

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



July 8, 2002

ALL COUNTY LETTER NO. 02-47

TO: ALL COUNTY WELFARE DIRECTORS
ALL CalWORKs PROGRAM SPECIALISTS
ALL WELFARE TO WORK (WTW) SPECIALISTS

REASON FOR THIS TRANSMITTAL

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

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS
(CalWORKs) APPLICANTS AND RECIPIENTS WHO JOIN OR ARE
CALLED BACK TO ACTIVE MILITARY DUTY

This letter transmits a series of questions and answers to clarify policy issues raised by the counties regarding applicants and recipients for CalWORKs who join or are called back to active military duty. All current eligibility rules and requirements regarding military service continue to apply.

Under separate cover, an All County Letter will be released that will clarify policy issues related to the payment of child care while an applicant or recipient who joins or is recalled to active military duty.

If you have questions or need more information about military service, please contact:

- For this letter and for information regarding Assistance Unit, Beverly Skillicorn at (916) 654-1068; federal and California 60-month time limits, Charissa Miguelino at (916) 657-3661; 18-and 24-month time limits, Ellen Horton at (916) 651-6567.

Sincerely,

***Original Document Signed By
Bruce Wagstaff on 7/8/02***

BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division

Attachment

c: CWDA
CSAC

QUESTIONS AND ANSWERS ON CalWORKs AND MILITARY DUTY

CalWORKs Applicants

1. Can deprivation be established for an applicant family when the parent is recalled to active military duty?

- For an applicant family, the absence of the parent due solely to military duty is not a basis for deprivation. Manual of Policy and Procedures (MPP) Section 41- 450.13 and Welfare and Institutions Code (WIC) Section 11250(c) excludes active military duty as a basis for deprivation. However, the family may be eligible if the other parent is deceased, physically or mentally incapacitated, the principal earner is unemployed or continually absent from the home.

CalWORKs Recipients

2. Can a parent or caretaker relative recipient who is called back to active duty be considered temporarily absent from the home?

- Yes, when the sole reason for the absence is the performance of military duty, a parent/caretaker relative recipient can be considered temporarily absent from the home for as long as the active duty status exists as provided in MPP Section 812.64. Additionally, the parent/caretaker must maintain care and control of the children, and he/she must intend to return home and there must be no severance of family ties. Any income received by the parent is counted as available to the Assistance Unit (AU).

3. Can a recipient who joins the National Guard or other branch of military service be considered temporarily absent from the home?

- Yes, CalWORKs regulations do not differentiate between joining and being recalled - both can be considered temporary absences. If the basis of deprivation was the unemployment of the principal earner, the family would remain eligible until income exceeds limits.

4. Do the temporary absence regulations cover an aided optional member of the AU, such as a stepparent, who is called back to active duty?

- The county may determine that any optional member of the AU, including a stepparent, is temporarily absent from the home after considering the determining factors for temporary absence in MPP Section 82-812.4. However, if temporary absence is documented, any income from the member will be counted to the AU.

5. How is the earned income from the active military duty person treated?

- The income from active duty would be considered available and the AU is eligible for the \$225 + 50 percent earned income disregard. However, the AU could become financially ineligible for continued aid if the family's combined income fails the net income test. To be eligible, the net nonexempt income of the family must be the same or less than MAP plus special needs.

6. A mother has been recalled to active duty. She maintains care and control of the children while the children live with the grandmother. Who should be the payee of the case and who completes the Monthly Report (CW 7)?

- If she retains care and control of the children, the mother may remain payee or may designate another individual (grandmother) to be the acting payee in her absence as provided in MPP Section 44-305.12. The grandmother may complete and sign the CW 7 as provided in MPP Section 40-181.241(c).

7. In the above case, how do we verify the mother's income when she is out of the country?

- The grandmother must report the income on the CW 7 and the mother must provide verification of her income.

8. The unmarried father in a two-parent family joins the Marines and leaves. His military pay is projected at \$1100 a month, which would make the family financially ineligible. The father has his allotment placed in a direct deposit account that the mother cannot access. Because absence is due to employment (military duty), are we required to discontinue this case?

- The county must determine whether this is temporary or continuous absence. If the father is temporarily absent, there is no separation from his family, and he intends to return, his income would make the entire AU financially ineligible. However, if there is a separation (he is not providing for his children) and he does not intend to return to the home, continuous absence can be found. If the county documents abandonment by the absent parent, the mother and the children may be aided. A change in deprivation would occur and the father would be removed from the AU. Additionally, the mother must agree to assign to the county all child support rights.

Welfare to Work (WTW) and Supportive Services

9. Are CalWORKs recipients that are on active military duty subject to WTW rules?

- CalWORKs recipients, including those that are on active military duty, are subject to WTW program requirements, unless they meet specified exemption criteria. Military service is not a WTW exemption criterion. Recipients on active duty may be considered to be participating in unsubsidized employment as their county-approved

WTW activity. In many cases, these recipients are “employed” for sufficient hours to meet their work participation requirement of 32 or 35 hours per week.

10. Are CalWORKs recipients that are on active military duty eligible for supportive services?

- Yes, they are eligible for necessary supportive services, such as child care, transportation, ancillary, and personal counseling.

Time Limits

11. Do we apply time limits toward persons who are recalled to active duty?

Yes, CalWORKs recipients are subject to the federal and state time limit requirements as follows:

- Temporary Assistance for Needy Families (TANF) and CalWORKs 60-Month Time Limits:
 - Any month or partial month in which an adult is included in the AU that receives a cash grant and the month is not exempt for other reasons, will count toward both the TANF and CalWORKs 60-month time clocks. However, if the aid provided is funded by a state-only funded program (i.e., the Separate State Program for Two-Parent Families), the month(s) will only count toward the CalWORKs 60-month time clock.
 - Any month in which only supportive services are received (no cash aid) will not count toward the CalWORKs 60-month time clock.
- CalWORKs or WTW 18-or 24-Month Time Limits:
 - If the recipient is called to active duty before they have signed a WTW plan, their 18-or 24-month time clock does not tick (MPP Sections 42-710.11 and 711.552). The recipient may receive necessary supportive services.
 - If the client has signed a WTW plan, the 18-or 24-month clock continues to tick and their military duties are considered unsubsidized employment and their assigned WTW activity (MPP Sections 42-710.6 and 42-716.111).
 - If the client's 18-or 24-month clock has expired, the client on active military duty remains eligible for aid based on his/her participation in unsubsidized employment (MPP Sections 42-710.1, 42-710.2, and 42-711.9).