

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



March 13, 1998

ALL COUNTY LETTER 98-17

TO: ALL COUNTY WELFARE DIRECTORS
ALL CalWORKs PROGRAM MANAGERS

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: DEFINITION OF "FAMILY" FOR PURPOSES OF COMPUTING
ELIGIBILITY AND GRANT AMOUNTS UNDER CALIFORNIA WORK
OPPORTUNITY AND RESPONSIBILITY FOR KIDS (CalWORKs)

REFERENCE: ALL COUNTY LETTER (ACL) 97-59, ASSEMBLY BILL (AB) 1542,
CHAPTER 270, STATUTES OF 1997

The purpose of this notice is to provide counties with clarification regarding the implementation instructions of ACL 97-59 about whose income is to be considered for eligibility and grant computations under CalWORKs,

CalWORKs does not count the income of any family members not previously considered under Aid to Families with Dependent Children (AFDC). Welfare and Institutions Code (WIC) Section 11008.14 identifies the family members living in the home whose income is to be used for determining eligibility and grant amounts. The income of these individuals continues to be considered, even when the individual is excluded by law or sanction. These individuals are:

- applicant child
- natural or adoptive parent(s),
- spouse of the natural or adoptive parent(s), and
- sibling of an eligible child (and half-sibling)

In order to allocate income from individuals in these circumstances the AFDC program contained several "deeming" formulas that first allowed persons excluded by law to meet their needs and the needs of any non-AU persons for whom they had financial responsibility. These formulas considered the income of sanctioned individuals but did not consider their needs. CalWORKs and ACL 97-59 implemented a new grant structure which still allows for income and needs to be considered for these individuals but eliminates the numerous "deeming" formulas that were required. The new grant computation considers the income of these same individuals as available to the family whether the person is in or out of the AU, and allows for their needs (except individuals sanctioned for failing to comply with CalWORKs) to be considered via a Map for the entire "family" (AU and non-AU members) versus a MAP for the AU. The income of children not in the AU continues to be excluded from consideration however, their needs are

AU. The income of children not in the AU continues to be excluded; however, their needs are considered in the MAP for the entire "family" when the parent of that child has income **filll!** is also responsible for one or more persons in the AU. Consistent with prior "deeming" formulas, if non-AU adults have no income, there will be no consideration of their needs or those of their non-AU children.

The grant computation examples provided in ACL 97-59 are still applicable and correlate to the individuals noted in the chart below:

INDIVIDUAL	INCOME COUNTED?	NEEDS CONSIDERED?
Unaided step-parent	yes	yes
Step-sibling & unaided half sibling of an eligible child	no	yes, if the step-parent is contributing to the AU
Father of an unborn (PWO)	yes	yes
Drug or fleeing felon parent	yes	yes
Sanctioned for failing to comply with CalWORKs	yes	no
Unmarried parent with a child in common for whom there is no deprivation	no	no
Senior parent(s)	yes	yes
Senior parent's spouse	no	yes, if the senior parent is contributing to the AU
Senior parent's other children	no	yes, if the senior parent is contributing to the AU
Excluded spouse of an aided child (residing in the home)	yes	yes

Any case that involves an ineligible, undocumented alien family member will not follow these rules. The regulations issued in ACL 97-57, implementing the **Ortei:a** decision specify whose income will be considered in eligibility and grant computations for such cases.

This instruction is retroactive to January 1, 1998. Any questions regarding this issue should be directed to Lesley J. Bell at (916) 653-3922 or CALNET 453-3922.

Sincerely,

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BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division