

DEPARTMENT OF SOCIAL SERVICES

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August 3, 1982

ALL-COUNTY LETTER NO. 82-73

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: AID TO FAMILIES WITH DEPENDENT CHILDREN FOR PREGNANT WOMEN

REFERENCE: ESTABLISHING THE FAMILY BUDGET UNIT - EAS 44-205
PREGNANCY SPECIAL NEED - EAS 44-211.4

This letter is to clarify Aid to Families with Dependent Children (AFDC) program policy in the areas cited above. More than 100 county questions on AFDC for pregnant women were submitted in writing during the question and answer sessions in Sacramento and Los Angeles. Because of this volume, and in recognition of the duplication and overlap of the questions, we will not restate each question and provide an answer. Rather, we have grouped the questions into specific policy areas that we believe will better serve your needs. The scope of our response to each policy area will answer most questions asked.

Questions received regarding the AFDC Foster Care Program, Refugee Assistance Program, Child Support Program and Fiscal Claiming have been forwarded to the appropriate organizations for handling.

A. FBU Composition (44-203, 44-205, 44-206)

Unborns are no longer considered eligible children. Therefore, unborns cannot be included in either the FBU or the stepparent unit.

Although a pregnant woman may be included as a stepparent in another FBU (44-205.243), nothing precludes her from being aided as a one-person FBU. The pregnant woman who is a stepparent included in another FBU would become eligible for the pregnancy special need in the third month prior to the month of anticipated birth.

There must be two FBUs when a pregnant woman has no other eligible children and her spouse is the caretaker of an eligible child who is not his natural or adopted child (e.g., sister). In this situation, the pregnant woman could not be included as a stepparent in her husband's FBU. The husband cannot be included in the pregnant woman's FBU because an unborn is not an eligible child. In these situations, there would be two FBUs until the birth of the unborn.

Also, there would be two FBUs when the parents of an unborn are unmarried, have no eligible children in common, and are caretaker relatives of their separate children.

Under EAS 44-205.224, only one FBU is established where a pregnant woman can be included as an eligible child in an existing FBU. For example, a 16, 17, or 18-year-old pregnant female who is living in the home of her aided parent(s), and enrolled full time in high school or an equivalent training program, is included in the FBU of her parent(s).

B. Establishing Eligibility (44-205.25 and 44-211.4)

In order to establish eligibility for the basic grant for a pregnant woman, one-person FBU, and/or the pregnancy special need payment, it is necessary to establish eligibility, including deprivation, for the unborn as if the child were born and living with its mother or its parents. If appropriate, information on the father's or stepfather's income, property, etc., must be provided on the CA 2 and other forms.

Eligibility for aid including the pregnancy special need payment cannot be established before the date of application or the date medical verification is provided to the county, whichever is later.

The medical verification provided to the county must contain the expected date of delivery and must be signed by a physician or an authorized member of his staff. A County Health Department medical verification is acceptable if it meets these conditions. Any method, e.g., sonogram, urinalysis, etc. that the doctor or his authorized staff uses to confirm the pregnancy and/or delivery date is acceptable. The expected date of birth is changed if the pregnant woman provides new medical verification.

C. Work Registration (41-440,42-600)

The pregnant woman does not meet the code 08 exemption (42-630.8) because an unborn is not an eligible child. Pregnant women who are on maternity leave from work are not exempt from work registration based on code 08 criteria.

When the pregnant woman has no other eligible child in the home in which she and the father (married or unmarried) are living together, the principal earner is determined in accordance with EAS 41-440.114.

If the pregnant woman is the principal earner, she must register with Employment Services (ES) during the first six months of the pregnancy. If she is a federally qualified U-parent, she is required to register for WIN (MA5-95) beginning in the third month prior to the month of anticipated birth. If she is a nonfederal U-parent, she would remain registered with ES (GEN 827) during the entire pregnancy, unless otherwise exempt.

If the father is the principal earner, he would register with ES (GEN 827) and remain so registered during the entire pregnancy period, regardless of whether or not he could be a federally eligible U-parent. He cannot register with WIN since he is excluded from the FBU (42-600.51).

If the parent who is the principal earner refuses or fails to register, or quits a job without good cause, the appropriate penalties outlined in EAS 41-442.2 or 42-691.37 apply.

D. Relinquishment (44-205.25)

A pregnant woman meeting all of the eligibility criteria set forth in EAS 44-205.25 is entitled to receive aid as a pregnant woman irrespective of her future plans for the unborn. Similarly, federal financial participation (FFP) is not affected.

E. Income Eligibility (44-207)

The unborn is not considered a person in the FBU for the purpose of determining the 150 percent income limit or financial eligibility.

The \$70 pregnancy special need payment is added to the Minimum Basic Standard of Adequate Care (MBSAC) for the 150 percent income limit and the lump sum income computation. However, under regulations (EAS 44-207.31) in effect prior to July 7, 1982 only nonrecurring special needs were added to the MBSAC for the financial eligibility determination. The pregnancy special need is not a nonrecurring special need. Effective July 7, 1982, all special needs including the pregnancy special need payment are added to MBSAC for the financial eligibility test.

If a pregnant woman, one-person FBU, has reported net nonexempt income from the budget month that exceeded the MBSAC and is expected to be financially eligible in the payment month, budgeting of this income may result in a Zero Basic Grant for the payment month. The pregnant woman may be eligible to receive the \$70 pregnancy special need, or a portion thereof, in accordance with 44-315.4. If the Maximum Aid Payment (MAP) plus the pregnancy special need payment is more than the net nonexempt income from the budget month the recipient is entitled to the difference.

F. Income and Budgeting

The treatment of a pregnant woman's income in determining eligibility and grant amount, as specified in Chapters 44-100, 44-200, and 44-300, has not changed. None of her income is allocated to meet the needs of the excluded father.

The father may not be included in the FBU as the second parent of the unborn, because an unborn is not an eligible child. His income is treated in accordance with EAS 44-133.3, using the difference between a MAP for two (pregnant woman plus father) and MAP for one (pregnant woman alone) in the excluded parent computation.

Retrospective budgeting has not been changed by the implementation of the pregnant women regulations. The appropriate computation for the father's income depends upon whether he is a member of the FBU in the corresponding budget month. If the father is excluded in the budget month, his income is used to compute the grant in the corresponding payment month in accordance with the excluded parent regulations (EAS 44-133.3). If the father is included in the FBU in the budget month, his income is treated in accordance with Chapter 44-100 in determining the corresponding payment month's grant. Retrospective budgeting continues after the child is born.

Example:

The FBU consisted of three people (unborn, mother and father) prior to May 1, 1982. The father has earned income. The father and unborn were discontinued effective April 30, 1982. The baby was born on July 1. The baby and the father were added to the FBU effective July 1, 1982.

Since the father was in the FBU in April, his April income is used to compute the grant for June in accordance with EAS sections 44-113.2 and 44-315.4, whether or not he was a member of the FBU in June. Since he was not in the FBU in May, his May income is used to compute the grant for July in accordance with the excluded parent regulations (EAS 44-133.3). Because he is in the FBU in July, his July income is used to compute the grant for September in accordance with EAS 44-113.2.

	April	May	June	July	August	September
FBU Size	3 Unborn, Mother and, Father	1 Pregnant Woman	1 Pregnant Woman	3 Child, Mother, and Father	3 Child, Mother, and Father	3 Child, Mother, and Father
Treatment of Father's Contribution to the FBU	44-113.2		44-315.4			
		44-133.3		44-315.4		
			44-133.3		44-315.4	
				44-113.2		44.315.4

G. Pregnancy Special Need Payments (44-211.4)

The pregnancy special need is not paid to a recipient of Supplemental Security Income/State Supplementary Program (SSI/SSP) even if she has other children eligible for AFDC.

When there are two pregnant women (e.g. a mother and minor child) in the same FBU, two \$70 pregnancy special need payments are paid if the pregnant women are otherwise eligible. However, if one pregnant woman is expecting twins, only \$70 is paid.

A pregnant woman in an FBU of 10 or more is eligible to receive the pregnancy special need beginning in the third month prior to the month of anticipated birth and through the month of anticipated birth.

A pregnant woman who is included in an existing FBU, whether applying for or receiving AFDC, is eligible for \$70 beginning in the third month prior to the month of anticipated birth.

H. Beginning Date of Aid (44-317)

1. Pregnant Woman, Aid for A One-Person FBU

The beginning date of aid for the basic grant and pregnancy special need payment for a pregnant woman, one-person FBU, is the date of application or the date medical verification is provided to the county, whichever is later (44-317.2). The date authorizing action is taken by the county or the month of the pregnancy does not affect the beginning date of aid.

When the baby is born before the medical verification is provided, the beginning date of aid is the date of application or the first of the month following the date of application depending on when authorizing action is taken (44-317.1). The eligibility factors must be reevaluated as a result of the changed circumstances and no aid based on pregnancy would be paid.

If the baby is born before the county takes authorizing action, but after the medical verification of pregnancy has been provided, the beginning date of aid for the basic grant and pregnancy special need is established in accordance with EAS 44-317.2.

When the pregnant woman is certified Medically Needy (MN) on or before the first day of the month of her request for AFDC, the beginning date of aid for the basic grant and the pregnancy special need is the first of the month in which the request is made, or the date medical verification of pregnancy is provided to the county, whichever is later (44-317.61).

The grant for the first month of aid and the pregnancy special need payment is prorated from the beginning date of aid.

2. Pregnancy Special Need for Pregnant Women with Other Eligible Children

The pregnancy special need payment is available to applying or aided pregnant women.

When a request for the pregnancy special need has been made for an aided pregnant woman with other eligible children and medical verification is provided to the county before the third month prior to the month of anticipated birth, the beginning date of aid for the pregnancy special need is the first day of the third month prior to the month of anticipated birth (44-211.42). When the medical verification is provided later, the pregnancy special need payment is prorated from that date.

When the baby is born before medical verification is provided, no pregnancy special need is paid.

3. Adding the Newborn to the FBU (40-121.34)

The beginning date of aid for adding a newborn to the FBU is the date of birth. Aid for the difference between the FBU with the newborn and the FBU without the newborn begins on the date of birth prorated to the end of the month. A CA 8 is not required since the application for the pregnant woman is considered to be the application for the family, including the child when born and the father, if he is living in the home. Counties should advise pregnant women that they should inform the county of the birth as soon as the baby is born.

Example:

Application Date	5/5
Pregnancy Verification Provided	5/6
Date of Birth	5/15
Authorizing Action	6/5

The grant for a one-person FBU and the pregnancy special need payment is prorated for May 6 through May 31. The newborn is added to the FBU on May 15 and difference in the grant for the FBU with the newborn and the FBU without the newborn is prorated from May 15 to May 31.

4. Adding the Father to the FBU

When the father is in the home at the time of application, remains in the home through the month in which the child is born and eligibility factors have not changed, the father is added to the FBU on the date of birth.

When the father returns to the home at any time after application but before the birth of his child, deprivation and other eligibility factors must be redetermined. A new CA 1 and a CA 2 must be completed. If the family (father, pregnant woman and unborn) is eligible the pregnant woman's aid continues and the father is added to the FBU on the date of birth.

When the father returns to the home after the birth of his child, deprivation and other eligibility factors must be re-established for the family. A new CA 1 and CA 2 must be completed.

I. Discontinuance of Pregnancy Special Need Payment (44-211.4)

The \$70 pregnancy special need payment is discontinued effective the last day of the month of birth. If the baby is born in any month preceding the month of anticipated birth, the \$70 will be discontinued with timely notice effective the last day of the month of birth. When the baby is born too late in the month to provide timely notice to discontinue the \$70 in the month of birth, the \$70 paid in the next month is an overpayment. Recovery provisions in EAS 44-352.4 apply.

J. Terminated Pregnancies

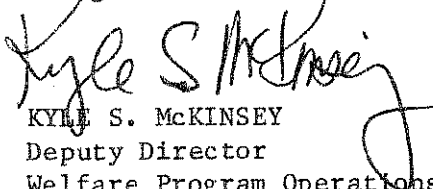
The grant for a pregnant woman one-person FBU and the \$70 is discontinued the last day of the month in which pregnancy is terminated (abortion, miscarriage, etc.) for a reason other than the delivery of a live infant, provided timely notice can be given. The recipient is no longer eligible.

Any aid paid (the basic grant for a pregnant woman, one-person FBU, and for the \$70) for any month following a termination of a pregnancy is an overpayment subject to the provisions of EAS 44-352.4.

We believe that the responses provided above address the substantive AFDC-FG and AFDC-U questions regarding pregnant women and the pregnancy special need payment that were submitted by the counties.

At the question and answer sessions in Los Angeles and Sacramento, department staff made the commitment to provide answers to those counties which asked questions that could not be answered at the sessions. This has been done in the areas of fair hearings, aid paid pending, alien eligibility, and budgeting. We plan to respond to the unanswered questions on overpayments and property in early August. Due to other workload priorities, the answers on lump sum income, age, monthly reporting, income and sponsored aliens are still being developed.

If you have any questions concerning these responses or believe that a particular question you asked has not been answered, please contact your AFDC Management Consultant at (916) 445-4458.


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cc: CWDA