
**RECEPTION AND APPLICATION
GENERAL**

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40-101 GENERAL POLICIES AND PRINCIPLES 40-101

.1 General Policies and Principles

Assistance is to be administered in a manner which is consistent with and will help achieve basic program purposes; which respects individual rights under the U. S. Constitution, State and Federal laws which does not violate individual privacy or personal dignity.

The following policies and principles govern the delivery of public assistance:

- .11 Assistance is to be administered promptly and humanely, with due regard to the preservation of family life and without discrimination. Compliance with all civil rights laws, rules and regulations of Division 21 is required in the administration of these regulations, including compliance by contractors and subcontractors. Assistance is to be so administered as to encourage self-respect, self-reliance, and the desire to be a good citizen useful to society.
- .12 It is the responsibility on all who are concerned with the administration of aid to do so with courtesy, consideration, and respect toward applicants and recipients and without attempting to elicit any unnecessary information. Administrative duties should be performed in such a manner as to secure for every applicant and recipient the amount of aid to which he or she is entitled under the law.
- .13 All applications and records are confidential and not open to examination for any purpose not directly connected with the administration of these programs (see Division 19).
- .14 The provisions of the law relating to public assistance are to be fairly and equitably construed.
- .15 Aid is to be provided to every applicant in his or her own home or in some other suitable home of his or her own choosing in preference to placement in an institution.
- .16 There is to be no question, inquiry, or recommendation relating to the political or religious opinions or affiliations of an applicant or recipient.
- .17 Applications for public assistance are to be reviewed promptly in accord with regulations prescribed by the State Department of Social Services, and when appropriate, with regulations prescribed by the State Department of Health Services.

NOTE: Authority cited: Sections 10553, 10554, 10605, 11053, 11102, and 11369, Welfare and Institutions Code. Reference: Sections 10553, 10554, 10605, Welfare and Institutions Code.

40-103	DEFINITIONS AND DESIGNATIONS - GENERAL	40-103
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- .1 Public Social Services (See definition in Section 11-003.1.)
- .2 Services (See definition in Section 10-010(j).)
- .3 Aid
 - .31 Cash grant for maintenance needs and medical assistance under the California Medical Assistance Program.
 - .32 Medical Assistance only for others who are determined eligible under the California Medical Assistance Program. Aid is not interrupted by a change in recipient status from a cash grant to medically needy individual or family under the same program. The change requires no new application.
- .4 Applications for Aid

An application is a request for aid in writing made to the county welfare department on the SAWS 1 (Rev. 9/90) either by the applicant or on his or her behalf.

Applications are as follows:

- .41 New -- The applicant has not previously applied for the same aid in the same county.
- .42 Restoration -- The applicant was a recipient of the same category of aid in the same county and his or her grant has been discontinued for 12 months or less at the time of the current application. See Section 40-125.9 Request for Restoration of Aid.
- .43 Reapplication
 - .431 The applicant's previous application for the same aid in the same county was withdrawn or denied, or
 - .432 The applicant is a former recipient of the same aid in the same county whose grant has been discontinued for more than 12 months at the time of the current application.
- .44 Appropriate Action on an Application -- Appropriate action on an application includes authorization of a cash grant and certification for medical assistance to persons determined to be eligible; certification as a medically needy person or family eligible for medical assistance, or such other disposition as is indicated by the investigation, i.e., denial, cancellation, etc. (See Section 40-171.)

40-103 DEFINITIONS AND DESIGNATIONS - GENERAL (Continued) 40-103

(SAR)

.5 Semi-Annual Reporting Cycle – The semi-annual reporting (SAR) cycle is comprised of six consecutive months which constitute a SAR Payment Period. The following terminology is used to describe the months and the period of an individual SAR cycle:

(SAR) .51 SAR Payment Period – the six month period for which cash aid is paid/issued. A SAR Payment Period is comprised of six consecutive calendar months. The SAR Payment Period begins the first day following the SAR Submit Month. The SAR Payment Period can be the six months following the submittal of the SAR 7 or the completion of the SAWS 2.

(SAR) .52 Next SAR Payment Period – the SAR Payment Period immediately following the SAR Submit Month.

(SAR) .53 SAR Data Month – the month for which the recipient reports all information necessary to determine eligibility on either the SAR 7 or the SAWS 2. The SAR Data Month is the fifth month of each SAR Payment Period. Only information from the Data Month and any known changes must be reported on the SAR 7; however, all available information must be included on the SAWS 2.

(SAR) .54 SAR Submit Month – the month in which the SAR 7 or the annual redetermination of eligibility is required to be completed and submitted to the county. The SAR Submit Month immediately follows the SAR Data Month and is the sixth month of each SAR Payment Period.

(SAR) .55 SAR Reporting Period – The SAR Data Month and the five preceding months. The SAR Reporting Period generally refers to the period of time since the last mandatory report (SAR 7 or SAWS 2) was completed.

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(SAR) The following table illustrates how months are arranged in a SAR cycle. Note that the SAR cycles are based on the Beginning Date of Aid (BDA) in order to ensure the SAR cycle is aligned with the redetermination/recertification date.

First SAR Payment Period					
January BDA	February	March	April	May	June
SAR Payment Period Begins	Month 2	Month 3	Month 4	SAR Data Month	SAR Submit Month/ SAR 7 is due

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Second SAR Payment Period					
July	August	September	October	November	December
SAR Payment Period Begins	Month 2	Month 3	Month 4	SAR Data Month	SAR Submit Month/ RD/RC is due

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- .6 Inquiries -- An inquiry is a request for information or a general request which is not an application. It is usually made without the individual indicating he/she is in need. It may include a request for information from a potential applicant or any other person or agency who desires information regarding public assistance, eligibility requirements, points of agency policy, etc.

- .7 Aid Programs

The aid programs in these regulations are defined in terms of basic program purposes as follows:

 - .71 Has been deleted.
 - .72 Repealed by Manual Letter No. EAS-86-01 (effective 1/17/86).
 - .73 Has been deleted.
 - .74 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.
 - .75 Medical Assistance Program -- to provide health care services on an individualized basis for recipients of aid under the assistance programs under Section .81 through .84 above and to other eligible persons thus promoting better health for those persons who are unable to pay in full for the cost of their medical care. Requirements and definitions for the California Medical Assistance Program are set forth in Medical Assistance Regulations, Title 22, California Administrative Code, Division 3.
 - .76 State Supplemental Program -- to provide money payments to eligible aged, blind, or disabled California residents. (See Division 46.)

- .8 IEVS - Means the Income and Eligibility Verification System. (See Section 20-006.1.)

(AR/CO)

.9 Annual Reporting/Child Only – An Annual Reporting/Child Only (AR/CO) case is a CalWORKs Assistance Unit (AU) that does not include an eligible adult, with the exception of an adult who has been sanctioned due to non-compliance with welfare-to-work (WTW) requirements per Section 42-721. AR/CO cases are subject to annual reporting requirements. The following terminology is used to describe the months and the period of annual reporting:

(AR/CO) .91 AR/CO Payment Period – the twelve month period for which cash aid is paid/issued. An AR/CO Payment Period is comprised of twelve consecutive calendar months. The AR/CO Payment Period begins the first day following the AR/CO Submit Month. The AR/CO Payment Period is the twelve months following the completion and submittal of the SAWS 2.

(AR/CO) .92 AR/CO Data Month - the month for which the recipient reports all information necessary to determine eligibility on the SAWS 2. The AR/CO Data Month is the eleventh month of the AR/CO Payment Period.

(AR/CO) .93 AR/CO Submit Month - the month in which the SAWS 2 is required to be completed and submitted to the county. The AR/CO Submit Month immediately follows the AR/CO Data Month and is the twelfth month of the AR/CO Payment Period.

(AR/CO) .94 AR/CO Reporting Period – The AR/CO Data Month and the eleven preceding months. The AR/CO Reporting Period generally refers to the period of time since the last SAWS 2 was completed and submitted.

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(AR/CO) The following table illustrates how months are arranged in an AR/CO Payment Period. The AR/CO Payment Period is based on the Beginning Date of Aid.

When a CalWORKs case begins in AR/CO, it is still necessary to assign the case a SAR cycle, as the case may transition between AR/CO and SAR.

AR/CO Payment Period											
January BDA	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
AR/CO Payment Period Begins	2	3	4	5	6	7	8	9	10	11 AR/CO Data Month	12 AR/CO Submit Month

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NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10553, 10554, 10604, 11056, 11265.1, and 11265.45, Welfare and Institutions Code; and 45 CFR 206.10(a)(1)(ii).

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40-105	APPLICANT AND RECIPIENT RESPONSIBILITY	40-105
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.1 Assuming Responsibility Within His/Her Capabilities

During the determination of initial and continuing eligibility, the applicant or recipient shall assume as much responsibility as he/she can within his/her physical, emotional, educational, or other limitations. Within his/her capabilities, the applicant/recipient is responsible for:

- .11 Completing or participating in the completion of all documents required in the application process or in the determination of continuing eligibility.
- .12 Making available to the county all documents that are in his/her possession or available to him/her which are needed to determine eligibility or ineligibility.
- .13 Reporting all facts known to him/her which he/she believes to be material to his/her eligibility or which the county has identified to him/her as affecting eligibility.

(SAR).14 Applicants shall report within five calendar days of the occurrence, any change in any of these facts (see Section 40-181.1(e)(1)) and recipients shall report within ten calendar days of the occurrence, any change required to be reported during the semi-annual period (see Section 44-316(SAR)).

(AR/CO) Applicants shall report within five calendar days of the occurrence, any change in any of these facts (see Section 40-181.1(e)(1)) and recipients shall report within ten calendar days of the occurrence, any change required to be reported during the annual period (see Section 44-316 (AR/CO)).

- .15 Cooperating in a quality control review. Cooperation includes, but is not limited to, attending a personal interview with the quality control reviewer and answering questions and providing information necessary to complete the quality control review.

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See Chapter 40-200, Quality Control Cooperation Requirements.

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.16 Identifying any third party who may be liable for care and services available under the state's Title XIX state plan on behalf of the applicant/recipient or any other family member required to be in the AU under Section 82-820.3.

.161 Applicants and recipients may be exempted from cooperation requirements under certain circumstances as specified in Section 82-512.

.17 Failure to comply with these provisions shall result in a fraud penalty if the applicant or recipient is found to have committed an IPV.

.2 Social Security Number (SSN)

.21 As a condition of eligibility, each CalWORKs applicant or recipient member of the AU shall:

.211 Furnish his/her Social Security Account Number (SSN) or numbers, if more than one, within 30 days following the date of the application for assistance; or

.212 If he/she cannot furnish an SSN:

- (a) apply directly to a local office of the Social Security Administration (SSA); and submit verification of such completed application to the county within 30 days following the date of application for assistance before aid may be authorized. A completed application means an application that has been accepted by the SSA for processing; and,
- (b) furnish the SSN to the county when received.
- (c) See .221 below for a child(ren) who has been enumerated at birth through the Enumeration at Birth (EAB) Project.

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- .22 Verification of a completed SSN application on behalf of a newborn child(ren) to be added to the AU shall be submitted to the county no later than the last day of the month following the month in which the mother is released from the hospital.

- .221 When a newborn child has been enumerated at birth, Form SSA 2853 is acceptable proof of application if it contains the name of the newborn, as well as the date and signature of an authorized hospital official.
 - (a) The SSN shall be furnished to the county within six months after receipt of the number or at redetermination, whichever occurs first.

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- .222 (a) Example: Mother was discharged from the hospital on February 15, she has through March 31 to apply for an SSN for the newborn and submit verification of a completed application.

- (b) Example: Mother gave birth on May 8, but was not released from the hospital until May 20. She reported the birth of the child in May requesting that the child be added to her grant. The time period to apply for an SSN for the child and submit verification of a completed application to the county begins on May 21 and ends on June 30.

- (c) Example: Same scenario as above, but the mother remained in the hospital until June 2 due to complications. She has through July 31 to apply for an SSN for the child and submit verification of a completed application.

- (d) NOTE: For further information, see "Beginning Date of Aid", Section 44-317.

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- .23 An applicant/recipient is ineligible for aid if he/she refuses to comply with the requirements of .21 above. Where the refusal relates to an otherwise eligible child, that child is ineligible for aid. (See Section 82-832.24.)

- .24 As a condition of eligibility, each AFDC-FC applicant or recipient shall have an SSN.
 - .241 For children applying for or receiving AFDC-FC, where a parent(s), legal guardian, or relative, is not available or not cooperating, the placing agency representative, on behalf of the child shall obtain or make application for the SSN.
 - (a) To satisfy the requirement specified in .24 above when the absence of identifying information prevents the placing agency representative from obtaining an SSN for an abandoned child, the eligibility case file shall contain documentation of the attempt to apply for an SSN for the child, including the date the attempt was made, and the reason the attempt was unsuccessful.

- .25 As a condition of eligibility, applicants for and recipients of CalWORKs shall cooperate in resolving any discrepancies regarding SSNs, such as discrepancies arising from a cross-check of agency SSN files with those of the SSA. When there is a failure to cooperate, aid shall be denied or discontinued only for the member(s) of the AU whose SSN(s) is in question.
 - .251 Once a recipient has been discontinued for not cooperating, aid may not be granted until the recipient has demonstrated that he/she is cooperating.

- .26 Individuals identified in Section 42-431.23, who are state-funded, are not required to meet this requirement.

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.3 Identity Verification Requirements

- .31 As a condition of eligibility, persons listed in Section 40-105.32 must present a form of photo identification in person at the time of application. Failure to provide the required identification will result in ineligibility for the entire assistance unit.
- .32 The following persons must provide photo identification:
 - .321 Each parent and/or caretaker relative of an aided or applicant child when living in the home of the child; and
 - .322 Each parent and/or caretaker relative receiving or applying for aid on the basis of an unaided excluded child; and
 - .323 Each aided or applicant adult; and
 - .324 The aided or applicant pregnant woman in an AU consisting of the woman only.
- .33 The following persons are exempted from the rule in Section 40-105.32:
 - .331 Non-minor dependents are exempt from providing photo identification as long as they meet the non-minor dependent eligibility criteria and continue to be aided as a non-minor dependent in the CalWORKs program.
 - .332 A non-needy caretaker relative applying for a relative foster child.
 - .333 An applicant who previously received CalWORKs, CalFresh, or Medi-Cal, is already known to the SAWS, and whose photo identification is part of the case file.
- .34 Counties shall issue aid to the applicant prior to the applicant presenting their photo identification in person, under the following circumstances:
 - .341 The applicant is in immediate need of benefits pursuant to MPP Section 40-129. The county shall verify the applicant's eligibility for aid and verify identity within 15 working days from the date of receipt of the Immediate Need payment request.
 - .342 The applicant is applying remotely through telephonic or other electronic means. The applicant must present their photo identification in person within 15 working days for benefits to be continued.
 - .343 When acceptable photo identification does not exist, any applicant's sworn statement under penalty of perjury regarding identity shall be considered sufficient. However, the applicant must present their photo identification in person within 15 working days for benefits to be continued. If the applicant presents evidence of good faith efforts to obtain photo identification, the county shall continue aid.

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- .35 Acceptable forms of photo identification may include, but are not limited to:
 - .351 Driver's License
 - .352 Photo Identification (from government agency, school, etc.)
 - .353 Passport
 - .354 USCIS (formerly INS) documents with photo
- .36 When the county has determined the applicant has made a good faith effort to obtain the evidence and a third party imposes a fee to obtain the evidence, the county shall pay the fee on behalf of the applicant or recipient.
- .37 Photo identification information shall be considered confidential under Section 10850 of the Welfare and Institutions Code.
 - .371 The county shall not use or disclose the identification collected for any purpose other than the prevention or prosecution of fraud.
 - .372 The county shall inform all persons required to provide photo identification that the images will be used only for the purpose of prevention or prosecution of welfare fraud.

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.4 Immunization Requirements

- (a) All applicants/recipients shall provide verification, as specified in Section 40-105.4(d), that all children under the age of six in the AU have received all age-appropriate immunizations.

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- (1) Applicants/recipients who have made a good faith effort to initiate immunizations for a child(ren) in the AU, but the child(ren) cannot complete the series because of a spacing requirement between vaccine doses, may be considered at that point to have received "all age-appropriate immunizations." Good faith effort may also apply in cases where the vaccine is not available.

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- (b) Age-Appropriate Immunizations

The age-appropriate immunizations for children under the age of six and for children not immunized in the first year of life that are listed in the following two charts are those suggested by the Childhood Immunization Schedule (United States), by the Advisory Committee on Immunization Practices, the American Academy of Pediatrics, and the American Academy of Family Physicians and are described in Welfare and Institutions Code Section 11265.8(b)(1). These charts are provided as an aid to the county in complying with the verification requirement of MPP Section 40-105.4(a) and are not intended to be mandatory in every case. Rather, they are recommended guidelines that would be applied as appropriate by each child's medical care provider.

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- (1) Immunizations currently recommended for children under the age of six.

<u>TYPE OF SHOT</u>	<u>DOSE</u>	<u>RECOMMENDED AT</u>
Polio (or OPV, TOPV, IPV, Sabin, Salk)	1st 2nd 3rd 4th	2 months 4 months 6-18 months Before starting school (4-6 years)
DTaP (DPT) (diphtheria, tetanus and pertussis)	1st 2nd 3rd 4th 5th	2 months 4 months 6 months 15-18 months Before starting school (4-6 years)
MMR (measles, mumps, and rubella)	1st 2nd	12-15 months Before starting school (4-6 years)
Varicella Virus Vaccine* (or VAR, VZV) (chicken pox)	1st	12-18 months
Hepatitis B	1st 2nd 3rd	At birth - 3 months 1-5 months 6-18 months
Hemophilus influenzae type b (or Hib)	1st 2nd 3rd 3rd or 4th	2 months 4 months 6 months (<i>may not be required</i>) 12-15 months (<i>if any dose is given after 12 mos. no further doses needed</i>)

Recommended Childhood Immunization Schedule (United States), approved (January, 1999) by the Advisory Committee on Immunization Practices (ACIP), and the American Academy of Pediatrics, and the American Academy of Family Physicians (AAFP).

(*The varicella virus vaccine is only required for susceptible children, i.e., those who have not had the chickenpox.)

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- (2) This schedule is recommended for children who have not received any immunizations in the first year of life. If the child has received some, but not all, of the recommended immunizations by his or her first birthday, the recommended schedule will depend on which immunizations the child is missing and the child's age. A health care provider should be consulted to determine the appropriate immunizations. After these immunizations have been completed, refer to Schedule I for immunizations to be completed.

**RECOMMENDED IMMUNIZATION SCHEDULE FOR CHILDREN
NOT IMMUNIZED IN THE FIRST YEAR OF LIFE**

<u>VISIT</u>	<u>WHEN</u>	<u>VACCINES WHICH MIGHT BE GIVEN</u>
First Visit		Hepatitis B DTaP (or DTP) Hib Polio (or OPV, TOPV, IPV, Sabin, Salk MMR Varicella (or VAR, VZV) (chickenpox)
Second Visit	1 - 2 months after 1st visit	Hepatitis B DTaP (or DTP) Hib Polio (or OPV, TOPV, IPV, Sabin, Salk
Third Visit	1 - 2 months after 2nd visit	DTaP (or DTP) Polio (or OPV, TOPV, IPV, Sabin, Salk
Fourth Visit	6 months after 3rd visit	Hepatitis B DTaP (or DTP)

Approved by the Advisory Committee on Immunization Practices (ACIP), and the American Academy of Pediatrics and the American Academy of Family Physicians (AAFP). (Note: Delays between doses do not require repeating doses or re-starting series. Hib Schedules vary by age when series started.)

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(c) Informing Requirements

At the time of application and at redetermination, all applicants and recipients shall receive a notice informing them of their obligation to secure age-appropriate immunizations for all children in the AU under the age of six.

- (1) The notice shall inform them of:
 - (A) Their obligation to secure immunizations for all children in the AU under the age of six and the penalty for failure to comply;
 - (B) The age-appropriate immunizations;
 - (C) Their right to file an affidavit claiming that immunizations are contrary to their personal and/or religious beliefs or for medical reasons; and
 - (D) How immunizations may be obtained through a fee-for-service provider that accepts Medi-Cal, a Medi-Cal managed care plan, a county public health clinic, or any other source that may be available to the county as appropriate.

(d) Verification

As specified in Section 40-105.4(e), verification of immunization is required at initial application, when adding a child under the age of six to the AU, and at redetermination. Verification of immunizations, as defined by the county, must be submitted until the child(ren) completes all age-appropriate immunizations or the child(ren) reaches the age of six. For intercounty transfer cases, an applicant/recipient, who has submitted verification of age-appropriate immunizations in the first county and that county has determined it to be adequate, shall not be required to resubmit duplicate verification in the second county. See Section 40-188.136.

(e) Time Frames

Applicants/recipients shall provide verification of immunization for all children in the AU under the age of six as follows:

- (1) Applicants, if applying for CalWORKs and Medi-Cal simultaneously, within 30 days of determination of eligibility for Medi-Cal; or, if applying for CalWORKs and already receiving Medi-Cal benefits, within 45 days;
- (2) Recipients, within 45 days of redetermination of eligibility; or
- (3) Children under the age of six being added to the AU if applying for CalWORKs and Medi-Cal simultaneously, within 30 days of determination of eligibility for Medi-Cal; or, if applying for CalWORKs and already receiving Medi-Cal benefits, within 45 days.

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(f) Exemptions

The immunization requirement does not apply if the parent(s)/caretaker relative submits:

- (1) An affidavit stating that the immunization requirement is contrary to his/her personal/religious beliefs and the reasons for his/her objection.
- (2) A written statement from a physician or health professional working under the supervision of the physician, stating that the child should not be immunized, which includes the prohibitive medical condition and the duration.

(g) Failure to Cooperate

If an applicant/recipient fails to submit timely verification of immunization of any child(ren) in the AU under the age of six (see Section 40-105.4(d)) and does not qualify for an exemption or have good cause (see Section 40-105.4(i)), the grant shall be reduced by the amount (MAP) allowed for the needs, as specified in Section 44-315.311, of the parent(s)/caretaker relative in the AU.

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(1) Immunization Penalty Computations

Examples:

- (A) An AU composed of a mother and her three children fails to submit verification of immunization and is not found to have good cause. The mother has total earned income of \$525 per month and no disability-based unearned income. The AU is nonexempt and resides in Region 2.

Grant Computation - Single Penalty:

AU size remains four, but due to the penalty, use the MAP for three.

\$ 525		Gross Earned Income
-	<u>225</u>	Unused \$225 DBI Disregard
\$ 300		Remaining Earned Income
-	<u>150</u>	50% Earned Income Disregard
\$ 150		Net Nonexempt Income
\$ 638		MAP for three (excluding the parent)
-	<u>150</u>	Total Net Nonexempt Income
\$ 488		Aid Payment

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- (B) This same AU also fails to cooperate with the District Attorney's office in establishing paternity for child support.

Grant Computation - Double Penalty

\$ 525	Gross Earned Income
- <u>225</u>	Unused \$225 DBI Disregard
\$ 300	Remaining Earned Income
- <u>150</u>	50% Earned Income Disregard
\$ 150	Net Nonexempt Income
\$ 638	MAP for three (excludes the parent)
- <u>150</u>	Total Net Nonexempt Income
\$ 488	Aid Payment with First Penalty Applied
- <u>122</u>	25% of Aid Payment - Second Penalty for Failure to Cooperate with DA*
\$ 366	Aid Payment with Both Penalties Applied

*50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: Welfare and Institutions Code Section 11017, MPP Section 44-315.34.

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- (h) Restoration of Aid

(SAR) Once verification of immunization is submitted the grant is increased to reflect the needs of the parent(s)/caretaker relative effective the first of the month following the month in which verification is received (see Section 44-316.331(d)(SAR)).

- (i) Good Cause

The county shall determine if good cause exists for not submitting verification due to lack of reasonable access to immunization services. If the county determines that good cause exists, the applicant/recipient has an additional 30 days to submit immunization verification.

- (1) Circumstances which may constitute good cause, due to lack of reasonable access to immunization services, may include but are not limited to the following: language barriers, physical distance, illness of a parent(s)/caretaker relative, bona fide transportation problems or a lack of available appointments.

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(j) Documentation

The county shall document verification of immunization, determination of good cause or any exemption.

.5 School Attendance Requirements

(a) All children in the AU for whom school attendance is compulsory, i.e., ages 6 through 17, must attend school "regularly" as defined by the county.

(b) Verification

Recipients shall cooperate in providing routinely available documentation of school attendance of all applicable school-age children in the AU when requested by the county. Applicants are not required to submit verification of school attendance prior to being granted cash aid.

(c) Exemptions

All children in the AU for whom school attendance is compulsory must regularly attend school with the following exceptions:

- (1) A pregnant or parenting teen eligible for Cal-Learn. See Section 42-763.1.
- (2) A child subject to participating in a county school attendance demonstration projects in Merced or San Diego counties.

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- (3) See Section 42-719 regarding welfare-to-work plans for children 16 through 17 years of age not regularly attending school and not exempted under Section 40-105.5(c).

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(d) Irregular Attendance Penalty

If the county determines that good cause does not exist and the child is not exempted under Section 40-105.5(c)(2), failure of a child in the AU, for whom school attendance is compulsory, to regularly attend school pursuant to Section 40-105.5(a), shall result in a reduction in the grant by an amount equal to the following:

- (1) The needs of the parent(s)/caretaker relative in the AU if the child(ren) is under the age of 16, or
- (2) The child's needs if the child(ren) is age 16 or older.

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(e) Failure to Cooperate

Refusal or failure of a recipient to cooperate in providing documentation when requested shall result in aid being reduced in accordance with Section 40-105.5(b), unless the county determines good cause exists.

(f) Good Cause

The county shall determine what constitutes good cause for not attending school "regularly" and failure to cooperate.

(g) Restoration of Aid

(SAR) The needs of the parent(s)/caretaker relative or child(ren) shall be restored effective the first of the month following the month in which verification of regular school attendance is received (See Section 44-316.331(d)(SAR)).

NOTE: Authority cited: Sections 10553, 10554, 10604, 10850, 11209, 11253.5, 11265.2, 11265.3, 11265.8, 11266, 11268, 11450.5, and 11486, Welfare and Institutions Code, SB 72 (Chapter 8, Section 42, Statutes of 2011), AB 1712 (Chapter 846, Section 34, Statutes of 2012), SB 89 (Chapter 24, Section 58, Statutes of 2017). Reference: Sections 10553, 10554, 10604, 10831(a), 10850, 11017, 11209, 11253(b)(2), 11253.5, 11265.3, 11265.8, 11266, 11268, 11275.10, 11450, 11451.5, 11453, 11486, 13283, 14005.2, and 18945, Welfare and Institutions Code; Section 48200, Education Code; 45 CFR 205.42(d)(2)(v)(A) and (B), as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808; 45 CFR 205.52(a)(1) and (2); 45 CFR 233.10(a)(1)(iv) and 235.112(b); 45 CFR 400.43; 7 CFR 273.16(b); 8 United States Code (USC) 1182(d)(5)(B); 42 U.S.C. 402(a)(6) and 616(b); and Section 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996; The Trafficking Victims Protection Act of 2000 (P.L. 106-386), Sections 107(b)(1)(A), (B), and (C); The Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108-193).

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(a) Assisting the Applicant

The county is responsible for assisting applicants or recipients in understanding their rights and responsibilities in relation to application for aid; for evaluating the capacity of the applicants or recipients to discharge their responsibilities as set forth in Section 40-105; for assisting them as needed in establishing their eligibility and helping them to realize the maximum personal independence of which they are capable, including self-care and self-maintenance.

(1) The applicant shall be informed at the time of application that the law requires furnishing an SSN (Section 40-105) and assignment of accrued support rights (Section 43-106) as conditions of eligibility. The applicant/recipient shall also be informed, in writing, at the time of application or redetermination, that the law requires cooperation in establishing paternity and securing support rights (Section 43-201) as conditions of eligibility.

(A) The county shall notify the applicant or recipient by means of the prescribed form of the right to claim good cause as an exception to the cooperation requirements.

(B) The county shall notify the applicant or recipient that upon request of the custodial parent, the county department shall provide information to that custodial parent on the amount of child and spousal support paid to the county by the absent parent. (See Section 43-201.3.)

(2) All forms pertaining to (a)(1) and (a)(1)(A) above shall be available for the applicant to complete at the initial interview when the CA 2.1 is completed, but need not be completed prior to granting emergency aid.

(3) Reserved

(4) The CWD shall provide the individual, in writing and orally as necessary, a description of the 48-month time limit requirements, including the exemptions from the time limit, as provided in Sections 42-302.11 and 42-302.21 and the process by which recipients can claim the exemptions, as provided in MPP Section 42-302.3. The description of the 48-month time limit requirements shall be provided at the time an individual applies for aid, at the time a recipient's eligibility for aid is redetermined, and any other time a notice of action establishing time on aid pursuant to this section is provided. In addition, counties are required to provide information on the number of months an applicant, recipient, or former recipient received aid as follows:

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- (A) The applicant shall be informed, by notice of action, at the time that eligibility for aid is authorized, if the applicant received aid in California or any other state(s) on or after January 1, 1998. The notice shall include:
 - 1. The number of months the individual received aid as reported on the most recent notice of action, if any.
 - 2. The cumulative number of countable months that the individual received aid and the specific exempt months since the last notice of action, or the beginning of aid if there has been no prior notice of action.
 - 3. The remaining number of months that the individual may be eligible to receive aid. (See MPP Section 42-302.2 for definition of countable months.)

- (B) The recipient shall be informed, by a notice of action, at redetermination of aid. The notice shall include information as required in MPP Section 40-107(a)(4)(A).

- (C) The recipient shall be informed, in writing, each and every time he or she is at the 42nd countable month on aid by using one of the following two methods:
 - 1. A notice of action which meets the requirements in MPP Section 42-107(a)(4)(C)1.
 - 2. A notice that informs the recipient of the cumulative number of countable months that the recipient received aid and the remaining number of months that the recipient may be eligible to receive aid. (See MPP Section 42-302.2 for definition of countable months.)

- (D) Each recipient shall be informed by a notice of action provided in one of the months falling during the period of the recipient's 42nd through 46th countable months on aid.
 - 1. A notice of action pursuant to MPP Section 40-107(a)(4)(A), (a)(4)(B), or (a)(4)(C)1. satisfies this requirement.
 - 2. Once the notice of action required in MPP Section 40-107(a)(4)(D) is sent, no further notice of action, pursuant to MPP Sections 40-107(a)(4)(A) through (a)(4)(D), shall be required until a total of six exempt months have passed.

- (E) No notice pursuant to MPP Sections 40-107(a)(4)(A) through (a)(4)(F) need be sent under the following circumstances:
 - 1. Within 3 calendar months from a previous notice of action, pursuant to MPP Sections 40-107(a)(4)(A) through 40-107(a)(4)(D), was provided.
 - 2. Once the exemption for individuals who are 60 years of age or older, as provided in MPP Section 40-302.21(e), is established.

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- (F) Upon a verbal or written request for time limit information, a current or former recipient shall be informed, in writing, within 30 calendar days from the date of receipt of the request. The county shall document the request and provide the recipient with a written notice that will include:
 - 1. The cumulative number of countable months that the recipient received aid,
 - 2. The specific months that were exempt from the 48-month time limit since the most recent notification (pursuant to MPP Sections 40-107(a)(4)(A), 40-107(a)(4)(B), 40-107(a)(4)(C)1. or 40-107(a)(4)(D)),
 - 3. The remaining number of months that the recipient may be eligible to receive aid.
 - (G) The recipient shall be informed by a notice of action at the 48th countable month on aid. The notice shall include:
 - 1. Information in accordance with Section 40-107(a)(4)(A).
 - 2. Notification of the reduction in the grant amount due to the expiration of the CalWORKs 48-month time limit or notification that the recipient will continue to receive aid beyond the 48-month time limit based upon the criteria for exceptions as provided in MPP Section 42-302.11.
 - (H) After the 48-month time limit notice of action, an adult who has reached the CalWORKs 48-month time limit and whose children remain on aid, shall be informed by notice of action pursuant to MPP Section 40-107(a)(4)(B) when child support or overpayment recoupment reimburses any month(s) on aid. (See MPP Section 42-302.21(g) for reimbursement of aid through child support recoupment and MPP Section 42-302.2 for overpayment months that are repaid.)
 - (I) After the 48-month time limit notice of action, an adult who has reached the CalWORKs 48-month time limit and whose children are no longer aided, shall be informed pursuant to MPP Sections 40-107(a)(4)(A) and (a)(4)(F).
- (5) When a former CalWORKs recipient applies for aid in another state and the other state requests information on the number of months of assistance provided by Temporary Assistance for Needy Families (TANF) funds, the county where the aid was last received shall promptly respond to the other state's request in writing.
- (A) The county shall also send a notice of action to the former CalWORKs recipient at her/his new address in the other state. The notice of action shall include information on the number of months of TANF-funded assistance that was provided to the other state.

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- (B) Months of assistance provided by TANF funds shall be reported to the other state. Assistance provided by California in its Segregated State Program for Legal Immigrants is not subject to the federal TANF 60-month time limit. Individuals who received aid provided by the state-only programs do not accrue months of assistance toward the federal TANF 60-month time limit and therefore, the months of aid shall not be reported to the other state.

- (C) Months that are exempt from the federal TANF 60-month time limit and months that are excluded from the federal definition of assistance and the federal regulations shall not be included in the cumulative number of months of assistance that is reported to the other state.

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- (6) Applicants shall be informed:
 - (A) that they may apply for CalFresh at the same time as they apply for CalWORKs.
 - (B) that, if they apply for CalFresh at the same time as they apply for CalWORKs, they have the right to file a joint application and shall have a single interview for both programs.
 - (C) in written form, and orally as appropriate, of the CalWORKs and CalFresh programs, explaining the rules regarding eligibility and benefits available from both programs, and that the application interview for CalWORKs is sufficient for applying for CalFresh.
 - (D) of the availability of paid child care and be given an informing notice (see Section 47-301.2).

- (7) Applicants/recipients shall receive written information at the time of application or at their first redetermination after implementation of GAIN regarding the GAIN Program as to the following:
 - (A) A description of the program;
 - (B) The availability of job training, employment, education and supportive services, including the types and locations of child care services and the assistance available to select and obtain such services, and Transitional Child Care (TCC) Program benefits;
 - (C) The individual's rights and responsibilities;

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- (D) The consequences of failure or refusal to participate in the GAIN Program;
 - (E) The grounds for exemption from participation in the GAIN Program; and
 - (F) The obligations of the county welfare department (CWD) in providing GAIN services.
- (8) Applicants/recipients shall be informed by the CWD orally, as needed, to clarify written information regarding the GAIN Program and/or the requirement for cooperation in establishing paternity and securing support rights.
- (9) The CWD shall provide written notification of the opportunity to express a desire to participate in the GAIN Program and provide a clear description of how to enter the GAIN Program to:
- (A) Applicants, upon application, but not later than 30 days from the determination of eligibility for aid; and
 - (B) Recipients, at redetermination, but not later than 30 days after being informed in accordance with Section 40-107(a)(6).
- (b) Arrangement for Substitute Payee, Guardian or Conservator

When there is a need for a person to act as a substitute payee on behalf of a recipient or when there is need for protection in the form of a guardian or conservator for the recipient, the county is responsible for assisting in the development of a satisfactory plan.

In planning for selection and appointment of someone to act in behalf of a recipient as a substitute payee, guardian or conservator, every effort must be made to protect the interests of the recipient and to avoid any possible conflict of interest. The recipient has the right to select the substitute payee, guardian or conservator to the extent of his/her capability.

Aid may be paid on behalf of the recipient to such substitute payee, guardian or conservator subject to the requirements and limitations specified below and in Sections 44-303, 44-309, and 44-310.

(1) Substitute Payees

Because of the potential conflict of interest, aid payment may not be made on behalf of an individual to a person serving as substitute payee, if such person is also the administrator, operator or fiscal agent of a public or private facility providing care to the individual. A substitute payee also may not include the executive head of the agency administering public assistance, the person determining income eligibility for the family, special investigative or resource staff, or staff handling fiscal processes related to the recipient, landlords, grocers, or other vendors of goods or services dealing directly with the recipient.

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If it appears to be in the best interest of the individual, a staff person, preferably in a unit or division of the county welfare department or State Department of Health, Community Services Section, which is responsible for providing protective services, may serve as a substitute payee for the recipient. However, the county is responsible for taking all necessary precautions to prevent either potential or actual conflict of interest.

(2) Guardian or Conservator

When there is need for protection of a recipient in the form of a guardian or conservator the county is responsible for assisting in the development of a satisfactory plan which includes initiating the necessary procedures for appointment of a guardian or conservator.

Because of the potential conflict of interest, a staff person may not serve as guardian or conservator of the recipient unless the appointment is based on a close personal relationship with the client which makes the staff member the most suitable guardian or conservator. If the guardian is guardian of the person only, (and not guardian of the estate) however, a staff person may serve as the guardian.

(c) Eligibility Determination

The county is responsible for determining that the applicant or recipient meets the requirements of all necessary eligibility factors. This determination shall be based upon an evaluation of all available evidence. The gathering of such evidence and the determination of eligibility shall be a separate operation from and precede that of computing the amount of grant an eligible applicant is entitled to receive. This section is not meant to prevent the county from granting immediate need under Section 40-129. The factors to be considered in determining eligibility are as follows:

(1) Linking Eligibility Factors -- Definition

Linking eligibility factors are those single conditions that link an applicant to a categorical aid program. These factors are: blindness and deprivation of parental care or support.

(2) Nonlinking Eligibility Factors -- Definition

Nonlinking eligibility factors are those factors that establish whether an applicant is entitled to assistance under the program to which he is linked. Although the categorical aid programs have these nonlinking eligibility factors in common, the standards differ. The nonlinking eligibility factors are: age, property, residence, financial status and institutional status.

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(d) Grant Determination

Once the applicant's eligibility is established, the county is responsible for determining the applicant's financial and medical needs. The county is further responsible for developing and carrying out plans for meeting such needs within the limitations of the W&IC, the Regulations of the California Department of Social Services and the Department of Health Care Services.

(e) Notification of the Right to a State Hearing

At the time aid is granted or denied and whenever there is a change in eligibility or amount of payment, the applicant or recipient shall be advised of the right to request a state hearing. If the applicant or recipient expresses dissatisfaction, the county shall make every effort to resolve the problem. However, if the applicant or recipient chooses to have a state hearing, the county shall assist the individual in preparation of the state hearing request, and advise the applicant or recipient of the right to be represented by counsel or other authorized representatives as set forth in Chapter 22-000.

(f) Provision of Informational Materials

(1) Informational materials required by CDSS shall either be given to applicants during the application interview or mailed with Notice of Action forms approving or restoring CalWORKs grants or Certifications for Medical Assistance (see 40-173).

(A) For CalWORKs, brochures describing benefits available under the Child Health and Disability Prevention (CHDP) program and how and where these benefits are provided within the county shall be given to the applicant during the application interview. Provision of CHDP informational materials shall be documented by notation upon the SAWS 2 form.

(B) For AFDC-FC, the placement worker shall assess the applicant child's need for CHDP services, and shall provide information to the foster care provider and/or, as appropriate, to the child. Provision of CHDP informational material shall be documented in the service case record, as specified in Section 30-209.66.

(2) The CWD shall inform all CalWORKs applicants/recipients of the availability of family planning services. For those CalWORKs applicants/recipients who voluntarily request such services, the CWD shall provide information and referral for family planning services. (See Section 40-131.3(h).)

(A) The CWD shall designate personnel who shall:

1. Be generally knowledgeable in the area of family planning.
2. Be responsible for the coordination of family planning services activities within the CWD and with family planning resources outside of the CWD.

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- (B) The CWD shall display in waiting rooms and make available to CalWORKs applicants/recipients, copies of notices, pamphlets and other written materials which contain information concerning the availability of family planning services.
 - (C) The CWD shall ensure that written notice of the availability of family planning services is sent to: (1) applicants for CalWORKs upon denial of CalWORKs benefits; or (2) all CalWORKs recipients upon termination of CalWORKs benefits.
- (3) Federal Earned Income Tax Credit (EITC)
- (A) The CWD shall ask each CalWORKs recipient at their annual eligibility redetermination if he or she is eligible for and utilizing the federal EITC. If the recipient may be eligible for the EITC and does not use it, the CWD shall give the recipient available EITC informational material and encourage him or her to access the EITC.

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- (B) To encourage CalWORKs recipients to maximize their use of the EITC, CWDs may inform them that:
 - 1. The receipt of earned income may make them eligible for the federal EITC, retroactive EITC credits, and the Advance EITC. It may also add credits toward their future social security income.
 - 2. The receipt of the federal EITC shall not affect their CalWORKs grants and is additional tax-free income.
 - 3. A CalWORKs recipient that receives the federal EITC may invest these funds in an individual development account, 401(k) plan, 403(b) plan, Individual Retirement Account, 457 plan, 529 college savings plan, Coverdell Education Savings Account, or restricted account. Investments in these accounts will not impact the recipient's CalWORKs eligibility or benefits.

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- (g) Social Security Number
 - (1) SSNs shall be confirmed by viewing SSN cards or SSA's form series OA-702. Any one of the following shall be acceptable evidence if the SSN card or SSA's form series OA-702 is not available:

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- (A) An award letter, Medicare card or a check from the SSA showing the applicant/recipient's name and SSN with the letters A, HA, J, T, or M following the SSN.
- (B) Other documentation from the SSA upon approval by the Department.
- (C) When an SSN card or other acceptable evidence is not available, the county shall accept the furnished SSN pending verification of the number through IEVS in accordance with (g)(2) of this section.
- (D) For those individuals who are unable to provide an SSN, the county shall assist the applicant by referring him/her to the local office of the SSA. This requirement may be met by furnishing the applicant with a referral notice, such as the SSA Referral Notice, form MC 194, or by providing the address of the local SSA office.
- (E) The county shall deny the application for assistance for any individual who refuses or fails to provide either an SSN or verification that an application for an SSN was completed within 30 days after the date of application for assistance. (See Section 82-832.24.)
 - 1. If the individual is the only eligible child, and the caretaker relative refuses or fails to provide either an SSN or verification that an application for an SSN was completed within 30 days after the date of the application for assistance, the entire AU is ineligible. (See Section 82-820.2.)
 - 2. The county shall discontinue aid for any member of the AU who refuses or fails to furnish the SSN as required in 40-105.212(b) and/or (c).

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- (F) The county shall inform the applicant/recipient of his/her responsibilities under this section. If the county receives verification of application directly from the SSA, the requirement in Section 40-105.212(a) is met. If the county receives the SSN directly from the SSA or from another federal or federally assisted program, the requirement in Section 40-105.212(b) is met.
 - (G) Counties shall document in the case record the fact that the applicant/recipient submitted a completed application for an SSN and the method of verification.
 - (H) The county shall obtain the SSN of a child who has been enumerated at birth within six months after receipt of the number or at redetermination, whichever occurs earlier.
- (2) Aid shall not be denied, delayed, or discontinued pending the issuance or verification of such number or numbers if the applicant/recipient has furnished his/her SSN or has submitted the necessary verification as required in Section 40-105.21. Immediate need cases are subject to the provisions of Section 40-129.214.
 - (3) All SSNs shall be verified by SSA through IEVS in accordance with Section 20-006.
 - (A) The county shall deny the application or discontinue assistance for any individual who fails to cooperate in resolving a discrepancy between the furnished SSN and SSA files in accordance with the requirement of Section 40-105.25.
 - (4) In AFDC-FC when there is no identifying information as specified in Section 40-105.241(a), the case file shall be reviewed at redetermination to determine whether any change occurred that would enable the Social Security Administration to issue an SSN. The eligibility worker shall document the date the review was completed and any changes that have occurred. If new information is available, the parent(s), legal guardian, or relative, (if now available and cooperating) or the placing agency representative shall forward the application for an SSN to the Social Security Administration.
- (h) WIC Referrals
- The county welfare department shall refer all pregnant recipients of aid to a local provider of the Women, Infants, and Children program.
- (i) Domestic Abuse
- For instructions on addressing domestic abuse, see Section 42-715.

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- (j)
(SAR) Establishing the Semi-Annual Reporting Cycle

Applicants shall be assigned a specific Semi-Annual Reporting (SAR) cycle using their beginning date of aid. If the applicant has an existing CalFresh recertification period, the county shall align the SAR cycle with the existing recertification period. The county must align the CalWORKs annual redetermination of eligibility with the CalFresh certification period. The redetermination/recertification acts as the second semi-annual report so it must also be aligned with the SAR Submit Month. The county shall provide the SAR 7 or SAWS 2 to the recipient by the end of the SAR Data Month in the SAR Payment Period in which it is due. The county must provide the recipient with a written notice that will include:

- (AR/CO) Establishing the Semi-Annual and Annual Reporting Cycle

Applicants shall be assigned a specific Semi-Annual Reporting (SAR) cycle using their beginning date of aid. If the applicant has an existing CalFresh recertification period, the county shall align the SAR cycle with the existing recertification period. The county must align the CalWORKs annual redetermination of eligibility with the CalFresh certification period. The county shall provide the SAWS 2 to the recipient by the end of the AR/CO Data Month in the AR/CO Payment Period in which it is due. The county must provide the recipient with a written notice that will include:

- (1) The AU's individual SAR cycle,
- (SAR) (2) The months in which the SAR 7 and the annual redetermination of eligibility (SAWS 2) are due, and
- (AR/CO) (2) The month in which the annual redetermination of eligibility (SAWS 2) is due, and
- (SAR) (3) The SAR Data Months they will be responsible for reporting information.
- (AR/CO) (3) The AR/CO Data Month they will be responsible for reporting information.
- (SAR) (A) Semi-Annual Reporting Cycle Based on Beginning Date of Aid

The county shall establish six SAR cycles, each comprised of two SAR Payment Periods (see Section 40-103.5(SAR)). The county shall assign the applicant to one of these cycles based on the beginning month of aid. Unless the SAR cycle is being established to align with an existing CalFresh recertification date, the beginning month of aid shall be considered the first month of the SAR Payment Period.

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(SAR) This model requires CWDs to consider a client’s beginning date of aid as the first month of the SAR Payment Period. This month will begin the SAR cycle for the new reporting system. Clients will be assigned to one of six cycles, based on their beginning date of aid. For purposes of discussing months within the cycle, the following definitions will apply:

SAR Payment Period – the six months in which benefits are paid. The SAR Payment Period will include six consecutive months. The beginning date of aid will be considered the first month of the "SAR Payment Period" for purposes of identifying the appropriate client reporting cycle.

SAR Data Month – the fifth month of the SAR period for which the client reports all information necessary to determine eligibility, and

SAR Submit Month – the sixth month of the SAR period in which the SAR 7 is required to be submitted to the CWD or the annual redetermination is required to be completed.

January (Beginning Date of Aid)	February	March	April	May	June
SAR Payment Period Begins	Month Two	Month Three	Month Four	SAR Data Month	SAR Submit Month/ SAR 7 due

July	August	September	October	November	December
SAR Payment Period Begins	Month Two	Month Three	Month Four	SAR Data Month	SAR Submit Month
					RD/RC due

January (13th month)
SAR Payment Period Begins
New CalFresh Cert Period

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The following cycles would be assigned to each applicant, based on the beginning date of aid.

Cycle 1:

Beginning Date of Aid/SAR Payment Period	SAR Data Month	SAR Submit Month
January	May	June
July	November	December

Cycle 2:

Beginning Date of Aid/SAR Payment Period	SAR Data Month	SAR Submit Month
February	June	July
August	December	January

Cycle 3:

Beginning Date of Aid/SAR Payment Period	SAR Data Month	SAR Submit Month
March	July	August
September	January	February

Cycle 4:

Beginning Date of Aid/SAR Payment Period	SAR Data Month	SAR Submit Month
April	August	September
October	February	March

Cycle 5:

Beginning Date of Aid/SAR Payment Period	SAR Data Month	SAR Submit Month
May	September	October
November	March	April

Cycle 6:

Beginning Date of Aid/SAR Payment Period	SAR Data Month	SAR Submit Month
June	October	November
December	April	May

This system enables the county to align the reporting/budgeting cycle with the CalFresh recertification date. The month in which the certification period expires will always be the SAR Submit Month, which will be when the recertification is completed to establish the thirteenth month's allotment.

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40-107	COUNTY RESPONSIBILITY (Continued)	40-107
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(SAR) (B) Semi-Annual Reporting Cycles Based on Other Methods

Under SAR, counties may establish reporting cycles based on factors established or approved by the department; however, the SAR cycle must be aligned with the CalWORKs redetermination date and the CalFresh recertification date.

(k) Case Transition between SAR and AR/CO

The county shall provide the recipient with written notice when a recipient's reporting requirements transition from AR/CO to SAR or SAR to AR/CO at any time during the AR/CO Payment Period or SAR Payment Period. The written notice shall include all of the following:

- (1) The effective date of the change in reporting requirements;
- (2) The reporting rules;
- (3) Income Reporting Threshold rules;
- (4) Mandatory reporting rules;
- (5) Voluntary reporting rules;
- (6) Welfare-to-Work Reporting rules

(A) Cases that Change from AR/CO to SAR

1. The SAR 7 shall not be due in the same month in which the adult is added to the household.
2. The case shall retain the same SAR Cycle and redetermination due date, which is based on the beginning date of aid (Section 44-107 (j)(SAR)).

(B) Cases that Change from SAR to AR/CO

1. The case shall transition to AR/CO effective the first of the month following the date the adult is removed from the household.
2. The case shall not be discontinued if the recipient fails to submit the SAR 7 in cases where the adult has a SAR 7 due in one month, but transitions to AR/CO the following month.
3. The case shall retain the same SAR Cycle and redetermination due date, which is based on the beginning date of aid (Section 44-107 (j)(AR/CO)).

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(l) Examples of Cases Transitioning between SAR and AR/CO

(1) AR/CO to SAR

The AU is an AR/CO case that applied for and was granted aid in April. The case consists of a non-needy relative (NNR) and two children. The redetermination is due in March and case is assigned SAR cycle 4. On June 2, the NNR reports she was laid off from her job and provides verification. She applies to include herself in the AU. The CWD determines she is eligible effective July 1. The case is now under SAR rules effective July 1. The CWD provides a Notice of Action to the recipient indicating the adult has been added to the AU along with a written notice indicating the case is now subject to SAR rules. The SAR cycle assigned is based on the beginning date of aid (April) and the SAR 7 is due in September. (Note: Even though the case originated as an AR/CO case, the SAR cycle was assigned at the time client was approved for aid in April.)

(2) AR/CO to SAR

An AR/CO case consists of a timed out mother and two children and has her redetermination due in April (SAR cycle 5). On December 5, the mother reports a change in household composition, reporting the father of the children has moved into the home and he wishes to apply for aid. The CWD determines the father is eligible and is added to the case effective January 1. The AU transitions from AR/CO to SAR effective January 1 because the father is now part of the AU. The CWD provides a Notice of Action to the recipient indicating the adult has been added to the AU along with a written notice indicating the case is now subject to SAR rules. The case retains the same SAR cycle based on the beginning date of aid. The redetermination will be completed in April. No SAR 7 would be due prior to redetermination (April).

(3) SAR to AR/CO

An AU of 3 consists of a mother and two children. The case is a SAR case with SAR cycle 2 (beginning month of aid August). The mother times out December 31st. The case will change to AR/CO effective January 1. The CWD provides a Notice of Action to the recipient indicating the adult has been removed from the AU along with a written notice indicating the case is now subject to AR/CO rules. The redetermination is due in August. The SAR 7 will not be due in January because the case is no longer subject to SAR requirements.

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40-107 COUNTY RESPONSIBILITY (Continued)

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NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10613, 11209, 11265.1, 11265.48, 11268, 11322.5, 11323.3, 11324.8(a), (b) and (c), 11454, 11454(b) and (e), 11454.2, 11495.1, and 11500, Welfare and Institutions Code; 42 USC Sections 608(a)(7), 45 CFR 205.42(d)(2)(v)(A) and (B) as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808; 45 CFR 205.52(a)(1) and (2); 45 CFR 205.55; and California Department of Health Services Manual Letter 77-1; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

**40-109 APPLICANT RIGHTS WITH RESPECT TO APPLICATION FOR AID -
GENERAL**

40-109

.1 Right to Apply for Aid

Subject to the limitations set forth in Section 40-117, any person has the right to apply for aid, either on his/her own behalf or on behalf of another. An applicant who appears ineligible must still be allowed to exercise his/her right to make an application.

.2 Right to Choose Type of Aid

A person or his/her representative who believes the applicant meets the eligibility requirements for more than one category of aid has the right to choose the type of aid for which he/she will apply. For an exception, see the Diversion Services regulations found at Section 81-215.32. For children in or in need of foster care placement who are eligible to and/or receive AFDC-FC, see Sections 45-202.212(a) and 45-302.1.

40-109	APPLICANT RIGHTS WITH RESPECT TO APPLICATION FOR AID - GENERAL (Continued)	40-109
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.3 Right to be Considered for Another Program

If a recipient becomes ineligible for the type of aid he/she is receiving but appears eligible under another public social service program, his/her request for aid under such other program is to be recorded and any required additional investigation completed promptly so that there will be no interruption in aid payments to him/her (see Section 40-117). If an eligible recipient in one program appears to be eligible for aid in another program and wishes to take advantage of such eligibility, the same procedure shall be followed.

.4 Applicant's Right to Self-Determination

.41 The right to be self-determining is of paramount importance for the individual in clarifying when, how, and what the individual wants for him/herself. However, his/her freedom of choice may be limited by his/her capacity for self-determination and by the function of the agency as expressed in law and regulations.

.42 It is necessary to respect the individual's right to accept or reject what the agency has to offer him/her.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11266.5, Welfare and Institutions Code (Ch. 270, Stats. 1997).

40-115	THE APPLICATION PROCESS	40-115
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.1 Purpose

The basic purpose of the application process is to assist the individual in establishing his/her eligibility for aid and services.

.2 Steps in the Application Process

.21 Discussion of Circumstances Leading to Application

.211 The individual with the help of the worker tells why he/she is applying for aid or services, with the worker explaining agency requirements, program limitations, the applicant's rights and responsibilities and what he/she can expect from the agency.

40-115	THE APPLICATION PROCESS (Continued)	40-115
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- .212 If the applicant indicates on the SAWS 1 (Rev. 9/90) that he/she is in immediate need or indicates at any time during the application process that he/she is in an emergency situation where his/her resources are insufficient to meet the cost of the emergency situation, the county at that time shall make a determination of whether immediate need exists. (See Section 40-129, Immediate Need.) "Applicants" under this section include those who do not need to submit an application under Section 40-121.3.
- .213 At the time of application, all applicants shall be informed of the availability of lump-sum diversion services.

.22 Exploration of Eligibility

The applicant will be given a Statement of Facts (JA 2) to complete and sign under penalty of perjury. Acceptable evidence must be obtained concerning the linking and nonlinking factors of eligibility. (See each Eligibility Chapter for what is acceptable evidence.) When such evidence does not exist, the applicant's sworn statement under penalty of perjury will be considered sufficient, except in the areas of verification of U.S. citizenship or alienage status and/or medical verification or pregnancy. See Section 42-433 for verification of citizenship or eligible alien status and 80-300(m)(2) for verification of pregnancy.

- .221 Before additional evidence may be obtained, the applicant must agree to continue the process of attempting to establish his/her eligibility.
- .222 The applicant must participate in the gathering of evidence necessary to make an eligibility determination insofar as he/she has the capacity to do so.
- .223 The principles and methods set forth in 40-157.2 and 40-157.3 shall be observed when obtaining evidence.
- .224 The application process is not complete until all the evidence is in.
- .225 Income and eligibility information shall be requested through IEVS and shall be used, to the extent possible, in the determination of eligibility in accordance with the procedures specified in Sections 20-006.2 and 20-006.4. However, the county shall not delay the determination of eligibility pending receipt of IEVS information if other information establishes the individual's eligibility.
- .226 See Section 42-715 for the treatment of domestic abuse in the application process.

40-115	THE APPLICATION PROCESS (Continued)	40-115
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- .23 Determination of Eligibility
 - .231 If eligibility is clearly established, aid is authorized and the eligible persons are certified for medical assistance.
 - .232 If it is determined the applicant is ineligible for a cash grant, determination of eligibility or ineligibility for certification as a medically needy person or family is required before action is taken on the application.
- .24 Authorization of Assistance
 - .241 The next step in the application process concerns only approved applications. This step includes the following:
 - a. Authorization of assistance to a person who has been determined to be eligible for a cash grant;
 - b. The administrative procedure which assures prompt payment to a new recipient; and
 - c. Certification for medical assistance.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 45 CFR 206.10(a)(1)(ii) and Sections 10553, 10554, 10604, 11056, 11266.5 (Ch. 270, Stats. 1997), and 11495.1, Welfare and Institutions Code.

40-117	WHO MAY APPLY	40-117
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- .1 Repealed by Manual Letter No. EAS-86-01 (effective 1/17/86).
- .2 Right to Initiate an Application for AFDC

Any person acting on behalf of a family or child or pregnant woman who believes the family or child or pregnant woman to be in need has a right to request aid; however, the county should make every effort to obtain the parent's or pregnant woman's signature on the application. Persons or agencies that may make application for a family or child or pregnant woman may include, but are not limited to:

 - .21 A guardian or relative with whom the child resides (see Section 82-808).

40-117 WHO MAY APPLY (Continued) 40-117

- .22 The person closest to the family or child or pregnant woman who has knowledge of the needs of the family or child or pregnant woman and knows of the desire of the family to apply, and who requests aid in behalf of the family, or child or pregnant woman with the knowledge and consent of the parent, guardian or relative.
- .23 The person or agency which placed the child in foster care.
- .24 The representative of a public agency.
- .3 The Family or Child Absent from the State -- A request for aid per the CA 1 cannot be approved unless the county determines that the continued absence of such family or child is beyond the family's or child's control. (See Chapter 42-400.)
- .4 Repealed by Manual Letter No. EAS-86-01 (effective 1/17/86).

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

40-118 WHO MUST BE INCLUDED ON THE STATEMENT OF FACTS (FILING UNIT) 40-118

- .1 Mandatory Inclusion

The applicant shall include the following persons if living in the home on the applicable Statement of Facts:
- .11 Applicant Child

An applicant child, and
- .12 Siblings

Children who are siblings or half-siblings of the applicant child, and
- .13 Parents

The parents of any child listed above, or
- .14 Pregnant Woman

A pregnant woman, in a one-person AU, or
- .15 SSI/SSP Child

The caretaker relative, stepparent, California domestic partner of the SSI/SSP child's parent and second parent of an SSI/SSP child when aid is requested.
- .16 GAIN Sanctioned Child

The caretaker relative, stepparent, California domestic partner of the child's parent, and second parent of a child who is sanctioned by the GAIN program.
- .17

Senior Parent.

40-118 WHO MUST BE INCLUDED ON THE STATEMENT OF FACTS (FILING UNIT) (Continued) **40-118**

- .18 Sponsor of an alien.
- .19 Spouse or California domestic partner of persons mandatorily included in the filing unit.
- .2 Optional Persons Applicants shall include optional persons, including an ASP, on the applicable Statement of Facts when aid is requested for them.
- .3 Relinquishment Biological relatives of a child are not required to be included on the Statement of Facts when the child has been relinquished for adoption or parental rights are terminated, but the child has not been adopted.
- .4 County Responsibility The county shall determine whether the appropriate persons are included on the applicable Statement of Facts.
 - .41 Deny Application The county shall deny the application, redetermination, request to add a person, or request for restoration whenever the applicant refuses to include any persons listed in .1 on the applicable Statement of Facts.
 - .42 Deny Persons The county shall deny aid for optional persons whenever the applicant refuses to include the optional person on the applicable Statement of Facts.

NOTE: Authority cited: Sections 10553, 10554 and 10604, Welfare and Institutions Code. Reference: 45 CFR 206.10(a)(1)(vii), 45 CFR 206.10(a)(5)(i), and 45 CFR 233.90(c); SSA-AT-86-01; Civil Code 224m and 229; 42 USCA 602(a); Zapata v. Woods (1982) 187 Cal. Rptr 351, 137 C.A. 3d 858; and Sections 297 and 297.5(a), Family Code.

40-119 HOW AND WHERE APPLICATION IS MADE 40-119

- .1 New Applications The county shall accept an application made by the applicant in writing on the SAWS 1 when made in the county in which the applicant lives. When an applicant applies in another county, the county receiving the SAWS 1 shall forward the SAWS 1 to the county in which the applicant lives. The beginning date of aid is the date the first county received the completed SAWS 1. The first county shall date stamp the completed SAWS 1 upon receipt.
- .2 Optional Persons
- (SAR) The county shall consider either the SAWS 1, SAR 3, or the SAR 7 the application for adding an optional person.
- (AR/CO) The county shall consider either the SAWS 1 or AR 3 the application for adding an optional person.
- .3 Person Added to AU The applicant or recipient joining an existing AU shall complete one of the following, prior to aid being granted:
- .31 CW 8A A CW 8A "Statement of Facts to Add a Child Under 16 Years," or
- .32 CW 8 A CW 8 "Statement of Facts for Additional Persons."
- .4 Statement of Facts The applicant/recipient shall complete the appropriate Statement of Facts when the county determines that additional eligibility factors need review and/or the annual redetermination is due.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 45 CFR 206.10(a)(1)(ii), (a)(8), and (b)(2); 45 CFR 233.10(a)(1)(ii)(A) and (B); 45 CFR 233.100(a)(3)(iii) and (vi)(A); and Sections 11265.1, 11265.3, and 11450(b), Welfare and Institutions Code.

40-121 COMPLETING THE APPLICATION (Continued) 40-121

.35 A transfer from the Indochinese or Cuban Refugee Assistance Program to AFDC.

These requests shall be recorded in the case record when received and shall be acted upon promptly. In AFDC, aid for additional person(s) shall be authorized promptly upon completion of the evaluation of the person's eligibility.

NOTE: Authority cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code. Reference: SSA-AT-86-01; 45 CFR 206.10(a)(1)(ii); 45 CFR 233.10(a); and Section 11056, Welfare and Institutions Code.

**40-125 REAPPLICATIONS, RESTORATIONS, AND 40-125
 COUNTY OF RESPONSIBILITY**

.1 County Responsibility -- General Requirements

.11 Responsibility for accepting the application and taking all actions necessary to determine eligibility or ineligibility and for granting or denying aid rests with the county where the applicant lives. (See Section 40-125.3.)

.12 County Receipts for Hand-Carried Documents

.121 Upon request, the CWD shall provide receipts for documents, except as specified in Section 40-125.123, when:

- (a) the documents are requested by the CWD, and
- (b) the documents are hand-delivered to the CWD by the applicant/recipient, and
- (c) the documents are received by a worker other than the regularly assigned caseworker.

.122 Receipts for documents shall be issued at the time the documents are received.

.123 CWDs that maintain a system of logging hand-delivered documents are exempt from the receipts for documents requirement.

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For farm laborers applying for CalWORKs on the basis of part-time employment, if the family has accompanied the employed member to a county, whether or not there is a home base in some other county, the county in which the family is presently located is responsible for accepting the application, determining eligibility, paying aid and providing services until the family returns to their home base, or if they have no home base, until the family remains in one county for a period of time at least 60 days. The employed member need not remain with the family, but may go to work in one or more other counties.

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.2 Definitions

.21 Applicant -- See Section 40-103.5.

.22 County A -- County in which the individual "lives" or where the individual makes his home.

.23 County B -- County in which the individual is physically present when other than the county in which he lives.

.24 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

.25 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

.3 Determining County of Responsibility -- County Where Applicant Lives

The county where the applicant is physically present when an application is filed is considered to be the county in which the applicant "lives". This includes an applicant who is a caretaker relative of a child receiving AFDC-FC from a county other than the county in which the caretaker relative lives. Exceptions are specified in Sections .31 and .35. However, counties may, by mutual written agreement, consider for purposes of aid that the applicant "lives" in the county that has jurisdiction of the child receiving foster care.

.31 Applicant in County "B" Maintaining Living Place in County "A"

An applicant in County "B" is considered to live in County "A" if he plans to return to County "A" within 45 days of the date of application and is maintaining a living place in County "A".

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In CalWORKs, if the family remains in an established home in County "A" while one or more members are in County "B" for temporary employment, including farm labor, the entire family is considered to be living in County "A."

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- .32 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.
- .33 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.
- .34 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.
- .35 Applicant Absent from State Retaining California Residence

An applicant who is absent from the state but retaining California residence is considered to "live" in the county in which he was living immediately prior to leaving the state. (See Sections 40-105 and 40-181.)

.4 Applicant is in County B but lives in County A

- .41 Responsibility of County B

County B shall assist in completing the application Form SAWS 1 and in securing the Statement of Facts (SAWS 2), and shall also obtain pertinent information and immediately send the application, the Statement of Facts and supporting documents and information to the county in which the applicant lives (County A).

Upon the request of County A, County B shall assist in determining initial and continuing eligibility, developing a service plan, and in providing needed services to the applicant.

When the applicant or recipient in a state hospital is to be released and will reside in a County B (see .32 above), County B shall also upon request of the State Department of Health Care Services or State Department of Social Services liaison staff, provide any needed assistance to expedite the application process or to determine continuing eligibility. This county shall also assist, as needed, in planning for care of the applicant outside the hospital, keeping County A informed promptly of its activities on behalf of the applicant.

40-125	REAPPLICATIONS, RESTORATIONS, AND COUNTY OF RESPONSIBILITY (Continued)	40-125
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.42 Responsibility of County A

County A shall accept the application, complete the determination of eligibility and grant aid if eligibility is established.

.5 Applicant or Recipient Moves After Signing Application or Requesting Restoration

When an applicant moves from one county to another to make his/her home (see Section 40-189) after application has been signed or restoration requested in the first county, the first county shall complete the determination of eligibility or ineligibility. If eligibility exists, this county shall authorize aid and certify the applicant for medical assistance, or if indicated, certify him/her as a medically needy person eligible for medical assistance. Intercounty transfer is then initiated with the county in which the recipient is making his/her home. (See Section 40-189.)

.51 For cases in which an application has been signed in the first county, and the applicant requests homeless assistance (see Section 44-211.5) in a second county prior to eligibility being established and/or authorization of aid in the first county, the procedure outlined in Section 40-125.5 shall apply. The beginning date of aid shall be the date of application in the first county.

.6 Repealed by Manual Letter No. EAS-91-02, effective 2/1/91.

.7 California Youth Authority Parolees

In CalWORKs the cost of care of California Youth Authority (CYA) parolees in foster homes is normally the responsibility of the CYA even though the child may be eligible for CalWORKs. However, the CYA does not have the means of providing support for the children of a parolee mother even though she is living in a boarding home. In such cases, the county should accept and process the application for the parolee mother's children. If they are found eligible, the caretaker mother is included in the CalWORKs grant as a needy parent.

Financial responsibility for eligible Youth Authority wards who are living in their own homes or with relative is also carried by the county under the CalWORKs program.

.8 Child Receiving AFDC-FC

.81 A child residing in a family home or group home as a result of placement by a public agency, or by a private agency which has legal custody because the child has been relinquished to them or a court has given them legal custody, is considered to make his/her home in the county in which the agency is located, regardless of whether the family home or group home is situated in that county.

40-125	REAPPLICATIONS, RESTORATIONS, AND COUNTY OF RESPONSIBILITY (Continued)	40-125
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- .811 For purposes of this section, a public or private agency shall be considered to have placed the child in a family home or group home if the agency:
 - a. Actively participated in making the decision as to whether or not the child was to be placed; and
 - b. Initiated the placement of the child, either through direct negotiations with the family home or group home or by requesting help in making the placement from the county in which the family home or group home is located.

- .82 The county of responsibility for a child accepted for voluntary placement by a county welfare department or a licensed public or private adoption agency is the county in which the agency which accepted the voluntary placement is located.

- .83 The agency making or desiring to make a placement in a county other than the one in which the responsible agency is located, may request a service evaluation of the placement home by the county in which the home is located.

- .84 Where an agency has placed a child in foster care, and at time of placement or subsequent thereto a court of competent jurisdiction in a county other than that in which the placing agency is located accepts responsibility for the child, the county shall initiate an intercounty transfer of the child's AFDC-FC case to the county in which the court is located.
 - .841 The receiving county accepts responsibility for the child when it receives and files the order to transfer in its respective court.

.9 Request for Restoration of Aid

When a county receives a request for restoration of aid, all provisions of Chapter 40-100 shall apply except as modified below.

- .91 The county may require that the applicant complete a new Statement of Facts (SAWS 2) as specified in Sections 40-115.22 and 40-128.1, except as specified in Section 40-125.94.
 - .911 The county shall determine on a case-by-case basis the need for completion of a new SAWS 2. Reasons for requesting a new SAWS 2 may include but are not limited to, the following:
 - (a) Circumstances of the applicant have changed in such a way that it is necessary to redetermine eligibility.
 - (b) A periodic redetermination of eligibility is overdue or it would have been due in the month of the request for restoration or in the month immediately following the month of the request for restoration.

40-125 REAPPLICATIONS, RESTORATIONS, AND COUNTY OF RESPONSIBILITY (Continued) 40-125

.912 When the county determines that a new SAWS 2 is required, failure by the applicant to complete the SAWS 2 shall result in denial of the request for restoration (See Section 40-171.221(d)).

(SAR).92 If the applicant is determined to be eligible within the month following discontinuance, the applicant must provide a current SAR 7 unless a complete SAR 7 for the SAR Payment Period in which the applicant was discontinued is in the county's possession. The applicant may be assigned to the previous SAR cycle or a new SAR cycle as long as the SAR cycle remains aligned with their redetermination/recertification date.

.93 If a former recipient of aid requests restoration within the calendar month following the effective date of discontinuance, the county shall not require him/her to furnish any documentation previously provided to the county except under the following conditions:

.931 The documentation is missing from the case record and

.932 The documentation affects eligibility or amount of aid for the month of restoration.

(SAR).94 Restorations in the Calendar Month Following a SAR 7 Related Discontinuance

(SAR) .941 When a recipient who has been discontinued for failure to submit a complete SAR 7 requests restoration of CalWORKs during the calendar month following discontinuance, but after the first working day of the next SAR Payment Period, the county shall determine if the recipient had good cause (Section 40-181.23(SAR)) for failure to submit a complete report.

(SAR) .942 If the recipient had good cause for failure to submit a complete report, the discontinuance action shall be rescinded, eligibility redetermined and the grant amount computed based on information contained on the complete SAR 7 submitted by the recipient.

(SAR) .943 When a recipient who has been discontinued for failure to submit a complete SAR 7 requests restoration of CalWORKs during the calendar month following discontinuance, and is not found to have good cause, the CWD shall redetermine eligibility based on the information contained on the complete SAR 7 submitted by the recipient as follows:

(SAR) (a) Eligibility will be based on recipient rules. The recipient will not be subject to applicant eligibility criteria.

(SAR) (b) An application (SAWS 1), Statement of Facts (SAWS 2), and intake interview are not required.

40-125	REAPPLICATIONS, RESTORATIONS, AND COUNTY OF RESPONSIBILITY (Continued)	40-125
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(SAR) (c) If found eligible, aid will be restored, prorated, effective the date that the recipient submitted the complete SAR 7. (See Section 44-315.72 for instructions on how to calculate prorated benefit amounts.)

.95 Restorations Based on Excess Property

When a former recipient requests restoration of cash aid after a discontinuance due to excess property, the county shall verify that the AU did not transfer assets for less than fair market value (see Section 42-221).

.951 If an AU requests restoration of cash aid before the effective date of discontinuance, the county shall evaluate the property spend down and if the AU is verified property eligible, the county shall rescind the discontinuance.

.952 If a former recipient requests restoration after the effective date of discontinuance, the county shall determine the AU's eligibility and grant amount based on the information provided at the time of request for restoration. Beginning date of aid rules will apply (see Section 44-317). The AU may be assigned to the previous SAR cycle or a new SAR cycle based on the date cash aid is restored; however the SAR cycle must remain aligned with the redetermination and recertification date.

.96 Restorations Based on Excess Income

When an AU is discontinued due to excess income, the recipient may request restoration of cash aid if the AU experiences a loss or reduction of reasonably anticipated income that was used to determine financial ineligibility.

.961 If an AU requests restoration of cash aid before the effective date of discontinuance, the county shall determine income eligibility and rescind the discontinuance if the AU is found eligible.

.962 If a former recipient requests restoration after the effective date of discontinuance, the county shall determine the AU's eligibility and grant amount based on the information provided at the time of request for restoration. Beginning date of aid rules will apply (see Section 44-317). The AU may be assigned to the previous SAR cycle or a new SAR cycle based on the date cash aid is restored; however the SAR cycle must remain aligned with the redetermination and recertification date.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 45 CFR 233.60, Section 3510 (October 1961), Federal Handbook of Public Assistance Administration; Section 11349, Government Code; Sections 10553, 10554, 10604, 11008, 11023.5, 11056, 11102, 11265.1, 11265.2, 11450.12, and 11451.5, Welfare and Institutions Code; and ACF-AT-94-5; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

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40-126 PROCESSING APPLICATIONS**40-126****.1 Promptness Requirement**

The determination of eligibility, including the gathering of any necessary evidence, shall be completed promptly. One of the following must be mailed within 45 calendar days starting with the first day after the filing of the application: an aid payment, a notice of denial, or a notice that the applicant is eligible.

**.11 Inability to Complete
the Determination of
Eligibility**

Inability to complete the determination of eligibility within the 45-day period shall not be a basis for denying the application unless the delay is caused by the refusal of the applicant to participate in the gathering of evidence in accordance with Section 40-157. (See Section 40-171.11.) The specified time limit may be exceeded in situations where completion of the determination of eligibility is delayed because of circumstances beyond the control of the agency, in which instances the case record shows the cause for delay. These instances include:

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Inability on the part of the recipient to provide necessary clarification.

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- .112 Failure or delay on the part of an examining physician to provide all needed information.

- .113 Application is made prior to the date on which the applicant meets the eligibility requirements and the 45-day period terminates before the applicant meets such requirements. (See Section 40-171 regarding application held pending eligibility.)

- .2 (Reserved)

- .3 Requirements for Obtaining Evidence
 - .31 Require Only Evidence of Eligibility
The county shall require only evidence necessary to determine past or present eligibility for the amount or delivery of aid.

 - .32 Notice of Required Evidence
Within ten calendar days of application, the county shall provide written notice to the applicant of the required evidence and examples of alternative evidence, if any, to determine eligibility.
 - .321 The ten-day requirement shall be waived if the applicant fails to attend the scheduled interview or if the applicant requests that the interview be delayed beyond ten calendar days following application.

 - .33 Assist the Applicant in Obtaining Evidence
 - .331 Good Faith Effort
The county shall assist the applicant in obtaining evidence of eligibility from a third party when the county has determined that the applicant has made a good faith effort to obtain the evidence and the third party fails or refuses to provide the evidence.
 - (a) A "good faith effort" means that the applicant has attempted to comply within the limits of his/her resources.

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- (b) An applicant needs evidence showing the amount in a bank account to complete the AFDC application. The applicant lacks the evidence. The applicant goes to the bank and discovers that the bank will charge a fee to provide the applicant with the evidence. The applicant has no money to pay the fee. The applicant returns to the county and asks that the county help get the evidence. The applicant has made a good faith effort to obtain the evidence.

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- .332 Third Party Fees If necessary, the county shall pay a third party fee to obtain existing evidence of eligibility on behalf of the applicant.
- .333 Notice Requirement The county shall notify the applicant, in writing, of the requirements of Section 40-126.33 at the time that such evidence is requested.
- .334 Document Failure to Make Good Faith Effort The county shall document an applicant's failure to make a good faith effort in obtaining necessary evidence of eligibility in the case file.
- .34 Cooperation in Providing Evidence of Eligibility The county shall not deny an application for failure to provide evidence of eligibility if the county has determined that the applicant is continuing to cooperate by attempting to comply in obtaining necessary evidence.
- .341 Denial for Failure to Cooperate in Providing Evidence of Eligibility A denial due to failure to cooperate shall be made when a presumption of noncooperation has been established by the county but an act of refusal has not occurred.

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- (a) An applicant owns property which may cause the family to exceed the AFDC property limits. The applicant is told that evidence of the value of the property will be required to establish eligibility for aid. The applicant states that he/she must obtain the needed information from another state. The applicant is given an appointment in two weeks at which time he/she is expected to have the needed evidence. The applicant misses the appointment and does not call.

The next day the applicant calls to say that he/she will be in on the following Wednesday. On Wednesday the applicant fails to show-up or call. On Thursday the eligibility worker sends a letter specifying the evidence required and allows the applicant ten days to provide the evidence. The applicant fails to respond to the letter by the tenth day. The application is denied based on failure to cooperate and the provisions of Sections 40-126.341 and .342 would apply.

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- .342 Rescind Denial
- The county shall rescind a denial and grant aid if the applicant is otherwise eligible based on the original application when:
- (a) The denial is based solely on the applicant's failure to cooperate in providing evidence of eligibility; and
- (b) The county receives the needed evidence within 30 calendar days of the date of denial.
- .343 Notice of Action
- When the county denies an application based on failure to cooperate in providing needed evidence of eligibility, the notice of action must advise the applicant of his/her rights to submit evidence within 30 calendar days of the date of denial for the denial to be rescinded.

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| .344 | Failure Versus
Refusal to
Cooperate | The provisions of Sections 40-126.341 and .342 shall not apply to applications which are denied based on the applicant's refusal to cooperate pursuant to Section 40-157.3. |
| (a) | | A denial based on refusal to cooperate shall only be made as the result of the applicant's active refusal either orally or in writing to cooperate in the investigation of eligibility. |

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Example

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| (b) | | An applicant owns property which may cause the family to exceed the AFDC property limits. The applicant is told that evidence of the value of the property will be required to establish eligibility for aid. The applicant states that the value of the property is irrelevant to his current need and states that he will not provide any additional information. The application is denied due to refusal and the provisions of Sections 40-126.341 and .342 would not apply. |
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| .35 | Retrieve Case File | The county shall retrieve and examine those existing case files which are in the possession of the county or its agents, in a timely manner, to determine if needed evidence of eligibility is already in the possession of the county when: |
| .351 | Within One Year | An applicant applies within one year of the effective date of discontinuance of aid, and |
| .352 | Reasons | The applicant is unable to provide the needed evidence of eligibility due to one of the following: |
| (a) | | The applicant does not have easy access to the needed evidence; or |

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- (b) There is a cost associated with obtaining the evidence;
or
- (c) The time needed to obtain the evidence would delay
the application.

- .36 Evidence Not in Case File
The county shall not be required to examine the existing case file if it would be unreasonable for the evidence to be in the possession of the county because the circumstances for which the verification is needed did not exist during the period the applicant previously received aid.

- .361 This evidence includes, but is not limited to, verification of circumstances which can change such as earnings and bank accounts, and evidence of eligibility relating to an individual not previously in the assistance unit.

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- .362 Example:
A family was discontinued from aid in November. In January a second child is born. The family reapplies for aid the following May. It would be unreasonable to expect the birth certificate of the second child who was born after the family was last on aid to be in the possession of the county.

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- .37 Notice Requirements
At the time an applicant described in Sections 40-125.93 and 40-126.35 applies for aid, the county shall inform the applicant in writing of the requirements of Sections 40-125.93, 40-126.35, and 40-126.36.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10554 and 11275, Welfare and Institutions Code.