

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, California 95814



July 26, 2000

**ERRATA**

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: CORRECTION TO FEDERAL AND STATE 60-MONTH TIME  
LIMIT COMPARISON CHART

REFERENCES: ALL COUNTY LETTER (ACL) NO. 99-90, DATED  
OCTOBER 21, 1999

This Errata is intended to correct information provided in a chart that was previously sent with ACL 99-90 and also transmits a corrected copy of the 60-Month Time Limit Comparison Chart.

In ACL 99-90, Attachment B, a 60-month time limit comparison chart that identified the differences between the federal and state 60-month time limits was provided to the counties as a reference guide. We have noted an error in this chart's description of the CalWORKs Exceptions – Time Extenders. The domestic abuse good cause waiver of the time limit was inadvertently included in the list of extender exceptions.

As stated in state regulations MPP Section 42-302.11, when an individual has been aided as an adult for 60 months, aid may continue when all parents, aided stepparents, and/or caretaker relatives residing in the home of the aided children meet any of the following conditions:

- **Advanced Age** – individual is 60 years of age or older.
- **Providing Care** – individual is exempt from welfare-to-work participation requirements because of inability to be regularly employed/participate due to caretaking responsibilities for an ill or incapacitated person residing in the home; a dependent child of the court; or a child at risk of placement in foster care.
- **Disabled** – individual is receiving State Disability Insurance, Temporary Disability Insurance, In-Home Supportive Services, or State Supplemental Program benefits and the disability impairs his/her ability to work or to participate.
- **Unable to Maintain Employment or Participate** – individual is unable to maintain employment or to participate in welfare-to-work activities, based on the county's assessment and finding that the individual has a history of participation and full cooperation in welfare-to-work activities.
- **Unaided** – individual is excluded from the AU for reasons other than exceeding the time limit.

Domestic abuse is not included in the list of criteria that all adults in an AU must meet so that an individual can receive aid beyond 60 months. However, in MPP 42-302.2, an individual who has been aided as an adult for 60 months may continue to receive aid when the individual is a victim of domestic abuse and the county has determined that good cause exists to waive the 60-month time limit. We would like to clarify that an individual's aid may be extended due to the domestic abuse good cause waiver without having all others in the AU meet an extender exception.

We apologize for any inconvenience this may have caused. If you have any questions regarding this matter, please contact Charissa S. Miguelino at (916) 657-3665.

Attachment

### TANF AND CalWORKs 60-MONTH TIME LIMITS

TANF (FEDERAL) CLOCK	CalWORKs (STATE) CLOCK
<p>For California recipients, TANF limits are applied to aid received effective December 1996 and after because California's TANF state plan was approved on Nov. 26, 1996 and TANF funding began in December.</p> <p>Federal law (42 U.S.C. 608(a)(7)(A)) prohibits a state from using TANF funds to provide assistance to a family that includes a head-of-household or spouse of a head-of-household who has received TANF-funded assistance for 60 months.</p>	<p>The CalWORKs 60-month limit applies to aid received on and after the date the program was implemented, January 1, 1998.</p> <p>State law and regulations (Welfare and Institutions Code Sections 11454, 11454.5, 11495.1 and Manual of Policies and Procedures (MPP) Section 42-301) require a 60-month time limit on receipt of aid for parents, non-parent caretaker relatives, and aided stepparents. No months shall count toward the time limit before <u>January 1, 1998</u>.</p>
<p>Applies time limit requirements to adults <u>and minors</u> that are heads of household or married to heads of household for a <u>cumulative</u> total of 60 months.</p>	<p>Applies time limit requirements to adults, 18 years of age or older for a <u>cumulative</u> total of 60 months. Limit does <u>not</u> apply to children or minor parents.</p>
<p><b>Definition of "Assistance"</b></p> <p>Assistance is defined in order to specify the circumstances in which benefits received are counted toward the 60-month time limit.</p> <p>For purposes of the 60-month time limit, the definition of "assistance" includes cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).</p> <p>Also includes such benefits even when provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and conditioned on participation in work experience or community service (or any other work activity under TANF regulations).</p> <p>It includes supportive services such as transportation and child care provided to families who are <u>not</u> employed.</p>	<p><b>Definition of "Assistance"</b></p> <p>Assistance is defined in order to specify the circumstances in which benefits received are counted toward the 60-month time limit.</p> <p>Definition of assistance includes cash aid including special needs payments, and vouchers. Case management, child care and other supportive services are excluded.</p> <p>Diversion payments are included in the definition of assistance as set forth in MPP Section 81-215, and will count toward the 60-month time limit unless recouped or unless part or all of the diversion period is exempt as provided in MPP Section 42-302.21.</p>

TANF (FEDERAL) CLOCK	CalWORKs (STATE) CLOCK
<p data-bbox="94 285 488 317"><b>Definition of “Assistance”</b></p> <p data-bbox="94 327 245 359"><b><u>Excludes:</u></b></p> <ol style="list-style-type: none"> <li data-bbox="94 415 711 642">1. Nonrecurring, short-term benefits that: <ul style="list-style-type: none"> <li data-bbox="94 457 678 520">• Are designed to deal with a specific crisis situation or episode of need;</li> <li data-bbox="94 531 703 594">• Are not intended to meet recurrent ongoing needs;</li> <li data-bbox="94 604 610 642">• Will not extend beyond four months.</li> </ul> </li> <li data-bbox="94 653 711 852">2. Work subsidies (i.e. payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training, such as CalWORKs Grant Based OJT or WtW grant subsidized community services).</li> <li data-bbox="94 863 699 1020">3. Supportive services such as child care and transportation provided to families who <u>are</u> employed. For the WtW Grant Program, supportive services provided to families <u>whether or not</u> they are employed.</li> <li data-bbox="94 1031 643 1062">4. Refundable earned income tax credits.</li> <li data-bbox="94 1073 651 1136">5. Contributions to, and distributions from, Individual Development Accounts.</li> <li data-bbox="94 1146 711 1346">6. Services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support.</li> <li data-bbox="94 1356 678 1524">7. Transportation benefits provided under a Job Access or Reverse Commute project pursuant to section 404(k) of the Social Security Act to an individual who is not otherwise receiving assistance.</li> </ol>	

TANF (FEDERAL) CLOCK	CalWORKs (STATE) CLOCK
<p><b>Federal Exceptions</b> Federal law and regulations (CFR 264.1) do <u>not</u> count months of aid as specified:</p> <ul style="list-style-type: none"> <li>• <b>Aid to an adult or minor</b> who is not the head of household or married to the head of household and receiving TANF funded aid in his/her parents AU.</li> <li>• <b>Living in Indian country</b> – An individual was living in Indian country, as defined by federal law, or an Alaskan native village with a 50% unemployment rate.</li> </ul>	<p><b>CalWORKs Exemptions-Clock Stoppers</b> MPP Section 42-302.21 - Any month in which any of the following conditions exist for any period during the month shall <u>not</u> count toward the 60-month limit as specified:</p> <ul style="list-style-type: none"> <li>• <b>Eligible for, participating in, or exempt from the Cal-Learn program or another teen parent program approved by the CDSS</b> when receiving aid in their parents AU or in their own AU. Does <u>not</u> apply to an individual who is 19 years of age and is eligible for voluntary participation if the individual chooses not to participate in Cal-Learn. Does apply to a person who is receiving a Cal-Learn “sanction.”</li> <li>• <b>Living in Indian country</b> - An individual living in Indian country, as defined by federal law, or an Alaskan native village with a 50% unemployment rate.</li> <li>• <b>Aid reimbursed by child support</b> - Any month in which the cost of the aid is fully reimbursed by child support.</li> <li>• <b>Advanced age</b> - 60 years of age and older.</li> <li>• <b>Caretaking Responsibilities</b> - Exempt from welfare-to-work participation because of inability to be regularly employed/participate due to caretaking responsibilities for: <ul style="list-style-type: none"> <li>• An ill or incapacitated person residing in the home,</li> <li>• A dependent child of the court, or</li> <li>• A child who is at risk of placement in foster care.</li> </ul> </li> <li>• <b>Disabled</b> – Exempt from welfare-to-work participation due to a medically verified disability expected to last at least 30 days, which significantly impairs the ability to work or participate in welfare-to-work activities.</li> <li>• <b>Domestic Abuse</b> - County option to find good cause to waive time limit requirements for individuals who are victims of domestic abuse.</li> <li>• <b>Grant Amounts \$10 Or Less</b> – Recipient does not receive a cash grant payment for the month because the grant amount is \$10 or less.</li> <li>• <b>Unaided</b> – Individual is out of the AU for reasons other than exceeding the time limit.</li> <li>• <b>Receiving Supportive Services</b> – Individual is a former recipient and is only receiving supportive services.</li> </ul>

<p><b>Hardship Exception</b></p> <p>Federal law (42 U.S.C. 608 (a)(7) (C)(ii)) permits a state to use TANF funds to provide aid beyond 60 months due to “hardship”, as defined by the state, or if the family includes an individual who has been battered or subjected to extreme cruelty.</p> <p>If a State opts to extend TANF-funded assistance to part of its caseload, it would grant such an extension to a specific family once a head-of-household or spouse of a head-of-household in the family has received 60 cumulative months of assistance.</p> <p>In addition, it may be determined that a State has reasonable cause if it demonstrates that it failed to comply with the five-year limit on Federal assistance due to federally recognized good cause domestic violence waivers provided to victims of domestic violence.</p>	<p><b>CalWORKs Exceptions-Time Extenders</b></p> <p>For an individual who has been aided (i.e., is in the assistance unit) as an adult for 60 months, aid may continue for that person when all parents, aided stepparents, and/or caretaker relatives meet any of the following conditions:</p> <p><b>Advanced Age</b> - 60 years of age and older.</p> <p><b>Caretaking Responsibilities-</b> Exempt from welfare-to-work participation because of inability to be regularly employed/participate due to caretaking responsibilities for:</p> <ul style="list-style-type: none"> <li>• An ill or incapacitated person residing in the home,</li> <li>• A dependent child of the court, or</li> <li>• A child who is at risk of placement in foster care.</li> </ul> <p><b>Disabled</b> - An individual is receiving SDI, TDI, IHSS, or SSP benefits and the disability impairs his/her ability to work.</p> <p><b>Unable to Maintain Employment or Participate</b> - Individual is unable to maintain employment or to participate in welfare-to-work activities, based on the county’s assessment and finding that the individual has a history of participation and full cooperation in welfare-to-work activities.</p> <p><b>Unaided</b> – Individual is out of the AU for reasons other than exceeding the time limit.</p> <hr/> <p><b>Additional CalWORKs Exception - Time Extender</b></p> <p><b>Domestic Abuse</b> - County option to find good cause to waive the 60-month time limit for individuals who are victims of domestic abuse. For an individual who has been aided as an adult for 60 months, aid may continue for that adult when he/she is a victim of domestic abuse.</p>
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