



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

March 2, 2015

ALL COUNTY LETTER 15-28

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 PROGRAM SPECIALISTS
ALL CONSORTIUM PROJECT MANAGERS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) REVISED FORMS: AR 3, SAR 3, SAR 7, SAR 7A, SAWS 2A SAR, CW 8A, CW 8, CW 2211, AND CW 2212

REFERENCE: TITLE 21 UNITED STATES CODE SECTION 862a; ASSEMBLY BILL (AB) 1468 (CHAPTER 26, STATUTES OF 2014); WELFARE AND INSTITUTIONS CODE SECTIONS 11251.3 & 18901.3; MANUAL OF POLICIES AND PROCEDURES (MPP) SECTIONS 40-107; 40-118; 40-173; 40-181; 44-316; 82-510; 82-828; ALL COUNTY WELFARE DIRECTORS LETTER DATED JULY 1, 2014; ALL COUNTY LETTER NO. 02-66; 04-59; 14-100

The purpose of this All County Letter (ACL) is to highlight recent changes to certain CalWORKs and CalFresh forms with reference to mandatory reporting of felony drug convictions, since it will no longer be required. This ACL also makes additional miscellaneous changes to the forms, which are explained below.

Federal law prohibits individuals who have been convicted of certain felony drug offenses from receiving Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP) benefits, unless a state opts out, partially or entirely, through the enactment of state legislation.

The AB 1468 (Chapter 26, Statutes of 2014) fully opts California out from the lifetime prohibition in both CalWORKs and CalFresh, effective April 1, 2015.

AB 1468 enacts statutory changes in the CalWORKs program by amending Welfare and Institutions (W&I) Code section 11251.3 to state that people with felony drug convictions shall be eligible to receive CalWORKs benefits. For CalFresh, section 50 of AB 1468 enacts statutory changes in the CalFresh program by amending W&I Code section 18901.3 to state that individuals with felony drug convictions shall be eligible to receive CalFresh benefits. For both programs, if the person with a felony drug conviction is on probation or parole, he or she must be compliant with the terms of his or her probation or parole, including participation in a government recognized drug treatment program, if required.

The following forms have been modified to reflect those and additional required policy changes:

Revised AR 3

- Language has been added to the instructions regarding which types of proof to submit for both income information and changes in expenses. For both, clients are now provided with instructions to get support from the county if help is needed in obtaining proof.
- What was previously the information provided under the second box of items under “Mandatory Information” has been deleted. It is no longer necessary to provide the name of a person convicted of a drug felony, or the date of the drug felony conviction for either CalWORKs or CalFresh participants. Furthermore, additional clarity was added to state that a court must find that a participant is in violation of probation or parole.
- Under the sixth box of items of “Mandatory Information” items, “court-ordered” has been changed to “legally obligated” to more accurately reflect the nature of the obligation and the need to report.

Revised SAR 3

- Language has been added to the instructions regarding which types of proof to submit for both income information and changes in expenses. For both, clients are now provided with instructions to get support from the county if help is needed in obtaining proof.
- What was previously the information provided under the second box of items under “Mandatory Information” has been deleted. It is no longer necessary to provide the name of a person convicted of a drug felony, nor the date of the drug felony conviction for either CalWORKs or CalFresh participants.

Revised SAR 7

- Question 4 has been revised. What was previously number 4(A) has been deleted. That subsection requested information on households with any person with a felony drug conviction. Providing this information is no longer necessary. Because it has been deleted, questions 4 (A) through (C) have been changed to 4(A) through 4(B). The follow up questions below 4(A) and 4(B) have been revised to eliminate any reference to felony drug convictions.
- In addition, this form was updated to clarify income reporting for questions 9-12. Households must submit proof if they report a job loss or if they are no longer receiving money from any other source. Additionally, households must report any anticipated changes in income for the next six months, not just those changes reported for the data month. Reminder: CalFresh-only households are not required to answer CalWORKs-only questions 4 and 13.
- AB 2382 (Chapter 905, Statutes of 2014) removes the CalWORKs rule that counties track school attendance for children ages 6-16. Therefore, the eighth check-box in question 13 no longer asks about school attendance for this group.

Revised SAR 7A

- The instructions for question 4 have been revised. The instruction no longer asks participants to report information about felony drug convictions. Also, the “Drug Related Felony” and “Controlled Substance” definitions have been eliminated.
- The form was updated to clarify proof of job loss and proof of loss of unearned income.

Revised SAWS 2A SAR

- A statement was added on page 3 to advise CalWORKs applicants that they must report any changes within 5 days while their application is pending.
- Question 5 on page 3 of this form regarding fleeing felons and probation/ parole violators was revised to eliminate any reference to felony drug convictions. The change modifies the mandatory reporting section of the form to reflect that felony drug convictions are no longer mandatory reports by deleting the reference.

- Number 10 under Change Reporting Households on page 5 was removed because the lifetime ban for people with felony drug convictions no longer applies to any households.
- Changes have been made on page 6 to implement AB 2382, which removes the requirement that County Welfare Departments (CWDs) track regular school attendance for children ages 6-16. New language informs applicants and recipients of the state law that all children under age 18 must attend school.
- Changes have been made on page 9 to conform with AB 74 (Chapter 21, Statutes of 2013) and Senate Bill (SB) 98 (Chapter 358, Statutes of 2013), which changed the CalWORKs vehicle asset limit.
- Additionally, changes were made to the Program Penalties section of the SAWS 2A SAR to inform applicants and recipients of what actions or attempted actions are considered to be a crime and/or an intentional program violation and the potential penalties for doing so based on the revised definition of benefit trafficking for public benefits such as CalFresh and usage of the EBT card. This information is vital for Special Investigative Units, prosecutors and Administrative Law Judges when determining whether or not it is reasonably certain that a recipient knew they were committing a crime or misusing their benefits.

Revised CW 8A

- Question 11 has been reworded so that it is no longer a compound question. What was previously question 13 has been deleted because it is no longer necessary to provide information on a child who was convicted of a drug felony as an adult. The subsequent question, which was previously question 14, has been renumbered accordingly and is now question 13.
- Question 6(A) was deleted due to AB 2382.

Revised CW 8

- What was previously question 12 has been deleted. It is no longer necessary to report felony drug convictions pertaining to possession, use, or distribution of controlled substances, or provide details. The subsequent questions have been renumbered accordingly.

Revised CW 2211

- The language in this form has been revised. References to the SAWS 2 form have been updated to reflect the most current form, the SAWS 2 PLUS. Also, felony drug conviction language has been deleted from the list of mandatory reports because this information is no longer required.

Revised CW 2212

- The language in this form has been revised. References to the SAWS 2 form have been updated to reflect the most current form, the SAWS 2 PLUS. Also, felony drug conviction language has been deleted from the list of mandatory reports because this information is no longer required.

Camera Ready Copies and Translations

For camera-ready copies in English, contact the Forms Management Unit at fmudss@dss.ca.gov. If your office has internet access you may obtain these forms from the CDSS webpage at:
http://www.dss.cahwnet.gov/cdssweb/FormsandPu_271.htm.

When all translations are completed per Manual of Policies and Procedures (MPP) Section 21-115.2, including Spanish forms, they are posted on an on-going basis on the CDSS webpage. Copies of the translated forms can be obtained at:
http://www.dss.cahwnet.gov/cdssweb/FormsandPu_274.htm.

For questions on translated materials, please contact Language Services at (916) 651-8876. Until translations are available, recipients who have elected to receive materials in languages other than English should be sent the English version of the form or notice along with the [GEN 1365-Notice of Language Services](#) and a local contact number.

CWDs shall ensure that effective bilingual services are provided. This requirement may be met through utilization of paid interpreters, qualified bilingual employees, and qualified employees of other agencies or community resources. These services shall be provided free of charge to the applicant/recipient. In the event that CDSS does not provide translations of a form, it is the county's responsibility to provide interpreter services if an applicant or recipient requests them. More information regarding translations can be found in MPP Section 21-115.

This ACL and other CDSS Letters and Notices are available on the internet at:
<http://www.dss.cahwnet.gov/lettersnotices/default.htm>

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If you have any questions regarding this ACL and the revised forms, please contact the CaWORKs Eligibility Bureau at (916) 654-1322 or the CalFresh Policy Bureau at (916) 654-1896.

Sincerely,

Original Document Signed By:

KÄREN DICKERSON, Chief
CaWORKs Employment and Eligibility Branch

RYAN FRUCHTENICHT, Acting Chief
CalFresh Branch

Attachments