 12-72

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 COUNTY WELFARE-TO-WORK COORDINATORS  
 ALL CONSORTIUM PROJECT MANAGERS  
 ALL REFUGEE PROGRAM COORDINATORS  
 ALL CHILD CARE COORDINATORS  
 ALL TRIBAL TANF ADMINISTRATORS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) SENATE BILL (SB) 1041 EXTENSION OF SHORT TERM CHANGES AND THE NEW YOUNG CHILD EXEMPTION

REFERENCES: SB 1041 (CHAPTER 47, STATUTES OF 2012), ASSEMBLY BILL (AB) X4 4 (CHAPTER 4, STATUTES OF THE FOURTH EXTRAORDINARY SESSION OF 2009), ALL COUNTY LETTER (ACL) 09-46, ALL COUNTY INFORMATION NOTICE (ACIN) I-60-10

The passage of SB 1041 on June 27, 2012 created significant changes to the CalWORKs program. This letter provides implementation instructions for the extension of certain CalWORKs short-term changes, originally enacted by AB X4 4, and a new young child exemption.

Separate ACLs, listed below, have been or will be issued to implement the other program changes that have been enacted through SB 1041:

- CalWORKs and CalFresh: Implementation of the Annual Reporting/Child Only (AR/CO) System (ACL 12-49)
- Welfare-to-Work (WTW) 24-Month Time Clock Informing Notice Language for Clients (ACL 12-53), (ERRATA 12-53E)
- Alignment of CalWORKs Hourly Work Participation Requirements to Federal Temporary Assistance for Needy Families Requirements (ACL 12-69)

- Implementation of the new WTW 24-Month Time Clock (ACL 12-67)
- Reengagement of CalWORKs Short-Term Exempt Individuals in WTW Activities (ACL forthcoming)
- End of the Fiscal Year 2011-12 Cal-Learn Suspension (ACL 12-60)
- Engagement of Clients Receiving Good Cause for Lack of Supportive Services (ACL forthcoming)

### **Extension of the Short-Term Young Child Exemptions**

SB 1041 extended the current short-term young child exemptions originally enacted by AB X4 4, which created additional exemptions from WTW activities for a parent or caretaker relative who has primary responsibility for personally providing care to one child who is from 12 months through 23 months of age, or at least two children who are under six years of age. For two-parent assistance units (AUs) meeting this exemption criteria, the exemption is limited to one parent in the two-parent AU. Counties must continue to exempt all clients who qualify for these exemptions through December 31, 2012. Clients granted these exemptions are not required to participate in WTW and will not have months count against their CalWORKs 48-month time limit until the client is reengaged sometime after January 1, 2013 (more details on reengagement forthcoming under separate cover). Likewise, clients granted these exemptions do not have months count against the new WTW 24-Month Time Clock until they are reengaged.

### **Extension of the Current Time Limit Exemption due to Good Cause for Lack of Supportive Services**

Clients who receive good cause from WTW participation for lack of funding for supportive services will not have months counted against their CalWORKs 48-month time limit through December 31, 2012. On January 1, 2013, counties can continue to grant good cause to clients for lack of supportive services; however, **this will no longer exempt months from a client's 48-month time limit.** Counties must inform clients in writing prior to December 31, 2012, that their 48-month time limit will begin to tick as of January 1, 2013. A separate ACL will be issued in December 2012 that will provide informing instructions for those clients that have had months exempt from the CalWORKs 48-month time limit due to good cause for lack of supportive services.

### **Extension of Counties' Option to Redirect Mental Health and Substance Abuse Funding**

SB 1041 extended the flexibility to redirect, if needed, CalWORKs mental health and substance abuse treatment services funding to and from other employment services through June 30, 2014. This means that counties may continue to use resources from their county's mental health and substance abuse services allocations to pay for other critical CalWORKs services, and vice versa. However, if counties shift mental health and substance abuse funds to cover other CalWORKs employment services expenses and mental health and substance abuse treatment services become unavailable, the clients who exhibit a need for these activities in their WTW plan must be granted good

cause. Counties are reminded that if employment services funds are redirected from the CalWORKs Single Allocation, those funds can only be used for non-medical substance abuse and mental health treatment services.

### **New Young Child Time Limit and WTW Exemption**

SB 1041 created a new one-time young child exemption for a parent or caretaker relative who has primary responsibility for personally providing care to one child from birth through 23 months of age. For two-parent AUs meeting this new young child exemption criterion, each parent in the AU must be provided the option to receive this exemption. Only one parent at a time may be granted the exemption; however, the parents have the option to alternate which parent is exempt. For example, one parent may receive the exemption for 12 months, and then alternate so that the other parent receives the exemption for the remaining 12 months. In this example, the exemption is fully exhausted after 23 months for both parents and neither parent is eligible to receive it again. This new exemption begins on January 1, 2013. Clients granted this exemption are not required to participate in WTW and will not have months count against their CalWORKs 48-month time limit until they no longer meet the criteria for this exemption. Additionally, months while receiving this exemption do not count against the new WTW 24-Month Time Clock.

This exemption is a **once-in-a-lifetime option** and is at the discretion of the client. This means that a client who has a child between zero and 23 months of age on January 1, 2013 has the option to reserve his or her right to use it for the caregiving of a future child (or to exercise it at a later date with respect to that existing child.) Anyone who is exempt under the AB X4 4 young child exemption on December 31, 2012, should not be offered this exemption until he/she is in the reengagement process.

#### **Example**

*Jane is exempt on December 31, 2012, for providing care for her two children, both under the age of six. Her youngest child will be six months old at the end of 2012. Based on her county's reengagement process, she will not be reengaged until sometime in mid-2013. Since her child will still be under two at the time of reengagement, she would be eligible for the new once-in-a-lifetime exemption. The county would not offer her the exemption until her reengagement contact/meeting. At the time of the reengagement contact/meeting, the full list of potential exemptions will be reviewed with Jane. Assuming that Jane is not eligible for any other exemptions, when offered the exemption Jane can:*

- *choose to take the new young child exemption for the time remaining until her youngest child turns two; or*
- *choose not to take the exemption and save it to use it in the future. (For example, Jane may want to finish a semester of training and then take the exemption, or "save" the exemption in case she has another young child.)*

*If Jane takes the exemption, she can volunteer to participate, and her time would not be counted toward either the WTW 24-Month Time Clock or the CalWORKs 48-month time*

*limit clock. In the future; however, if Jane is caring for a child under two, she will no longer have this exemption available to her, since she used her one-time exemption.*

The existing WTW exemption for parents caring for one child six-months or under is still available. On a case-by-case basis, a county can reduce this time to 12-weeks, or extend this time to 12-months. For subsequent children, a 12-week WTW exemption remains available as well. On a case-by-case basis, this can be extended to six-months. Counties must continue to offer these WTW exemptions to parents with children who meet these criteria. All WTW exemptions will stop a client's WTW 24-Month Time Clock. However, the exemptions described in this paragraph do count against the CalWORKs 48-month time limit, and the parent/caretaker must be informed of this prior to taking the exemption.

Counties are reminded that clients meeting WTW exemption criteria must be provided the opportunity to volunteer.

If you have questions or need additional information regarding this ACL, contact your CalWORKs Employment Bureau county consultant at (916) 654-2137 or your CalWORKs Eligibility consultant at (916) 654-1322.

Sincerely,

***Original Document Signed By:***

TODD R. BLAND  
Deputy Director  
Welfare to Work Division

cc: CSAC  
CWDA