

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



February 19, 1998

ALL COUNTY LETTER 98-09

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CalWORKs PROGRAM 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) PROGRAM - TIME LIMIT EXEMPTIONS

REFERENCE: ASSEMBLY BILL (AB) 1542, CHAPTER 270, STATUTES OF 1997  
ALL-COUNTY LETTER 97-65

The purpose of this letter is to provide a correction to ACL 97-65 dated October 29, 1997, regarding exemptions to the 60-month time limit [Welfare and Institutions Code Sections 11454(e) and 11454.5(b)]. ACL 97-65 inadvertently failed to include an exemption for the nonparent caretaker relative who has primary responsibility for providing care to a child who is a dependent, or ward of the court, or at risk of placement in foster care, if the responsibility impairs the caretaker's ability to work or participate in welfare-to-work activities.

Additionally, we are clarifying criteria for exempting a month of aid from the 60-month time limit by providing that:

- A caretaker's responsibility to care for an incapacitated household member must impair the recipient's ability to be regularly employed or participate in welfare-to-work activities.
- A doctor's verification is needed to indicate that a disability is expected to last at least 30 days and that it significantly impairs the recipient's ability to be regularly employed or participate in welfare-to-work activities.
- The criteria include a nonparent caretaker relative who has primary responsibility for providing care to a child who is a dependent, or ward of the court, or at risk of placement in foster care, if the responsibility impairs the caretaker's ability to work or participate in welfare-to-work activities.

Following is a complete listing of the two categories of time limit exemptions for your use in determining the duration of recipient eligibility for CalWORKs.

#### EXEMPTIONS FOR PARENTS OR CARETAKER RELATIVES FROM THE CUMULATIVE 60-MONTH TIME LIMIT

Certain parents and caretaker relatives are exempted from the 60-month time limit. The 60-month time limit does not apply when all parents or caretaker relatives of an aided child meet any of the following conditions:

- He/she is 60 years of age or older.
- He/she is a nonparent caretaker relative:
  - Who has primary responsibility for providing care for a child who is either (1) a dependent or ward of the court or (2) in a case in which a county determines the child is at risk of placement in foster care; **and**
  - Whose caretaking responsibilities are beyond those considered normal day-to-day parenting responsibilities so that they impair the caretaker relative's ability to be regularly employed or to participate in welfare-to-work activities.
- He/she is caring for an ill or incapacitated household member, if the caretaking responsibilities impair the recipient's ability to be regularly employed or to participate in welfare-to-work activities.
- He/she is receiving State Supplemental Program, In-Home Supportive Services, State Disability Insurance, or Worker's Compensation Temporary Disability Insurance benefits, if the disability significantly impairs the recipient's ability to be regularly employed or participate in welfare-to-work activities.
- He/she is incapable of maintaining employment or participating in welfare-to-work activities, as determined by the county, based on the assessment of the individual and the individual has a history of participation and full cooperation in welfare-to-work activities.
- He/she is not included in the assistance unit.

#### MONTHS EXEMPTED FROM THE CUMULATIVE 60-MONTH TIME LIMIT

Any month in which the parent or caretaker relative meets one of the following criteria is not counted toward the 60-month time limit:

- He/she is eligible for, participating in, or exempt from Cal-Learn or another teen parent program approved by the CDSS.
- He/she is disabled as determined by a doctor's verification that the disability is expected to last at least 30 days and that it significantly impairs the recipient's ability to be regularly employed or participate in welfare-to-work activities, provided that the individual is actively seeking appropriate medical treatment.

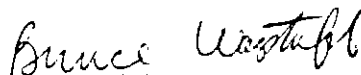
- He/she is a nonparent caretaker relative:
  - Who has primary responsibility for providing care for a child who is either (1) a dependent or ward of the court or (2) in a case in which a county determines the child is at risk of placement in foster care; **and**
  - Whose caretaking responsibilities are beyond those considered normal day-to-day parenting responsibilities so that they impair the caretaker relative's ability to be regularly employed or to participate in welfare-to-work activities.
- He/she is caring for an ill or incapacitated household member, if the caretaking responsibilities impair the recipient's ability to be regularly employed or to participate in welfare-to-work activities.
- When the cost of cash aid is fully reimbursed by child support, whether collected in that month or any subsequent month.
- He/she is excluded from the assistance unit.

Periods in which an individual is under penalty or sanction are counted toward the 60-month time limit unless the penalty or sanction removes the individual from the assistance unit. Information on the effect of penalties and sanctions on the assistance unit will be provided by an All County Information Notice in the near future.

We apologize for any inconvenience this has caused.

If you have any questions regarding this letter or need additional information, please contact Julie Lopes at (916) 654-1786.

Sincerely,



BRUCE WAGSTAFF  
Deputy Director  
Welfare to Work Division